

SENATE JOURNAL

— 1986 —

REGULAR SESSION

FORTY-NINTH LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

Convened Regular Session January 13, 1986
Adjourned Regular Session *SINE DIE* March 12, 1986

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INDEX

Regular Session, January 13, 1986, through March 10, 1986	pages	1-1754
First Special Session, August 1, 1986.....	pages	1757-1763
Governor's Messages		
Bills signed after adjournment and veto	pages	1765-1782
Roster of Members	pages	1784-1791
Bills passed by both Houses.....	pages	1795-1804
History of Bills.....	pages	1805-1866
General Index	pages	1867-2019

**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1986 REGULAR SESSION
FORTY-NINTH LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 13, 1986

Pursuant to law, the Senate of the 1986 Regular Session of the Forty-ninth Legislature of the State of Washington was called to order at 12:00 noon by Lieutenant Governor John A. Cherberg, President of the Senate. The Secretary called the roll and all members were present except Senator Stratton. On motion of Senator Bender, Senator Stratton was excused.

WELCOME BY THE PRESIDENT

President Cherberg: "Ladies and gentlemen of the Senate. It is indeed a pleasure to see so many of you back.

"We would especially like to congratulate Senator Granlund. Where are you sir? We hope you enjoy the session and I am sure it will be a very productive and worthwhile session."

The Sergeant at Arms Color Guard, consisting of Pages Chad Beebe and Jodi Burns, presented the Colors. The Reverend Scott Sherman, pastor of the Unity Church of Seattle, and a guest of Senator Jeannette Hayner, offered the prayer.

PERSONAL PRIVILEGE

Senator Goltz: "Mr. President and members of the Senate, a point of personal privilege. I would like to speak on behalf of all of you this morning to welcome Senator Win Granlund to the chamber of the Washington State Senate.

"Senator Granlund will be representing the Twenty-sixth Legislative District. He was appointed by the county legislative authorities of Pierce and Kitsap Counties to replace Senator Barbara Granlund. He was appointed on October 14th and was sworn in October 18th, so he will not have to go through a swearing in ceremony this morning. We are particularly appreciative of the fact that we do not have to reprint the roll call and go to other expense in changing things because we have a new Senator in our midst in the middle of a session.

"Senator Granlund is a retiree of the South Kitsap School District. He served for thirty-three years as a teacher, coach, counselor and administrator. As a former principal of South Kitsap High School, Senator Granlund is imminently qualified to now take on the new responsibilities as row monitor of his row and we hope, Senator Granlund, that you will keep good order in your row and that you will enjoy your stay in the Washington State Senate. We enjoy having you here."

REMARKS BY SENATOR GRANLUND

Senator Granlund: "Thank you, Senator Goltz, for the remarks and the welcoming remarks to me in this body.

"When I was sworn in I said, on many times, I never thought I would be on this floor. I've watched many of the doings and your goings on from the balcony and from the wings and it was not maybe a desire at one time to even be here, but I'm looking forward to serving my district and the state of Washington, and working with you in the legislative process. Thank you for the welcome."

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

MOTION

On motion of Senator Vognild, the following resolution was adopted.

SENATE RESOLUTION 1986-129

by Senators Bottiger, Fleming, Hayner and Sellar

BE IT RESOLVED, That a committee of three members be named by the President of the Senate to notify the House that the Senate is now organized and ready to transact business.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Granlund, McCaslin and Rasmussen as a committee of three under the provisions of Senate Resolution 1986-129 to notify the House the Senate is organized and ready to transact business.

MOTION

On motion of Senator Vognild, the appointees were confirmed. The committee retired to the House.

There being no objection, the President reverted the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 124 by Senators Bottiger, Fleming, Hayner and Sellar

Reintroducing bills introduced at the 1985 regular and special session of the 49th Legislature.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 124 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 124 was advanced to third reading, the second reading considered the third and the resolution was adopted.

INTRODUCTION AND FIRST READING

SCR 125 by Senators Bottiger Fleming, Hayner and Sellar

Establishing cutoff dates for the introduction and consideration of legislation during the 1986 Regular Session of the 49th Legislature.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 125 was advanced to second reading and read the second time.

MOTIONS

Senator McDonald moved that the following amendments by Senators McDonald and Deccio be considered and adopted simultaneously:

On page 1, line 19, after "1985" insert:

" matters related to liability insurance, including changes in tort laws."

On page 1, line 23, after "1985" insert:

" matters related to liability insurance, including changes in tort laws."

On page 2, line 2, after "budgets" insert:

" matters related to liability insurance, including changes in tort laws."

On page 2, line 11, after "1985" insert:

" matters related to liability insurance, including changes in tort laws."

On page 2, line 15, after "1985" insert:

" matters related to liability insurance, including changes in tort laws."

On page 2, line 22, after "except" insert:

"those related to liability insurance, including changes in tort laws."

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators McDonald and Deccio to Senate Concurrent Resolution No. 125.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed and the amendments were not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Excused: Senator Stratton - 1.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 125 was advanced to third reading, the second reading considered the third and the resolution was adopted.

COMMITTEE FROM THE HOUSE

A committee from the House consisting of Representatives Gary Nelson, Long and Bristow appeared before the bar of the Senate to notify the Senate the House is organized and ready to transact business.

The report was received and the committee retired to the House.

REPORT FROM SPECIAL COMMITTEE

The special committee consisting of Senators Granlund, McCaslin and Rasmussen appeared before the bar of the Senate to report that the House had been notified under the provisions of Senate Resolution 1986-129, that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

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

MESSAGE FROM THE HOUSE

January 13, 1986

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 17, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 17 by Representatives J. King and S. Wilson

Notifying the Governor that the Legislature is organized.

MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 17 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 17 was advanced to third reading, the second reading considered the third and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Hayner, Bottiger and Fleming as a committee of three to join a like committee from the House under the provisions of House

Concurrent Resolution No. 17 to notify the Governor that the Legislature is organized and ready to transact business.

MOTION

On motion of Senator Bender, the appointees were confirmed.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

January 13, 1986

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 16, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 16 by Representatives J. King and S. Wilson

Calling a Joint Session of the Legislature to receive the Governor's State of the State Message.

MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 16 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 16 was advanced to third reading, the second reading considered the third and the resolution was adopted.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

May 31, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Robert Yamashita, appointed May 31, 1985, for a term ending September 30, 1988, as a member of the Tacoma Community College District 22 Board of Trustees, succeeding Harvey Segall.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

May 31, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Mary Ellen Krug, reappointed May 31, 1985, for a term ending August 8, 1989, as a member of the Public Employment Relations Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

May 31, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Helen Barr, appointed May 31, 1985, for a term ending September 30, 1988, as a member of the Peninsula Community College District I Board of Trustees, succeeding Ronald Carlson.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

May 31, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Dr. Edith Martin, appointed May 31, 1985, for a term ending June 30, 1987, as a member of the High-Tech Coordinating Board, succeeding Robert Hager.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

June 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Ken Eikenberry, appointed June 13, 1985, for a term ending September 24, 1988, as a member of the Corrections Standards Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

June 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Terry Sebring, appointed June 13, 1985, for a term ending September 24, 1989, as a member of the Corrections Standards Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

June 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Helen Dorsey, appointed June 13, 1985, for a term ending September 24, 1988, as a member of the Corrections Standards Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Human Services and Corrections.

May 31, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Moyes Lucas, appointed May 31, 1985, for a term ending December 31, 1990, as a member of the Parks and Recreation Commission, succeeding Richard Swan.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

May 31, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Margery Guthrie, appointed May 31, 1985, for a term ending September 30, 1987, as a member of the Highline Community College District 9 Board of Trustees, succeeding Virginia Thacker.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

May 31, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Governor Albert Rosellini, reappointed May 31, 1985, for a term ending June 30, 1991, as a member of the Transportation Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

May 31, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Patricia Stell, appointed May 31, 1985, for a term ending July 1, 1991, as a member of the Higher Education Personnel Board, succeeding Evelyn Whitney.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Robert Tull, appointed July 5, 1985, for a term ending June 30, 1990, as a member of the Gambling Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Tsuguo Ikeda, reappointed July 5, 1985, for a term ending July 1, 1990, as a member of the Vocational Education Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Claudia K. Craig, appointed July 5, 1985, for a term ending January 1, 1991, as a member of the Forest Practices Appeals Board, succeeding David P. Thomas.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Marian Troyer-Merkel, appointed July 5, 1985, for a term ending July 16, 1989, as a member of the Hospital Commission, succeeding John C. McCarthy.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Terry L. Brossett, appointed July 5, 1985, for a term ending July 16, 1989, as a member of the Hospital Commission, succeeding Norman E. Ramsey.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Dr. Robert Shanewise, appointed July 5, 1985, for a term ending July 16, 1989, as a member of the Hospital Commission, succeeding Dr. Arch Logan.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Charles R. Richmond, appointed July 5, 1985, for a term ending June 30, 1987, as a member of the Housing Finance Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

November 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

William Wilkerson, appointed October 14, 1985, for a term coextensive with the Governor, as Director of the Department of Fisheries.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

E. Anne Winchester, reappointed July 5, 1985, for a term ending April 3, 1989, as a member of the State Board for Community College Education.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Helen Radke, reappointed July 5, 1985, for a term ending April 3, 1989, as a member of the State Board for Community College Education.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

William E. Henry, reappointed July 5, 1985, for a term ending June 30, 1987, as a member of the Board of Prison Terms and Paroles.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

George W. Johnson, reappointed July 5, 1985, for a term ending June 30, 1988, as a member of the Board of Prison Terms and Paroles.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Patricia W. Anthony, appointed July 5, 1985, for a term ending August 2, 1986, as a member of the Sentencing Guidelines Commission, succeeding Manuel E. Costa.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

June 6, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Brenda Teals, appointed June 6, 1985, for a term ending June 16, 1989, as a member of the Judicial Qualifications Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

July 5, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointments, subject to your confirmation:

Marjorie Redman of Poulsbo, to the Puget Sound Water Quality Authority to serve from July 5, 1985, until July 5, 1987.

Terry Williams of Marysville, to the Puget Sound Water Quality Authority to serve from July 5, 1985, until July 5, 1988.

Lester W. Eldridge of Olympia, to the Puget Sound Water Quality Authority to serve from July 5, 1985, until July 5, 1989.

Dr. Sheri Jeanne Tonn of Tacoma, to the Puget Sound Water Quality Authority to serve from July 5, 1985, until July 5, 1988.

Judith M. Runstad of Seattle, to the Puget Sound Water Quality Authority to serve from July 5, 1985, until July 5, 1989.

John Sawyer of Federal Way, to the Puget Sound Water Quality Authority to serve from July 5, 1985, until July 5, 1987.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

June 26, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Katherine Fletcher, appointed June 26, 1985, to serve at the Governor's pleasure as Chair of the Puget Sound Water Quality Authority.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

June 17, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Dennis Barci, appointed June 17, 1985, for a term ending January 19, 1991, as a member of the Game Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

June 17, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Terry L. Karro, appointed on June 17, 1985, for a term ending January 19, 1991, as a member of the Game Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

July 1, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Ester B. Huey, reappointed July 1, 1985, for a term ending June 30, 1989, as a member of the Washington State Housing Finance Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

July 1, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Leo C. Brown, Jr., reappointed July 1, 1985, for a term ending June 30, 1989, as a member of the Washington State Housing Finance Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

July 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Vern Stonecypher, appointed July 25, 1985, for a term ending July 26, 1991, as a member of the Personnel Appeals Board, succeeding Cameron Sherwood.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

July 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Virginia Cross, appointed July 25, 1985, for a term ending September 30, 1989, as a member of the Green River Community College District 10, Board of Trustees, succeeding William Kennelly.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 29, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Karen Miller, appointed October 29, 1985, for a term ending September 30, 1990, as a member of the Edmonds Community College District 23 Board of Trustees, succeeding Carol Simons.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

August 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Ann H. Noel, appointed August 14, 1985, for a term ending June 30, 1991, as a member of the Gambling Commission, succeeding Ronald S. Jones.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

August 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Craig Nelson, appointed August 14, 1985, for a term ending September 30, 1990, as a member of the Wenatchee Valley Community College District 15 Board of Trustees, succeeding Robert W. Prince.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

August 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Judith Lonnquist, reappointed August 14, 1985, for a term ending August 2, 1991, as a member of the Lottery Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

August 22, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Fred Montoya, appointed August 22, 1985, for a term ending June 17, 1990, as a member of the Human Rights Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

August 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Mary Christopherson, appointed August 14, 1985, for a term ending August 2, 1990, as a member of the Lottery Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

October 2, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Sam J. Farmer, Jr., appointed October 2, 1985, for a term ending June 13, 1989, as a member of the WPPSS Executive Board, succeeding Ronald Mayo.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

September 26, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Gary B. Wiggs, appointed September 26, 1985, for a term ending June 17, 1991, as Chairman of the Board of Industrial Insurance Appeals, succeeding Michael Hall.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

September 26, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Dr. James Walton, appointed September 26, 1985, for a term ending January 19, 1989, as a member of the Game Commission, succeeding Jack Dierdorff.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

September 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Jane Wilkinson, reappointed September 16, 1985, for a term ending September 8, 1990, as a member of the Public Employees Relations Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

October 3, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Chuck Collins, appointed October 3, 1985, for a term ending at the Governor's pleasure, as Chairman of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 3, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

John Fluke, Jr., appointed October 3, 1985, for a term ending June 30, 1988, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 3, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Mary James, appointed October 3, 1985, for a term ending June 30, 1989, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 3, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Pearl McElheran, appointed October 3, 1985, for a term ending June 30, 1988, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 3, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Jon Runstad, appointed October 3, 1985, for a term ending June 30, 1987, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 3, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Lyle Jacobsen, appointed October 3, 1985, for a term ending June 30, 1989, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 3, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Bill Burns, appointed October 3, 1985, for a term ending June 30, 1989, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 3, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Vivian Winston, appointed October 3, 1985, for a term ending June 30, 1987, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 3, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

William Wiley, appointed October 3, 1985, for a term ending June 30, 1988, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Kaye Mickelson, appointed September 25, 1985, for a term ending September 25, 1987, as a member of the Spokane Joint Center for Higher Education Administrative Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Dr. Richard Ferrin, appointed September 25, 1985, for a term ending September 25, 1989, as a member of the Spokane Joint Center for Higher Education Administrative Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Ann Hobi Scroggs, reappointed October 14, 1985, for a term ending September 30, 1990, as a member of the Grays Harbor Community College District 2 Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

John Mitchell, appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Olympic Community College District 3 Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Arlene Miller, appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Skagit Valley Community College District 4 Board of Trustees, succeeding James Bishop.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Terry Ollis, appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Everett Community College District 5 Board of Trustees, succeeding Barbara Kusler.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Richard Sonsteli, appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Bellevue Community College District 8 Board of Trustees, succeeding Bruce Woodruff.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Elsie Dennis, appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Highline Community College District 9 Board of Trustees, succeeding Ed Pooley.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Benay Nordby, reappointed October 14, 1985, for a term ending September 30, 1990, as a member of the Green River Community College District 10 Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Laura Stoner, appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Fort Steilacoom Community College District 11 Board of Trustees, succeeding Dorothy Hunt.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Deanne Cook, appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Centralia Community College District 12 Board of Trustees, succeeding Rene J. Remund.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Richard Graham, appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Lower Columbia Community College District 13 Board of Trustees, succeeding G. W. Dorchim.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Mitchell Bower, Jr., appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Clark Community College District 14 Board of Trustees, succeeding Thomas R. Hagley.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Dorothy Knechtel, appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Spokane Community College District 17 Board of Trustees, succeeding Diane Munger.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Dr. A. Daniel Deane, appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Big Bend Community College District 18 Board of Trustees, succeeding Helen Heinemann.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Jan Ludwig, appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Columbia Basin Community College District 19 Board of Trustees, succeeding Virginia Evans.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Karyn Clarke, appointed October 14, 1985, for a term ending September 30, 1990, as a member of the Tacoma Community College District 22 Board of Trustees, succeeding Marliiss Swayze.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 23, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Herb Gelman, reappointed September 23, 1985, for a term ending September 30, 1991, as a member of the Board of Trustees, The Evergreen State College.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 23, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

David K. Y. Tang, appointed September 23, 1985, for a term ending September 30, 1991, as a member of the Board of Trustees, The Evergreen State College.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 23, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Allan Weinstein, appointed September 23, 1985, for a term ending September 30, 1991, as a member of the Board of Trustees, The Evergreen State College.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Scott B. Lukins, appointed September 25, 1985, for a term ending September 30, 1991, as a member of the Board of Regents, Washington State University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Frances Scott, appointed September 25, 1985, for a term ending September 30, 1991, as a member of the Board of Regents, Washington State University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 17, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Sterling Munro, appointed September 17, 1985, for a term ending September 30, 1991, as a member of the Board of Trustees, Central Washington University, succeeding James S. Hogan.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 17, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Dr. Carrol A. Hernandez, appointed September 17, 1985, for a term ending September 30, 1991, as a member of the Board of Trustees, Central Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 17, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Dr. R. Y. Woodhouse, appointed September 17, 1985, for a term ending September 30, 1991, as a member of the Board of Trustees, Central Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 23, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Kathryn Bannai, appointed September 23, 1985, for a term ending September 30, 1991, as a member of the Board of Trustees, Eastern Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 23, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Jack Geraghty, appointed September 23, 1985, for a term ending September 30, 1991, as a member of the Board of Trustees, Eastern Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 23, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Eleanor Chase, reappointed September 23, 1985, for a term ending September 30, 1991, as a member of the Board of Trustees, Eastern Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 23, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Larry Taylor, appointed September 23, 1985, for a term ending September 30, 1991, as a member of the Board of Trustees, Western Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 23, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Charlotte Chalker, appointed September 23, 1985, for a term ending September 30, 1991, as a member of the Board of Trustees, Western Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Judge Jerome Farris, appointed September 25, 1985, for a term ending September 30, 1991, as a member of the Board of Regents, University of Washington.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Samuel Stroum, appointed September 25, 1985, for a term ending September 30, 1991, as a member of the Board of Regents, University of Washington.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

September 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Jon Ostlund, appointed September 16, 1985, for a term ending August 2, 1988, as a member of the Sentencing Guidelines Commission, succeeding George Finkle.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

October 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

B. J. McLean, appointed October 16, 1985, for a term ending September 25, 1986, as a member of the Clemency and Pardons Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

October 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Anita Mendez Peterson, reappointed October 16, 1985, for a term ending September 25, 1989, as a member of the Clemency and Pardons Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

October 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Vernon Stoner, appointed October 16, 1985, for a term ending September 25, 1988, as a member of the Clemency and Pardons Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

October 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

S. R. (John) Johnston, reappointed October 16, 1985, for a term ending September 25, 1987, as a member of the Clemency and Pardons Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

October 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Trudy Schmidli, appointed October 16, 1985, for a term ending September 25, 1988, as a member of the Clemency and Pardons Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

October 1, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Mark Cooper, appointed October 1, 1985, for a term ending September 24, 1989, as a member of the Corrections Standards Board, succeeding Norman Chamberlain.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

October 1, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Bette Reinhart, appointed October 1, 1985, for a term ending September 24, 1989, as a member of the Corrections Standards Board, succeeding Elaine Melior.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

October 30, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Judge F. James Gavin, appointed October 30, 1985, for a term ending August 2, 1988, as a member of the Sentencing Guidelines Commission, succeeding Judge Paul D. Hansen.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

October 30, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Sheriff Felix Ramon, appointed October 30, 1985, for a term ending August 2, 1988, as a member of the Sentencing Guidelines Commission, succeeding Chief Arthur Clifford.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

October 31, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Michael Jerod Jackson, appointed October 31, 1985, for a term ending June 16, 1989, as a member of the Judicial Qualifications Commission, succeeding Nancy Burnett.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

October 29, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Arthur Siegal, reappointed October 29, 1985, for a term ending September 30, 1990, as a member of the Seattle Community College District 6 Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

October 29, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Bernie Thomas, appointed October 29, 1985, for a term ending September 30, 1990, as a member of the Whatcom Community College District 21 Board of Trustees, succeeding Catharine Stimpson.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

November 27, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

W. P. Ellis, reappointed November 27, 1985, for a term ending December 26, 1988, as a member of the Board of Pilotage Commissioners.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

November 27, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Amigo Soriano, appointed November 27, 1985, for a term ending December 26, 1988, as a member of the Board of Pilotage Commissioners, succeeding Melvin Stewart.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

November 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Antonio Santoy, appointed November 25, 1985, for a term ending April 3, 1988, as a member of the State Board for Community College Education.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

November 27, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Otis Abney, appointed November 27, 1985, for a term ending December 26, 1988, as a member of the Board of Pilotage Commissioners, succeeding Henry Damon.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

December 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

John Anderson, appointed December 13, 1985, for a term ending October 25, 1989, as a member of the Export Assistance Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Marvin Lekstrum, reappointed December 13, 1985, for a term ending October 25, 1991, as a member of the Export Assistance Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Kathy Taggares, appointed December 13, 1985, for a term ending October 25, 1991, as a member of the Export Assistance Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Yih-ho (Michael) Pao, appointed December 13, 1985, for a term ending October 25, 1991, as a member of the Export Assistance Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Ken Rohar, appointed December 13, 1985, for a term ending October 25, 1991, as a member of the Export Assistance Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Ruthann Kurose, appointed December 13, 1985, for a term ending October 25, 1991, as a member of the Export Assistance Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Merle Adlum, appointed December 13, 1985, for a term ending October 25, 1991, as a member of the Export Assistance Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Emily C. Yeh, appointed December 13, 1985, for a term ending October 25, 1991, as a member of the Export Assistance Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Herb Simon, appointed December 13, 1985, for a term ending October 25, 1991, as a member of the Export Assistance Board of Directors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Linda Walton, appointed December 18, 1985, for a term ending November 2, 1987, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

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

INTRODUCTION AND FIRST READING

SB 4442 by Senator Barr

AN ACT Relating to coin-operated laundry facilities; and amending RCW 82.04.050.

Referred to Committee on Ways and Means.

SB 4443 by Senators Rinehart, Pullen, Garrett, Rasmussen and Lee

AN ACT Relating to absentee voters; and amending RCW 29.36.013.

Referred to Committee on Governmental Operations.

SB 4444 by Senator Benitz

AN ACT Relating to public employment; amending RCW 41.04.010; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 4445 by Senators Moore, Fleming and Goltz

AN ACT Relating to surgeons' assistants; amending RCW 18.71A.010, 18.71A.020, 18.71A.030, and 18.71A.070; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; and adding a new section to chapter 48.44 RCW.

Referred to Committee on Human Services and Corrections.

SB 4446 by Senators Thompson, Saling, DeJarnatt, Zimmerman, Garrett, McCaslin, Bailey, McManus and Vognlid

AN ACT Relating to city and county regulation of fire hydrants; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Governmental Operations.

SB 4447 by Senators Garrett and Conner

AN ACT Relating to school employees' salaries; amending RCW 28A.58.095; and creating a new section.

Referred to Committee on Ways and Means.

SB 4448 by Senators Thompson and Zimmerman

AN ACT Relating to publication notice requirements for improvement districts; and amending RCW 35.44.090.

Referred to Committee on Governmental Operations.

SB 4449 by Senators Thompson, Garrett, Rasmussen, Conner, Zimmerman, Lee and Granlund

AN ACT Relating to combining local government investments by county treasurers; and adding a new section to chapter 36.29 RCW.

Referred to Committee on Governmental Operations.

SB 4450 by Senators Thompson, Rasmussen and Granlund

AN ACT Relating to elections; amending RCW 29.30.060, 29.30.350, and 29.30.450; and adding new sections to chapter 29.18 RCW.

Referred to Committee on Governmental Operations.

SB 4451 by Senators Barr and Thompson

AN ACT Relating to townships; and repealing RCW 45.04.010, 45.04.020, 45.04.030, 45.08.010, 45.08.020, 45.08.060, 45.08.070, 45.08.080, 45.08.090, 45.12.010, 45.12.020, 45.12.021, 45.12.030, 45.12.040, 45.12.050, 45.12.060, 45.12.070, 45.12.080, 45.12.090, 45.12.100, 45.12.110, 45.12.120, 45.12.130, 45.12.140, 45.12.150, 45.12.160, 45.12.170, 45.12.180, 45.12.190, 45.12.200, 45.12.210, 45.12.220, 45.12.230, 45.12.240, 45.16.010, 45.16.020, 45.16.030, 45.16.035, 45.16.040, 45.16.060, 45.16.070, 45.16.080, 45.16.090, 45.16.100, 45.16.110, 45.16.120, 45.20.010, 45.20.020, 45.24.010, 45.24.040, 45.24.050, 45.24.060, 45.28.010, 45.28.020, 45.28.030, 45.28.040, 45.28.050, 45.28.060, 45.28.070, 45.28.080, 45.28.090, 45.28.100, 45.32.010, 45.32.020, 45.32.030, 45.32.050, 45.32.060, 45.32.070, 45.32.080, 45.32.090, 45.36.010, 45.36.020, 45.36.030, 45.40.010, 45.40.030, 45.44.010, 45.48.010, 45.48.020, 45.48.030, 45.48.040, 45.52.010, 45.52.020, 45.52.030, 45.52.040, 45.52.050, 45.52.060, 45.52.070, 45.52.080, 45.52.090, 45.54.010, 45.54.020, 45.56.010, 45.56.040, 45.56.050, 45.56.070, 45.56.080, 45.64.010, 45.64.020, 45.64.030, 45.64.040, 45.64.050, 45.64.060, 45.64.070, 45.64.080, 45.72.010, 45.72.020, 45.72.030, 45.72.040, 45.72.050, 45.72.060, 45.72.070, 45.76.020, 45.76.030, 45.76.040, 45.76.050, 45.76.060, 45.76.070, 45.76.080, 45.76.090, 45.76.100, 45.80.010, 45.80.020, 45.80.030, 45.80.040, 45.80.050, 45.80.060, 45.80.070, 45.80.080, 45.80.100, 45.82.010, and 45.82.020.

Referred to Committee on Governmental Operations.

SB 4452 by Senators McDermott, Zimmerman, Gaspard, Barr, Rasmussen and Conner (by request of Legislative Budget Committee)

AN ACT Relating to the deletion of statutory duties of the legislative budget committee; amending RCW 2.56.120, 7.68.160, 28A.61.070, 28B.16.112, 40.07.050, 41.06.163, 41.06.167, 43.03.260, 43.19.19052, 43.19.200, 43.19.650, 43.19.660, 43.52.378, 43.52.510, 43.52.618, 43.88A.030, 43.105.016, 43.132.040, 43.132.050, 46.08.066, 67.70.050, 74.04.630, and 82.01.135;

amending section 715, chapter 373, Laws of 1985 (uncodified); and repealing RCW 28A-.97.100 and 41.60.130.

Referred to Committee on Ways and Means.

SB 4453 by Senators McDermott, Zimmerman, Gaspard and Barr (by request of Legislative Budget Committee)

AN ACT Relating to the deferring or deleting of the proposed termination and repeal of agencies and programs; amending RCW 43.131.215, 43.131.216, 43.131.301, 43.131.302, 43.131.303, 43.131.304, 43.131.319, 43.131.320, and 46.10.220; repealing RCW 28A.61.900, 43.131.187, 43.131.188, 43.131.189, 43.131.190, 43.131.211, 43.131.212, 43.131.221, 43.131.222, 43.131.305, 43.131.306, 43.131.307, 43.131.313, 43.131.314, and 67.08.910; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4454 by Senators Barr and Owen

AN ACT Relating to venue for actions under the residential landlord-tenant act; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Judiciary.

SB 4455 by Senators Rasmussen, Conner and Granlund

AN ACT Relating to anatomical donations; and adding a new section to chapter 68.08 RCW.

Referred to Committee on Human Services and Corrections.

SB 4456 by Senators Rasmussen, Warnke and Conner

AN ACT Relating to veterans; and amending RCW 43.51.055.

Referred to Committee on Parks and Ecology.

SB 4457 by Senators Rasmussen and Conner

AN ACT Relating to special license plates; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 4458 by Senators Thompson, McDonald and Zimmerman

AN ACT Relating to exemption from the compensating tax on forest lands for conservation purposes; and amending RCW 84.33.140.

Referred to Committee on Ways and Means.

SB 4459 by Senators Halsan, Hansen, Bottiger, Benitz, Rasmussen, Owen and Bailey

AN ACT Relating to the excise taxation of the production and sale of plantation Christmas trees; amending RCW 82.04.050 and 82.04.100; and reenacting and amending RCW 82.04.330.

Referred to Committee on Ways and Means.

SB 4460 by Senators Bailey, Saling and Lee

AN ACT Relating to child victims of sexual abuse; amending RCW 70.58.080; and adding a new section to chapter 43.121 RCW.

Referred to Committee on Human Services and Corrections.

SB 4461 by Senators Bailey and Saling

AN ACT Relating to child abuse; amending RCW 36.18.010; and adding a new section to chapter 43.121 RCW.

Referred to Committee on Human Services and Corrections.

SB 4462 by Senators Bailey and Saling

AN ACT Relating to the education and protection of children; amending RCW 28A-.05.010; reenacting and amending RCW 28A.02.201; and making an appropriation.

Referred to Committee on Education.

SB 4463 by Senator Bailey

AN ACT Relating to the promotion of Washington products; creating new sections; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 4464 by Senators Wojahn, Cantu, Warnke, Rasmussen and Lee (by request of Attorney General)

AN ACT Relating to odometer regulation; amending RCW 46.12.030, 46.12.040, 46.12.050, 46.12.101, 46.12.120, 46.12.125, 46.37.010, 46.70.070, 46.70.170, 46.70.180, 46.70.220, and 46.90.300; adding new sections to chapter 46.12 RCW; adding new sections to chapter 46.37 RCW; adding new sections to chapter 46.70 RCW; repealing RCW 46.37.590; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 4465 by Senators Fleming and Talmadge

AN ACT Relating to deadly force; amending RCW 9A.16.010 and 9A.16.040; and creating a new section.

Referred to Committee on Judiciary.

SB 4466 by Senators Bailey and Barr

AN ACT Relating to actions for torts; adding a new section to chapter 2.44 RCW; adding a new section to chapter 4.16 RCW; adding new sections to chapter 4.56 RCW; and repealing RCW 4.22.030, 4.22.040, 4.22.050, and 4.22.060.

Referred to Committee on Judiciary.

SB 4467 by Senator Zimmerman

AN ACT Relating to port districts; and amending RCW 53.36.100.

Referred to Committee on Governmental Operations.

SB 4468 by Senators McCaslin, Thompson and Vognild

AN ACT Relating to the uniform fire code; and amending RCW 19.27.110.

Referred to Committee on Governmental Operations.

SB 4469 by Senators Kreidler and Granlund

AN ACT Relating to early retirement; and amending RCW 41.40.180 and 41.40.630.

Referred to Committee on Human Services and Corrections.

SB 4470 by Senators Thompson, Saling, Rasmussen and Zimmerman

AN ACT Relating to the use of public facilities to influence initiatives to the legislature; and amending RCW 42.17.190.

Referred to Committee on Governmental Operations.

SB 4471 by Senator Warnke

AN ACT Relating to public transportation authorities; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce and Labor.

SB 4472 by Senator Warnke

AN ACT Relating to industrial insurance; and adding a new section to chapter 51.08 RCW.

Referred to Committee on Commerce and Labor.

SB 4473 by Senator Warnke

AN ACT Relating to the board of electrical examiners; and amending RCW 19.28.123.

Referred to Committee on Commerce and Labor.

SB 4474 by Senators Warnke and Rasmussen

AN ACT Relating to manholes; adding a new section to chapter 49.17 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

- SB 4475** by Senators Warnke, Rasmussen and Vognild
AN ACT Relating to fund raising; and reenacting and amending RCW 9.46.020.
Referred to Committee on Commerce and Labor.
- SB 4476** by Senators Warnke, Lee, Williams, Moore, Bender, Vognild and Garrett
AN ACT Relating to the board of electrical examiners; and amending RCW 19.28.123.
Referred to Committee on Commerce and Labor.
- SB 4477** by Senators McManus and Rinehart
AN ACT Relating to public broadcasting; adding a new section to chapter 43.41 RCW; and making an appropriation.
Referred to Committee on Ways and Means.
- SB 4478** by Senators McManus, Owen and Halsan
AN ACT Relating to the creation of venture capital corporations; and adding a new chapter to Title 23A RCW.
Referred to Committee on Commerce and Labor.
- SB 4479** by Senators McManus and Moore
AN ACT Relating to industrial development revenue bonds; and amending RCW 39.84.020.
Referred to Committee on Commerce and Labor.
- SB 4480** by Senator McManus
AN ACT Relating to hitchhiking; and amending RCW 46.61.255.
Referred to Committee on Transportation.
- SB 4481** by Senators Talmadge, Newhouse, Metcalf, Halsan, Gaspard, Granlund, Bluechel, Garrett and Lee
AN ACT Relating to reporting of abuse or neglect; amending RCW 26.44.030; and prescribing penalties.
Referred to Committee on Judiciary.
- SB 4482** by Senators McManus, Kreidler and Garrett
AN ACT Relating to smoking; adding a new chapter to Title 70 RCW; and prescribing penalties.
Referred to Committee on Parks and Ecology.
- SB 4483** by Senators Talmadge, Moore, Halsan, Bender, Garrett, Gaspard, Vognild and Rasmussen
AN ACT Relating to procedures for families in conflict; and amending RCW 13.32A-.030, 13.32A.050, and 13.32A.070.
Referred to Committee on Judiciary.
- SB 4484** by Senators McManus, Talmadge and Kreidler
AN ACT Relating to crisis management centers for homeless residents; creating new sections; making an appropriation; and providing an expiration date.
Referred to Committee on Human Services and Corrections.
- SB 4485** by Senators Kreidler, Talmadge and Granlund
AN ACT Relating to juveniles; amending RCW 13.40.025 and 13.50.010; adding a new section to chapter 13.16 RCW; adding a new section to chapter 13.40 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Human Services and Corrections.
- SB 4486** by Senators Thompson and Zimmerman

AN ACT Relating to local government; amending RCW 36.32.120; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 4487 by Senators Kreidler, Newhouse, Vognild, Goltz and Deccio

AN ACT Relating to hospital health care services; and amending RCW 70.39.020, 70.39.140, and 70.39.160.

Referred to Committee on Human Services and Corrections.

SB 4488 by Senators Kreidler, Newhouse, Vognild, Goltz and Deccio

AN ACT Relating to health services and facilities; and amending RCW 70.38.105 and 70.38.111.

Referred to Committee on Human Services and Corrections.

SB 4489 by Senators Warnke, Rasmussen and Rinehart

AN ACT Relating to public parking facilities; amending RCW 46.55.010 and 46.55.070; and adding new sections to chapter 46.55 RCW.

Referred to Committee on Commerce and Labor.

SB 4490 by Senators Talmadge, Halsan and Newhouse

AN ACT Relating to corporations; amending RCW 23A.04.010, 23A.08.070, 23A.08.080, 23A.08.110, 23A.08.120, 23A.08.150, 23A.08.250, 23A.08.260, 23A.08.270, 23A.08.305, 23A.08.380, 23A.08.390, 23A.08.400, 23A.08.450, 23A.16.020, 23A.16.075, 23A.32.050, 23A.32.090, 23A.32.100, 23A.32.130, 23A.32.160, 23A.32.170, and 23A.40.020; repealing RCW 23A.32.110 and 23A.32.120; adding new sections to chapter 23A.32 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

SB 4491 by Senators Newhouse, Halsan and Talmadge

AN ACT Relating to not for profit or nonprofit corporations; amending RCW 24.03.005, 24.03.015, 24.03.020, 24.03.030, 24.03.035, 24.03.045, 24.03.047, 24.03.048, 24.03.050, 24.03.055, 24.03.060, 24.03.065, 24.03.070, 24.03.075, 24.03.100, 24.03.105, 24.03.110, 24.03.115, 24.03.120, 24.03.125, 24.03.135, 24.03.150, 24.03.155, 24.03.165, 24.03.180, 24.03.183, 24.03.185, 24.03.190, 24.03.195, 24.03.200, 24.03.205, 24.03.207, 24.03.215, 24.03.220, 24.03.265, 24.03.295, 24.03.300, 24.03.302, 24.03.305, 24.03.320, 24.03.325, 24.03.330, 24.03.345, 24.03.350, 24.03.360, 24.03.380, 24.03.385, 24.03.390, 24.03.395, 24.03.400, 24.03.405, and 24.03.445; and adding new sections to chapter 24.03 RCW.

Referred to Committee on Judiciary.

SB 4492 by Senators Talmadge, Garrett, Bottiger and Conner

AN ACT Relating to the department of transportation; amending RCW 43.17.020, 47.01.041, 47.01.051, 47.01.061, 47.01.071, 47.01.101, 36.57A.070, 36.79.010, 36.79.120, 36.79.130, 46.44.080, 46.44.090, 46.44.092, 46.44.095, 46.61.450, 46.68.030, 47.01.250, 47.01.---, 47.05.021, 47.05.030, 47.05.035, 47.05.040, 47.05.051, 47.05.055, 47.05.070, 47.10.790, 47.10.791, 47.10.802, 47.12.200, 47.12.220, 47.24.010, 47.24.020, 47.26.085, 47.26.270, 47.26.290, 47.26.400, 47.26.420, 47.26.440, 47.28.010, 47.28.170, 47.42.040, 47.42.045, 47.52.133, 47.52.145, 47.52.210, 47.56.030, 47.56.032, 47.56.070, 47.56.080, 47.56.110, 47.56.120, 47.56.240, 47.56.250, 47.56.380, 47.56.711, 47.56.741, 47.56.742, 47.56.743, 47.56.745, 47.58.030, 47.60.150, 47.60.326, 47.60.330, 47.60.440, 47.60.450, 47.64.011, 47.64.170, 47.64.180, and 48.62.070; reenacting and amending RCW 47.10.801; creating a new section; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 4493 by Senators Talmadge, Rasmussen, Goltz and Garrett

AN ACT Relating to the department of state resources; amending RCW 43.17.010, 43.17.020, 43.01.010, 43.01.020, 43.30.020, 43.30.040, 43.30.050, 43.51.040, 43.51.045, 43.51.050, 43.51.060, 46.16.605, 75.08.011, 77.08.010, 77.12.170, 77.12.185, 77.12.210, 77.12.230, 77.12.240, 77.12.323, 77.12.380, 77.12.390, 77.21.040, 82.27.070, and 90.48.142; creating new sections; repealing RCW 43.12.010, 43.30.130, 43.51.020, 43.51.030, 43.51.061, 43.99.110, 75.08.014, 77.04.020, 77.04.030, 77.04.040, 77.04.060, 77.04.080, 77.04.090, 77.12.190, and 79.72.100; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 4494 by Senators Talmadge and Warnke

AN ACT Relating to state management and efficiency; and adding a new section to chapter 43.01 RCW.

Referred to Committee on Governmental Operations.

SB 4495 by Senators Talmadge and Bender

AN ACT Relating to state government; adding a new section to chapter 43.07 RCW; creating new sections; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 4496 by Senators Talmadge, Rasmussen, Fleming and Vognild

AN ACT Relating to gubernatorial appointments; and amending RCW 43.06.090 and 43.06.092.

Referred to Committee on Governmental Operations.

SB 4497 by Senators Bottiger, Peterson, Vognild, Rasmussen, Granlund, Talmadge, Wojahn and Moore

AN ACT Relating to vehicle sales; amending RCW 46.70.005, 46.70.011, 46.70.021, 46.70.031, 46.70.041, 46.70.061, 46.70.070, 46.70.075, 46.70.083, 46.70.090, 46.70.101, 46.70.102, 46.70.120, 46.70.170, 46.70.180, 46.70.190, 46.70.200, 46.70.210, and 46.70.260; adding new sections to chapter 46.70 RCW; repealing RCW 46.70.081 and 46.70.082; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4498 by Senators Talmadge and Newhouse

AN ACT Relating to courts; amending RCW 2.06.030, 2.06.150, 2.08.010, 2.08.067, 2.08.092, 2.08.170, 2.32.070, 2.56.030, 3.34.010, 3.34.020, 3.34.130, 3.34.140, 3.46.090, 3.46.120, 3.50.080, 3.50.100, 3.58.010, 3.58.020, 3.58.030, 3.62.020, 3.62.040, 3.62.060, 3.66.020, 4.12.040, 4.14.010, 4.28.360, 7.06.010, 7.06.020, 7.06.040, 7.06.050, 10.82.070, 12.12.030, 18.16.160, 35.20.220, 36.18.025, 49.38.040, 59.18.050, 59.20.120, 3.46.020, 3.70.010, 7.16.160, 9.92.070, 35.18.060, 35.23.020, 35.23.040, 35.23.190, 35.24.020, 35.24.080, 35.24.160, 35.27.070, 35A.12.020, 35A.12.090, 35A.13.010, 35A.13.080, 46.52.100, 78.12.020, 78.12.060, 2.24.050, 4.32.250, 4.92.030, 7.16.350, 7.20.140, 8.04.070, 8.04.130, 8.04.150, 8.08.080, 8.12.200, 8.12.530, 8.16.130, 8.20.100, 8.20.120, 9.95.060, 10.77.230, 10.95.150, 11.52.016, 11.96.160, 11.110.110, 17.04.230, 17.16.110, 18.32.760, 18.92.210, 19.77.100, 20.01.200, 24.32.360, 28A.58.500, 28B.16.160, 29.79.170, 29.79.210, 29.82.160, 30.04.040, 31.08.260, 33.04.060, 33.08.070, 33.40.120, 34.04.140, 35.44.260, 35.44.270, 35.55.080, 35.56.090, 36.93.160, 36.94.290, 41.64.140, 43.21B.190, 43.21B.200, 43.24.120, 43.52.430, 47.32.060, 48.31.190, 49.60.260, 50.32.160, 51.52.110, 52.22.101, 54.16.160, 54.16.165, 57.16.090, 58.28.490, 59.12.200, 65.12.175, 72.33.240, 74.08.080, 79.01.500, 80.04.190, 80.04.260, 80.50.140, 81.04.190, 81.04.260, 81.53.130, 81.53.170, 82.32.180, 84.28.080, 84.28.110, 84.64.120, 84.64.400, 85.05.079, 85.05.470, 85.06.630, 85.06.660, 85.06.750, 85.08.440, 85.15.130, 85.16.190, 85.16.210, 85.18.140, 85.24.130, 85.24.140, 85.32.200, 87.03.410, 87.03.760, 87.03.765, 87.22.090, 87.56.225, 88.32.090, 90.03.200, 90.03.210, 90.24.070, 91.08.250, and 91.08.580; reenacting and amending RCW 36.18.020; adding a new section to chapter 2.08 RCW; adding a new section to chapter 2.24 RCW; adding a new section to chapter 2.32 RCW; adding a new section to chapter 3.34 RCW; adding a new section to chapter 7.75 RCW; adding a new section to chapter 26.09 RCW; adding a new section to chapter 26.12 RCW; creating new sections; repealing RCW 2.04.160, 2.04.170, 4.88.260, 10.77.130, 2.08.100, 2.08.110, and 2.24.030; making an appropriation; declaring an emergency; and providing effective dates.

Referred to Committee on Judiciary.

SB 4499 by Senators McDermott, Peterson, Fleming, Granlund, McManus, Hansen, Williams and Moore

AN ACT Relating to voting hours; and amending RCW 29.13.080.

Referred to Committee on Judiciary.

SB 4500 by Senators Granlund, Bender, Gaspard, McManus, Hansen, Bauer, Rinehart, Warnke, Garrett, Goltz and Fleming

AN ACT Relating to basic education; amending RCW 28A.41.140; and creating a new section.

Referred to Committee on Education.

SB 4501 by Senators Gaspard, Bender, Granlund, McManus, Warnke, Bauer, Garrett and Goltz

AN ACT Relating to basic education; amending RCW 28A.41.140; and creating a new section.

Referred to Committee on Education.

SB 4502 by Senators Warnke and Talmadge

AN ACT Relating to disclosure; and adding a new section to chapter 18.85 RCW.

Referred to Committee on Commerce and Labor.

SB 4503 by Senator Warnke

AN ACT Relating to the taxation of mobile homes, travel trailers, and campers; and amending RCW 82.45.032, 82.08.033, 82.12.033, and 82.50.530.

Referred to Committee on Ways and Means.

SB 4504 by Senators Warnke, Sellar, Vognild and Lee

AN ACT Relating to the collection of the sales tax on sales made through vending machines; and amending RCW 82.08.050.

Referred to Committee on Commerce and Labor.

SB 4505 by Senators Thompson and Zimmerman (by request of State Auditor)

AN ACT Relating to bid limits for districts defined in RCW 85.38.010(4); adding a new section to chapter 85.38 RCW; and repealing RCW 86.09.184 and 86.09.187.

Referred to Committee on Governmental Operations.

SB 4506 by Senator Wojahn

AN ACT Relating to the state board of health; and repealing RCW 43.131.213 and 43.131.214.

Referred to Committee on Human Services and Corrections.

SB 4507 by Senator McDermott

AN ACT Relating to limitations on requirements for retirement contributions for service other than full time; and amending RCW 41.26.450, 41.32.775, 41.40.330, 41.40.370, and 41.40.650.

Referred to Committee on Ways and Means.

SJM 131 by Senators McDermott, Goltz, Peterson, Fleming, Wojahn, Granlund, Talmadge, McManus, Gaspard, Halsan, Williams and Moore

Requesting enactment of federal legislation establishing national polling hours.

Referred to Committee on Judiciary.

SJR 131 by Senator Barr

Amending constitutional provisions pertaining to townships.

Referred to Committee on Governmental Operations.

SJR 132 by Senators Talmadge and Conner

. Providing for gubernatorial appointment of the state treasurer, insurance commissioner, and superintendent of public instruction.

Referred to Committee on Governmental Operations.

SJR 133 by Senators Talmadge, Gaspard and Goltz

Authorizing senate sessions for confirmation of gubernatorial appointments.

Referred to Committee on Governmental Operations.

SJR 134 by Senators Talmadge, McDermott, Bender, Bauer and Conner

Abolishing the office of the secretary of state.

Referred to Committee on Governmental Operations.

SCR 126 by Senators McDermott, Fleming, Rinehart and Lee

Ratifying comparable worth agreement.

Referred to Committee on Ways and Means.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Bottiger, Hayner and Fleming appeared before the bar of the Senate to report that the Governor had been notified under the provisions of House Concurrent Resolution No. 17 that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

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

MOTION

Senator Vognild moved that the following resolution be adopted:

SENATE RESOLUTION 1986-130

by Senators Bottiger and Fleming

BE IT RESOLVED, That the Senate Rules of the 49th Legislature be amended to read as follows:

Amend Senate Rule 41 as follows:

"COMMITTEES -- APPOINTMENT AND CONFIRMATION

RULE 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm and conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

1. Agriculture	9
2. Commerce and Labor	10
3. Education	((+7)) 19
4. Energy and Utilities	((+1)) 9
5. Financial Institutions	10
6. Governmental Operations	11
7. Human Services and Corrections	((9)) 11
8. Judiciary	13
9. Natural Resources	11
10. Parks and Ecology	7
11. Rules	((22)) 20
12. Transportation	((+5)) 17
13. Ways and Means	21"

MOTION

Senator Saling moved that the following amendment by Senators Saling, Johnson, McCaslin and Metcalf be adopted:

On the last line of Senate Resolution 1986-130, strike "21" and insert "~~((21))~~23"

Debate ensued.

Senator Saling demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendment by Senators Saling, Johnson, McCaslin and Metcalf to Senate Resolution 1986-130.

ROLL CALL

The Secretary called the roll and the motion by Senator Saling failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Absent: Senator Guess - 1.

Excused: Senator Stratton - 1.

The President declared the question before the Senate to be adoption of Senate Resolution 1986-130.

The motion by Senator Vognild carried and Senate Resolution 1986-130 was adopted.

INTRODUCTION OF SPECIAL GUEST

The President introduced former Senator Barbara Granlund who was seated in the gallery.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

January 13, 1986

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 124, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

There being no objection, the President returned the Senate to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

January 13, 1986

The Honorable John A. Cherberg
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We herewith respectfully transmit a copy of the Joint Resolution of the Pierce County Council and the Kitsap County Commission by which they have appointed Winslow A. Granlund to fill the unexpired term in the position of State Senator for the 26th District.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this thirteenth day of January, 1986.

(Seal)

Ralph Munro, Secretary of State

JOINT RESOLUTION OF PIERCE AND KITSAP COUNTIES

WHEREAS, a vacancy of the 26th legislative senate position exists with the resignation of Senator Barbara Granlund; and

WHEREAS, it is the joint and equal responsibility of Pierce and Kitsap Counties to appoint the replacement to fill the unexpired term; NOW, THEREFORE,

BE IT RESOLVED, by the Kitsap County Commissioners and the Pierce County Council:

Section 1. Pierce County and Kitsap County agree and appoint Winslow A. Granlund to fill the unexpired term of senator for the 26th Legislative District.

PASSED this 14th day of OCTOBER, 1985.

JOHN HORSLEY, Kitsap County

PHYLLIS ERICKSON, Pierce County

MESSAGE FROM SECRETARY OF STATE

The Honorable John A. Cherberg
 President of the Senate
 The Legislature of the State of Washington
 Olympia, Washington
 Mr. President:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the votes cast for and against the constitutional amendments which were submitted to the vote of the people at the state general election held on the 5th day of November, 1985, that the total number of ballots cast at this state general election was 900,078 and that the total number of votes cast for and against each of these measures was as follows:

HOUSE JOINT RESOLUTION 12

"Shall the constitution be amended to permit State Industrial Insurance (Workers' Compensation) Funds to be invested as authorized by law?"

YES	582,471
NO	233,628

HOUSE JOINT RESOLUTION 22

"Shall conditions to voter approval of public school excess property tax levies, except the 60% yes vote requirement, be eliminated?"

YES	369,852
NO	463,391

HOUSE JOINT RESOLUTION 23

"Shall counties and cities be permitted to finance public improvements through tax revenues resulting from increased values of benefited properties?"

YES	337,015
NO	476,600

HOUSE JOINT RESOLUTION 42

"Shall agricultural commodity commissions, funded by agricultural producer assessments, be permitted to engage in promotional hosting to develop agricultural trade?"

YES	536,528
NO	250,936

I further certify that the following is a full, true, and correct abstract of votes cast at the State General Election held on the 5th day of November, 1985, as canvassed by me from the returns received from the County Auditors of the thirty-nine counties of the state for the office of Supreme Court Judge and for State Representative, 17th Legislative District:

SUPREME COURT JUDGE

Barbara Durham	552,675
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STATE REPRESENTATIVE, 17th District

Ray A. Mosbrucker	7,433
Kim Peery	9,002

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, this 5th day of December, 1985.

(Seal)

RALPH MUNRO, Secretary of State

STANDING COMMITTEE ASSIGNMENTS 1986

The President announced the following committee assignments:

AGRICULTURE (9) Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Bottiger, Gaspard, Newhouse.

COMMERCE AND LABOR (10) Warnke, Chairman, Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

EDUCATION (19) Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

ENERGY AND UTILITIES (9) Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Saling, Stratton.

FINANCIAL INSTITUTIONS (10) Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott, Newhouse, Sellar, Vognild, von Reichbauer.

GOVERNMENTAL OPERATIONS (11) Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Pullen, Rinehart, Saling, Zimmerman.

HUMAN SERVICES AND CORRECTIONS (11) Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson, Stratton.

JUDICIARY (13) Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Pullen, Thompson, Williams.

NATURAL RESOURCES (11) Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Johnson, Lee, Metcalf, Patterson, Peterson, Rasmussen.

PARKS AND ECOLOGY (7) Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

RULES (20) Lieutenant Governor Cherberg, Chairman; Goltz, Vice Chairman; Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Guess, Hayner, McDonald, Rasmussen, Rinehart, Sellar, Vognild, von Reichbauer, Zimmerman.

TRANSPORTATION (17) Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Owen, Peterson, Pullen, Sellar, Vognild, von Reichbauer.

WAYS AND MEANS (21) McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

MOTION

On motion of Senator Bottiger, the committee assignments as announced by the President were confirmed.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Rules was relieved of further consideration of Senate Bill No. 3453.

Senator Vognild moved that Senate Bill No. 3453 be referred to the Committee on Judiciary.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that Senate Bill No. 3453 be referred to the Committee on Judiciary.

The motion by Senator Vognild carried and Senate Bill No. 3453 was referred to the Committee on Judiciary.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

January 13, 1986

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 16, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 16.

MOTION

At 1:08 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Tuesday, January 14, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 14, 1986

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Stratton. On motion of Senator Bender, Senator Stratton was excused.

The Sergeant at Arms Color Guard, consisting of Pages Lisa McNary and Gregg Swenson, presented the Colors. Reverend Mark A. Barclift, senior pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 13, 1986

SSB 3414 Prime Sponsor, Senate Committee on Commerce and Labor: Enforcing the regulatory fairness act. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Commerce and Labor. Signed by John A. Cherberg, Chairman; Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Goltz, Guess, Hayner, McDonald, Rasmussen, Rinehart, Vognild.

Referred to Committee on Commerce and Labor.

January 13, 1986

SCR 126 Prime Sponsor, Senator McDermott: Ratifying comparable worth agreement. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Concurrent Resolution No. 126 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Lee, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Referred to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

January 13, 1986

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2,

ENGROSSED HOUSE BILL NO. 22

SUBSTITUTE HOUSE BILL NO. 131,

HOUSE BILL NO. 390

ENGROSSED SUBSTITUTE HOUSE BILL NO. 393,

SUBSTITUTE HOUSE BILL NO. 712, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

January 13, 1986

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 17, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 124,
HOUSE CONCURRENT RESOLUTION NO. 17.

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

INTRODUCTION AND FIRST READING

SB 4508 by Senators Warnke, Johnson, Moore, Lee, Rasmussen and Williams

AN ACT Relating to fair competition in motion pictures; amending RCW 19.58.010, 19.58.020, 19.58.030, 19.58.040, and 19.58.050; adding new sections to chapter 19.58 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4509 by Senator Talmadge

AN ACT Relating to public disclosure; amending RCW 42.17.250 and 42.17.260; and creating a new section.

Referred to Committee on Judiciary.

SB 4510 by Senators Kiskaddon, Goltz, Bluechel, Williams, Lee and Kreidler

AN ACT Relating to land areas along the Pacific Ocean; amending RCW 35.21.230, 43.51.680, 79.94.340, 79.94.350, 79.94.360, and 79.94.380; creating a new section; and repealing RCW 79.94.370.

Referred to Committee on Parks and Ecology.

SB 4511 by Senators Peterson, Conner and Patterson (by request of Department of Licensing)

AN ACT Relating to driver's licenses; amending RCW 46.20.102; and repealing RCW 46.20.104.

Referred to Committee on Transportation.

SB 4512 by Senators Peterson, Conner and Patterson (by request of Department of Licensing)

AN ACT Relating to the expiration of identicards; and amending RCW 46.20.117.

Referred to Committee on Transportation.

SB 4513 by Senators Peterson, Patterson and Conner (by request of Department of Licensing)

AN ACT Relating to identification information taken by the department of licensing; and amending RCW 46.20.117.

Referred to Committee on Transportation.

SB 4514 by Senators Warnke, Newhouse, Moore, Owen and Conner

AN ACT Relating to gambling; and reenacting and amending RCW 9.46.020 and 9.46.030.

Referred to Committee on Commerce and Labor.

SB 4515 by Senators Warnke, Newhouse, Moore and Owen

AN ACT Relating to punch boards and pull-tabs; and reenacting and amending RCW 9.46.110.

Referred to Committee on Commerce and Labor.

SB 4516 by Senators Warnke, Owen, Bender and Rasmussen

AN ACT Relating to urban area parks; amending RCW 43.51.380, 43.99.060, and 67.70.240; adding a new section to chapter 43.99 RCW; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Commerce and Labor.

SB 4517 by Senators Warnke, Peterson, Rinehart, Owen, McDermott, Bender, Rasmussen, Talmadge, Fleming, Granlund, Halsan and Williams

AN ACT Relating to unemployment compensation; amending RCW 50.22.112; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4518 by Senator Conner

AN ACT Relating to public transportation benefit areas; and amending RCW 36.57A.080.

Referred to Committee on Transportation.

SB 4519 by Senators McDermott and Bottiger (by request of Governor Gardner)

AN ACT Relating to the financing of water pollution control facilities and activities; reenacting and amending RCW 82.24.260; adding a new chapter to Title 70 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4520 by Senators Moore and Rasmussen

AN ACT Relating to closely held corporations; and adding a new section to chapter 23A.08 RCW.

Referred to Committee on Financial Institutions.

SB 4521 by Senators Thompson, Zimmerman and Rinehart

AN ACT Relating to death investigations; amending RCW 43.79.445; adding a new section to chapter 28B.20 RCW; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 4522 by Senators Moore, Gaspard and Garrett

AN ACT Relating to the teachers' retirement system; and amending RCW 41.32.310.

Referred to Committee on Ways and Means.

SB 4523 by Senators McDermott, Bottiger and Williams

AN ACT Relating to the legislative counsel; amending RCW 4.92.040, 29.79.030, 29.79-.040, 29.79.060, 29.79.260, and 29.79.290; and adding new sections to chapter 44.04 RCW.

Referred to Committee on Governmental Operations.

SB 4524 by Senators Wojahn and Rasmussen

AN ACT Relating to education; amending RCW 28B.50.060 and 28C.04.080; adding new sections to chapter 28A.03 RCW; adding a new section to chapter 28B.50 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

SB 4525 by Senators Bottiger and McDermott

AN ACT Relating to legal representation of the legislature; and adding a new section to chapter 43.10 RCW.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2 by Committee on State Government (originally sponsored by Representative Belcher)

Government employee exchange program.

Referred to Committee on Governmental Operations.

EHB 22 by Representatives Vekich, Nealey, Baugher, Holland, Todd, Betzoff, C. Smith, Isaacson, Doty, Unsoeld, Rayburn, Chandler and Sayan

Providing remedies to protect ground water rights.

Referred to Committee on Agriculture.

SHB 131 by Committee on Social and Health Services (originally sponsored by Representatives Brekke and B. Williams)

Revising the regulation of health-related professions.

Referred to Committee on Human Services and Corrections.

HB 390 by Representative Armstrong

Modifying the amount a garnishee is required to hold.

Referred to Committee on Judiciary.

ESHB 393 by Committee on State Government (originally sponsored by Representatives Brooks, Belcher, J. Williams, O'Brien and Hankins) (by Department of General Administration request)

Revising state competitive bidding procedures.

Referred to Committee on Governmental Operations.

SHB 712 by Committee on Commerce and Labor (originally sponsored by Representative Sutherland)

Permitting claimants to review their industrial insurance files.

Referred to Committee on Commerce and Labor.

MOTION

At 10:10 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:45 a.m. by President Cherberg.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SENATE BILL NO. 3018, by Senators Gaspard, Zimmerman, McDermott and Conner (by Legislative Budget Committee request)

Adopting life-cycle costing in construction design of public facilities.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3018.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3018 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Conner, Fleming - 2.

Excused: Senator Stratton - 1.

SENATE BILL NO. 3018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 3188, by Committee on Ways and Means (originally sponsored by Senators Granlund, Halsan and Johnson)

Providing reimbursement of institutional care facilities employees for cost attributable to resident or patient assault.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3188.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3188 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1. Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SECOND SUBSTITUTE SENATE BILL NO. 3188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3255, by Committee on Commerce and Labor (originally sponsored by Senators Moore and Sellar)

Regulating contracts with sales representatives.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3255.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3255 and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Guess, McCaslin, Metcalf, Pullen - 8.

Excused: Senator Stratton - 1.

SUBSTITUTE SENATE BILL NO. 3255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3306, by Committee on Judiciary (originally sponsored by Senators Newhouse, Talmadge, Owen, Bauer, Rasmussen, Vognlid, Deccio and Lee)

Requiring liability insurance as a condition for licensing a motor vehicle.

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3306 was returned to second reading and read the second time.

On motion of Senator Talmadge the following amendments were considered and adopted simultaneously:

On page 1, line 13, after "1," strike "1986" and insert "1987"

On page 2, line 10, after "1," strike "1986" and insert "1987"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3306 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3306.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3306 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald,

McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Patterson - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Rules Committee was relieved of the following bills and the bills were referred to the committees as listed:

THIRD READING

ENGROSSED SENATE BILL NO. 3046, referred to Committee on Energy and Utilities,
 SUBSTITUTE SENATE BILL NO. 3056, referred to Committee on Education,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3089, referred to Committee on Judiciary,
 SUBSTITUTE SENATE BILL NO. 3090, referred to Committee on Judiciary,
 SENATE BILL NO. 3095, referred to Committee on Judiciary,
 ENGROSSED SENATE BILL NO. 3098, referred to Committee on Education,
 SUBSTITUTE SENATE BILL NO. 3110, referred to Committee on Ways and Means,
 ENGROSSED SENATE BILL NO. 3132, referred to Committee on Education,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3154, referred to Committee on Judiciary,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3157, referred to Committee on Ways and Means,
 SUBSTITUTE SENATE BILL NO. 3221, referred to Committee on Energy and Utilities,
 SENATE BILL NO. 3233, referred to Committee on Human Services and Corrections,
 ENGROSSED SENATE BILL NO. 3234, referred to Committee on Ways and Means,
 SUBSTITUTE SENATE BILL NO. 3243, referred to Committee on Judiciary,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3251, referred to Committee on Judiciary,
 SUBSTITUTE SENATE BILL NO. 3252, referred to Committee on Judiciary,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3266, referred to Committee on Ways and Means,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3320, referred to Committee on Ways and Means,
 SENATE BILL NO. 3339, referred to Committee on Governmental Operations,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3345, referred to Committee on Governmental Operations,
 SUBSTITUTE SENATE BILL NO. 3347, referred to Committee on Transportation,
 ENGROSSED SENATE BILL NO. 3434, referred to Committee on Judiciary,
 SUBSTITUTE SENATE BILL NO. 3448, referred to Committee on Education,
 SUBSTITUTE SENATE BILL NO. 3469, referred to Committee on Governmental Operations,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3478, referred to Committee on Human Services and Corrections,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3510, referred to Committee on Education,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3517, referred to Committee on Education,
 SUBSTITUTE SENATE BILL NO. 3574, referred to Committee on Ways and Means,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3621, referred to Committee on Education,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3740, referred to Committee on Judiciary,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3764, referred to Committee on Judiciary,
 SUBSTITUTE SENATE BILL NO. 4119, referred to Committee on Agriculture,
 SECOND SUBSTITUTE SENATE BILL NO. 4136, referred to Committee on Ways and Means,
 SENATE JOINT MEMORIAL NO. 105, referred to Committee on Judiciary,
 SENATE JOINT MEMORIAL NO. 106, referred to Committee on Judiciary,
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 106, referred to Committee on Judiciary.

SECOND READING

SENATE BILL NO. 3171, referred to Committee on Natural Resources,
 SENATE BILL NO. 3224, referred to Committee on Judiciary,
 ENGROSSED SENATE BILL NO. 3323, referred to Committee on Judiciary,
 SENATE BILL NO. 3377, referred to Committee on Judiciary,
 SUBSTITUTE SENATE BILL NO. 3447, referred to Committee on Human Services and
 Corrections,
 SENATE BILL NO. 3482, referred to Committee on Judiciary,
 SENATE BILL NO. 3789, referred to Committee on Human Services and Corrections,
 SENATE BILL NO. 3843, referred to Committee on Ways and Means,
 SENATE BILL NO. 4126, referred to Committee on Human Services and Corrections,
 SENATE BILL NO. 4144, referred to Committee on Education,
 SENATE BILL NO. 4242, referred to Committee on Ways and Means,
 SENATE BILL NO. 4321, referred to Committee on Education,
 SENATE JOINT MEMORIAL NO. 125, referred to Committee on Human Services and
 Corrections,
 SENATE JOINT RESOLUTION NO. 109, referred to Committee on Judiciary,
 SENATE CONCURRENT RESOLUTION NO. 110, referred to Committee on Human Ser-
 vices and Correction.

MOTION

At 11:05 a.m., on motion of Senator Vognild, the Senate recessed until 4:45 p.m.

AFTERNOON SESSION

The Senate was called to order at 4:45 p.m. by President Cherberg.

MOTION

At 4:50 p.m., on motion of Senator Vognild, the Senate recessed for the purpose
 of a Joint Session.

At 4:53 p.m., the Senate retired to the House Chamber to meet in Joint Session
 for the purpose of hearing a message by Governor Booth Gardner.

JOINT SESSION

The Sergeant at Arms announced the arrival of the Senate at the bar of the
 House.

The Speaker instructed the Sergeants at Arms of the House and Senate to escort
 President of the Senate John A. Cherberg, President Pro Tempore H. A. "Barney"
 Goltz, Vice President Pro Tempore A. L. "Slim" Rasmussen and Majority Leader R.
 Ted Boltiger to seats on the rostrum.

The Speaker invited the Senators to seats within the House Chambers.

The Speaker presented the gavel to President Cherberg.

The Clerk of the Senate called the roll of the Senate and all members were
 present except Senator Stratton, who was excused.

The Clerk of the House called the roll of the House and all members were
 present except Representatives Rayburn and West, who were excused.

The President appointed Senators Talmadge, Hayner, Halsan, Boltiger and
 Newhouse to escort the Supreme Court Justices from the State Reception Room to
 seats within the bar of the House.

The President appointed Senators Vognild, Lee and Moore and Representa-
 tives Ebersole, Lux and Lewis to escort the State Elected Officials to seats within the
 bar of the House.

The President appointed Senators Bauer, Cantu and Wojahn and Representa-
 tives Appelwick, Dellwo and Silver to escort Governor Booth Gardner to the
 rostrum.

President Cherberg introduced Governor Gardner.

GOVERNOR'S STATE OF THE STATE ADDRESS

Governor Gardner: "Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished Justices of the Supreme Court, members of the Legislature, honored elected officials and fellow citizens of Washington State.

"The state of our state is stable. The economy is holding, although not growing as rapidly as we would like. Government is maintaining, though not expanding, vital programs. Unemployment has stabilized and even declined, though many people are going back to work for lower salaries than they earned in the past. The timber industry has restructured into a leaner, more efficient operation and seems to have leveled off in its employment. Things are stable, but stability has never been good enough for the people of this state. People want progress.

"A year ago I delivered my first address before you as a rookie Governor. It was a speech filled with optimism and with priorities. Those priorities remain today--A clean and safe environment, the best possible educational system, jobs for the unemployed and underemployed, and stable growth for our economy. I have spent a great deal of time in the past year talking with the people who pay the bills for government--the taxpayers. They share the goals which I have outlined, but they also had another message--'Get rid of waste and duplication in government.' Governors in the past have spent the majority of their time formulating policy and talking to the Legislature and the people. But when it came time to implement policy, they turned it over to state employees and left them to their own devices.

"Our approach has been different. My experience in the private sector taught me that you don't make policy decisions until you really understand how the business runs. I've spent countless hours over the past year dropping in on agency offices unannounced, talking with people who are responsible for carrying out policy and delivering services to the people of this state, and talking to the managers I have selected to run these agencies. I have instructed the managers to make these agencies as lean and effective as they can, and the results so far have been impressive. The Department of Labor and Industries was long thought to be totally unmanageable, but Dick Davis has done an outstanding job bringing that agency under control. By tightening up eligibility requirements in vocational rehabilitation to prevent abuse, the Department is projecting a savings of 175 million dollars over an 18-month period. Bud Shinpoch applied business techniques from the private sector to the Department of Revenue and saved more than a million dollars in operating costs. Now he's working for the same kind of efficient operation in the Department of Social and Health Services. His proposal is to reduce the number of supervisors from about 2,862 to about 1,532, putting an additional 1,330 people at the service-delivery level where they are desperately needed.

"Our state productivity program has blossomed under new enlightened management. For example, the Department of Labor and Industries had received a total of only 15 suggestions in two years. In 1985, the Department received 255 suggestions that will produce a savings of about \$750,000. That experience shows what a tremendous resource we have in our state employees. When given proper support and challenged by leaders who really care about improving state services, they do quality work. Yet we have a long way to go in giving proper support to employees at the service delivery level, employees who carry excessive workloads and lack adequate clerical and word processing support. Bringing efficiency to state government requires a broad approach. The lines of communication between the people and decision-makers in state government are clogged. To fix the problem will take action akin to open-heart surgery.

"State government consists of more than 400 agencies, boards and commissions. Since 1982, more than 50 new boards, commissions and agencies have been established. The trend has been to create a new board, commission or agency for every new program. Attempts to control the growth have failed. Sunset review was established to try to eliminate unneeded commissions and agencies, yet growth continued. Taken as a whole, this hodgepodge, defies rational management, creates confusion in people's minds and results in duplication of effort.

"Then there is the question of authority and responsibility. When people elected a Governor in November of 1984, they thought they were picking someone to run government. What they got was a Governor who is responsible for less than

half the money and less than half of the state employees. Of the nearly 100 separately budgeted agencies, only 35 report directly to the Governor. Most of the rest report to a commission. Our high school civics classes taught us that there were three branches of government--the Executive, the Judicial and the Legislative. Today government has a fourth branch--the Commission. Commissions are composed of people who make major decisions about the life of our citizens, yet you never have the opportunity to vote for them or, probably, even to know who they are. A major difference between a commission and the Governor is that if the people aren't satisfied with the job the Governor does, you can fire him. As the third Governor in five years, I'm proof of that, but you can't fire a commission.

"The problems I have outlined with the operation of government must be solved before the people will be willing to trust us with new initiatives. My goal by the end of the year is to be able to look each citizen in the eye and tell them, 'Like everything else, Government is not perfect, but we are doing a good job with your tax dollars.'

"The heart of my legislative program this year is a package of bills to reshape state government. It took nearly 100 years for government to get in its current condition. We can't change it in a single session, but we will begin the process. Given the problems, our goals are clear:

1. To create a streamlined and responsive state government that is accountable to the public.

2. To improve citizen accessibility and understanding of state government.

3. To enhance the effectiveness of existing agency operations and procedures.

Given these goals, we will focus our efforts on the following objectives:

1. We will reduce the number of agencies through consolidations along functional lines.

2. We will ensure that key functions of state government are performed by agencies managed by executives appointed by the Governor.

3. We will give line managers greater administrative authority and a greater role in decisions.

"Harry Truman had a sign on his desk that said, 'The Buck Stops Here.' I like that idea and think the people want to know where the buck stops in this state. It is true that the ultimate responsibility for any operation of state government rests with the Governor. In turn, the Governor must build and lead a team that is able to delegate responsibility and is willing to live with the consequences. There will be mistakes, but there can be tremendous accomplishments. The challenge of a good manager is to accept the blame for the mistakes and to share the credit for the accomplishments.

"Now, let's get to the specifics. Government reorganization is not a single-session project. It is an unending process, but we must have a strong beginning this year--a beginning that accomplishes the goals I outlined a moment ago. I am recommending to the Legislature that the Governor be given direct responsibility for the administration of the Department of Transportation, the Department of Game and the Department of Parks and Recreation. This would include appointing the director of these agencies. In each case, the commissions would be retained, but their role would be focused on policy issues and serving as a link with constituencies actively involved with the areas.

"While I am recommending that the responsibility for the selection of the director go immediately to the Governor, I am also recommending that a process be established to review the statutes pertaining to each of the three areas and the 1987 session of the Legislature would be charged with passing legislation to clear up any conflicts between the commissions and the directors.

"In addition to requesting a clear line of authority to these agencies, I intend to propose several other major changes. Twenty-four state agencies have less than 10 fulltime employees. In such cases, administrative overhead consumes a disproportionate share of the agency's budget. When economic times get tough and across-the-board cuts are made, the small agencies do not have the flexibility to absorb a 10 percent cut without serious damage to the program.

"To begin with, I will be asking for the elimination of at least 10 boards and commissions. These are commissions that have either outlived their usefulness, that have never been utilized or that duplicate other entities in government.

"Next, I propose the merger of certain functions of state government to provide more flexibility. I will propose that the Department of Emergency Management, the Office of Archaeology and Historic Preservation and the Fire Protection Board be eliminated as separate government agencies and their functions transferred into the Department of Community Development. Also, that the Board of Accountancy, the Cemetery Board and the Board of Pharmacy be transferred to the Department of Licensing, and that the Commission for Vocational Education be allowed to terminate through the Sunset process, and that a new State Board for Vocational Education, substantially reduced in size, be established with the Governor as chairman and the Superintendent of Public Instruction and the State Community College Director as members.

"We will start by tackling the obvious issues this session, while continuing to pull together more information about how elements of government can be made more efficient. There will be those who will oppose these efforts. They will try to use scare tactics. They will talk about politics creeping into government and they will say the commissions are needed in their current role as a protection. My response to that is this, 'Do we really need to protect government from the people?'

"Today we have annual legislative sessions, monthly legislative meetings, professional legislative staffs, open meetings, an aggressive press corps and public access to information. These are things that did not exist when commissions were first formed. I hope the members of this Legislature will have courage to look harshly on the arguments of the special interests when they come in opposition to these changes in government. These are bold steps, but they are only the beginning in what promises to be a long battle to bring the organization of government into the twentieth century. I am confident that this Legislature will join with me in an effort to make government more efficient and accountable to the people. After these first steps are taken, I will work with the Legislature to keep going and take even more action than I am offering today. It took nearly 100 years for government to get in the shape it is in today. We won't turn it around in one 60-day legislative session. I intend to pursue government reorganization methodically until the job is done. We will take on the task in manageable pieces.

"Government reorganization is a critical issue this session, but there are other issues that must be addressed. Legislative leaders and I have worked long and hard to achieve a workable agreement on financing efforts to protect and improve water quality throughout this state, and have developed a responsible compromise. It is imperative that the water quality financing plan be approved this session. We also have a comparable worth agreement for your ratification. Our supplemental budget provides money for street kids, for respite care for the elderly, for education of the handicapped and for day care assistance for low-income families. Safe, affordable day care has become a necessity in thousands of single-parent and two-income families, and I will ask you to approve several measures which were recommended by the statewide day care task force.

"Two other Governors and I worked all of last year to achieve a solution to our three states being the only repositories in the nation for low-level nuclear waste. Before it adjourned last month, Congress passed the bill which we had presented to it. I will send you legislation to implement our state's responsibility for policing this new national system. In the past year, there has been great concern over what state government is doing to help in-state businesses grow and prosper. I share that concern. Several departments have been working for months to implement a simplified business licensing system, and I have included funds in the supplemental budget to continue this process. We also have tried to expedite state reviews necessary for permits and we have brought agencies together through the economic development cabinet to help cut red tape.

"As I look back over the past year, my greatest frustration as Governor has been the state's inability to provide adequate resources necessary to make substantial improvements in education. Education--both the common schools and higher education--has more responsibility for the future well-being of our people and communities than any other part of state government. In the past year, I have spent one day a month in the primary and secondary schools. I am acutely aware of the commitment to learning that exists throughout this state. I am equally aware of the continuing problems that exist, ranging from levy equity and restrictive state

funding, to school employee salaries and the tremendous building needs in communities such as Selah and Bremerton.

"In condensing my school experiences over the past year into a brief summary, I am impressed with:

1. The complexity of the teaching process. There are many different levels of learning going on in a single classroom. As a result, the teaching process also becomes a management process. Teachers must motivate children to learn and to be creative, using many of the same techniques a manager would use to motivate his employees.

2. The diversity of the school system, which delivers many services to the communities, all the way from food and health resources to transportation and education. The schools also play a vital role in the socialization of our young, the learning and development of ideas, instincts and social skills--skills that will guide students through life.

3. The enthusiasm each community has for their children having a positive experience in the school system. They like students who are challenging and hard-working, and they like teachers who challenge their students, who teach creatively and who include the patrons of the school system into the development of new curriculum. This all adds up to a good school system.

"Throughout this state we have good school systems. If you doubt it, go see for yourself. Ultimately, however, our success is going to rely on our ability to attract and retain quality teachers. It will also rely on our ability to get children off to a positive start. Therefore, I've included funds in the supplemental budget for the early childhood education program, to give those most at risk a fighting chance when they are starting out.

"Finally, I am proposing legislation to make the appointment of the State School Board a Governor's appointment with ratification by the Senate. The current system of appointing members of the State Board is so obscure and removed from the people of this state that few understand it. It is my hope that this change will lead to a more intense and visible discussion about the future of education in this state.

"We have an equally great challenge in higher education. Our major universities are in danger of losing hard-won ground both in their programs and facilities. The need for additional resources must be addressed, at the same time that we look at the questions of who goes where, who pays for what and what they get for their money. A vital and prosperous future relies on answering these questions and meeting these needs. There is much more that should be done. The problem is that today, in this era of limited resources, there are simply not the resources at hand to begin major new initiatives in education. The people of this state are going to have to make some hard decisions about how much commitment they are going to put into the educational system.

"I have outlined an agenda for this legislative session. It will be a short, 60-day session. If we accomplish the goals I have outlined, this will be one of the most productive sessions in the history of the state. With reorganization and water quality, we are taking major initiatives that will affect the people of this state for generations. To do less is a commitment to the status quo. We have a great number of challenges ahead of us. We have an even greater number of opportunities. As a government, we must be lean, efficient and flexible. As a people, we must be understanding, compassionate and willing to break new ground.

"I hope this session can be the beginning of something very special in this state--not politics as usual, but government as it can be.

"Thank you."

The President instructed the escort committee to escort Governor Gardner from the House Chamber to his office.

The President instructed the escort committee to escort the State Elected Officials from the House Chambers.

The President instructed the escort committee to escort the Supreme Court Justices from the House Chambers.

MOTION

On motion of Representative J. King, the Joint Session was dissolved.

The President of the Senate returned the gavel to the Speaker of the House.

The Speaker instructed the committee to escort President of the Senate John A. Cherberg, President Pro Tempore H. A. "Barney" Goltz, Vice President Pro Tempore A. L. "Slim" Rasmussen and Majority Leader R. Ted Bottiger from the House Chambers.

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the Senators from the House Chambers.

SECOND AFTERNOON SESSION

The President called the Senate to order at 6:01 p.m.

MOTION

At 6:01 p.m., on motion of Senator Bender, the Senate adjourned until 10:00 a.m., Wednesday, January 15, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 15, 1986

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, McDermott and Stratton. On motion of Senator Bender, Senators Fleming, McDermott and Stratton were excused.

The Sergeant at Arms Color Guard, consisting of Pages Daryl Miller and Hanna Cox, presented the Colors. Reverend Mark A. Barclift, senior pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 14, 1986

GA 128 DOUGLAS BEEMAN, to the position of member of the State Pharmacy Board, reappointed by the Governor on April 10, 1985, for the term ending January 21, 1989.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules.

January 14, 1986

GA 129 JOSEPH HONDA, to the position of member of the State Pharmacy Board, reappointed by the Governor on April 10, 1985, for the term ending January 18, 1988.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules.

January 14, 1986

GA 130 BARBARA VANDERKOLK, to the position of member of the State Pharmacy Board, reappointed by the Governor on April 10, 1985, for the term ending January 20, 1986.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules.

January 14, 1986

GA 166 BEVERLY ARCHAMBEAULT, to the position of member of the State Pharmacy Board, appointed by the Governor on May 9, 1985, for the term ending January 18, 1988, succeeding Rita Robison.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Passed to Committee on Rules.

January 14, 1986

GA 200 DENNIS BARCI, to the position of member of the State Game Commission, appointed by the Governor on June 17, 1985, for the term ending January 19, 1991, succeeding Frank Cassidy. Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Barr, Conner, Johnson, Lee, Metcalf, Peterson, Rasmussen.

Passed to Committee on Rules.

January 14, 1986

GA 201 TERRY L. KARRO, to the position of member of the State Game Commission, appointed by the Governor on June 17, 1985, for the term ending January 19, 1991, succeeding Vern E. Ziegler. Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Barr, Conner, Lee, Metcalf, Peterson, Rasmussen.

Passed to Committee on Rules.

January 14, 1986

GA 214 DR. JAMES WALTON, to the position of member of the State Game Commission, appointed by the Governor on September 26, 1985, for the term ending January 19, 1989, succeeding Jack Dierdorff. Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Conner, Lee, Metcalf, Peterson, Rasmussen.

Passed to Committee on Rules.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chambers of Queen Molly Roe, representing 1986 Capital Lakefair Incorporated, and appointed Senators McDonald, Bailey, DeJarnatt and Bender to escort the honored guest to the rostrum.

With permission of the Senate, business was suspended to permit Queen Molly to welcome the Senators to Olympia.

The honored guest was escorted from the Senate Chambers and the committee was discharged.

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

INTRODUCTION AND FIRST READING

SB 4526 by Senators McCaslin, Thompson, Saling, Bailey and Garrett

AN ACT Relating to counties; amending RCW 36.32.010; and adding new sections to chapter 36.32 RCW.

Referred to Committee on Governmental Operations.

SB 4527 by Senators Moore, Newhouse, Bender and Sellar (by request of Department of Licensing)

AN ACT Relating to commodities and securities licensing; amending RCW 21.20.110; adding a new chapter to Title 21 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 4528 by Senators Talmadge, Newhouse, Barr, Conner and Granlund (by request of Public Disclosure Commission)

AN ACT Relating to public disclosure; and amending RCW 42.17.030, 42.17.090, and 42.17.405.

Referred to Committee on Judiciary.

SB 4529 by Senators Talmadge, Newhouse, Halsan and Johnson

AN ACT Relating to privileged communications for registered nurses; and amending RCW 5.62.020 and 5.62.030.

Referred to Committee on Judiciary.

SB 4530 by Senators Talmadge, Newhouse and Halsan

AN ACT Relating to administrative law; adding new sections to chapter 34.04 RCW; creating a new section; repealing RCW 28B.19.010, 28B.19.020, 28B.19.030, 28B.19.033, 28B.19.037, 28B.19.040, 28B.19.050, 28B.19.060, 28B.19.070, 28B.19.073, 28B.19.077, 28B.19.080, 28B.19.090, 28B.19.100, 28B.19.110, 28B.19.120, 28B.19.130, 28B.19.140, 28B.19.150, 28B.19.160, 28B.19.163, 28B.19.165, 28B.19.168, 28B.19.200, 28B.19.210, section 19, chapter 57, Laws of 1971 ex. sess. (uncodified), section 22, chapter 57, Laws of 1971 ex. sess. (uncodified), 34.04.010, 34.04.020, 34.04.022, 34.04.025, 34.04.026, 34.04.027, 34.04.030, 34.04.040, 34.04.045, 34.04.048, 34.04.050, 34.04.052, 34.04.055, 34.04.057, 34.04.058, 34.04.060, 34.04.070, 34.04.080, 34.04.090, 34.04.100, 34.04.105, 34.04.110, 34.04.120, 34.04.130, 34.04.133, 34.04.135, 34.04.140, 34.04.150, 34.04.170, 34.04.270, 34.04.280, 34.04.290, 34.04.900, 34.04.901, 34.04.910, 34.04.920, 34.04.921, 34.04.930, 34.04.931, and 34.04.940; and providing an effective date.

Referred to Committee on Judiciary.

SB 4531 by Senators Talmadge, Newhouse, Bender, Lee, Rinehart, McManus, Bauer and Conner

AN ACT Relating to insurance for mental health services; amending RCW 48.21.240, 48.44.340, and 48.46.290; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 4532 by Senators Warnke and Granlund

AN ACT Relating to juvenile sex offenders' treatment; creating new sections; and making an appropriation.

Referred to Committee on Education.

SB 4533 by Senators Saling, DeJarnatt, Bender, Vognild and Patterson

AN ACT Relating to motorcycle helmets for minors; and amending RCW 46.37.530.

Referred to Committee on Transportation.

SB 4534 by Senators Wojahn and Zimmerman (by request of Legislative Budget Committee)

AN ACT Relating to cigarette wholesalers and retailers; amending RCW 19.91.010, 19.91.911, 19.02.110, 82.24.130, and 82.24.250; adding new sections to chapter 82.24 RCW; prescribing penalties; and providing effective dates.

Referred to Committee on Commerce and Labor.

SB 4535 by Senators Halsan, Newhouse and Talmadge

AN ACT Relating to professional service corporations; amending RCW 18.100.050, 18.100.130, 18.100.134, and 82.04.431; adding new sections to chapter 18.100 RCW; and repealing RCW 24.03.038.

Referred to Committee on Judiciary.

SB 4536 by Senators Bauer, Peterson, Patterson and Granlund

AN ACT Relating to motor vehicle registration; amending RCW 46.16.028; and prescribing penalties.

Referred to Committee on Transportation.

SB 4537 by Senators Bauer, Peterson, Patterson, Bender and Vognild

AN ACT Relating to driving with an expired license; and amending RCW 46.64.020.

Referred to Committee on Transportation.

SB 4538 by Senators Warnke, Newhouse, Benitz, Wojahn and Conner (by request of Liquor Control Board)

AN ACT Relating to wine; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce and Labor.

SB 4539 by Senators Moore, Bender, Deccio, von Reichbauer, Zimmerman, Johnson, Bauer, Williams, Vognild, Fleming, Conner, Rasmussen and Talmadge (by request of Joint Study Committee on Insurance Availability and Affordability)

AN ACT Relating to property and casualty insurance; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions.

SB 4540 by Senators Bender, Deccio, Moore, von Reichbauer, Bauer, Zimmerman, Johnson, Newhouse, Hansen, McManus, Conner and Rasmussen (by request of Joint Study Committee on Insurance Availability and Affordability)

AN ACT Relating to insurance agency agreements; and adding a new section to chapter 48.17 RCW.

Referred to Committee on Financial Institutions.

SB 4541 by Senators Granlund, Deccio, Moore, von Reichbauer, Zimmerman, Johnson, Hansen, Vognild, Bauer, Fleming, Williams, Newhouse, McManus and Conner (by request of Joint Study Committee on Insurance Availability and Affordability)

AN ACT Relating to insurance; and amending RCW 48.18.290 and 48.18.2901.

Referred to Committee on Financial Institutions.

SB 4542 by Senators Moore, Conner, Granlund, Bauer, Bender, Fleming and Wojahn (by request of Governor Gardner) (by request of Joint Study Committee on Insurance Availability and Affordability)

AN ACT Relating to fees to fund appropriations for the office of insurance commissioner; adding a new section to chapter 48.02 RCW; repealing RCW 48.14.015; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 4543 by Senators Barr, Gaspard, Patterson, Bauer, Saling, Zimmerman and Granlund

AN ACT Relating to basic education; amending RCW 28A.58.095; creating new sections; and making an appropriation.

Referred to Committee on Ways and Means.

SB 4544 by Senators Moore, Talmadge, Granlund, Newhouse, Wojahn, Conner and Lee

AN ACT Relating to vulnerable adults; and amending RCW 74.34.030, 74.34.040, and 74.34.050.

Referred to Committee on Judiciary.

SB 4545 by Senators Bauer, Zimmerman, Thompson, McCaslin, Sellar and Johnson

AN ACT Relating to the national anthem; adding a new section to chapter 1.20 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 4546 by Senators Hansen, Newhouse, Benitz, Barr, Goltz, Bailey, Bauer and Gaspard

AN ACT Relating to defining manufacturing for purposes of excise taxation; and amending RCW 82.04.120.

Referred to Committee on Agriculture.

SB 4547 by Senators Hansen, Newhouse, Goltz, Barr, Bauer, Gaspard, Benitz and Bailey

AN ACT Relating to crop liens; amending RCW 62A.9-310; adding a new chapter to Title 60 RCW; creating new sections; repealing RCW 60.12.010, 60.12.020, 60.12.030, 60.12.040, 60.12.060, 60.12.070, 60.12.080, 60.12.090, 60.12.100, 60.12.110, 60.12.120, 60.12.130, 60.12.140, 60.12.150, 60.12.160, 60.12.170, 60.12.180, 60.12.190, 60.12.200, 60.12.210, 60.14.010, 60.14.020, 60.14.030, 60.22.010, 60.22.020, and 60.22.030; and providing an effective date.

Referred to Committee on Agriculture.

SB 4548 by Senators Vognild, Metcalf, Conner, DeJarnatt and Rasmussen

AN ACT Relating to commercial salmon fishing; amending RCW 75.28.020 and 75.28.030; adding a new section to chapter 75.10 RCW; and providing an effective date.

Referred to Committee on Natural Resources.

SB 4549 by Senators Bluechel, Sellar, Bender and Vognild

AN ACT Relating to vehicle transfer of ownership; and amending RCW 46.12.101.

Referred to Committee on Transportation.

SB 4550 by Senators Hansen, Barr, Benitz, Bailey, Bauer, Gaspard and Newhouse

AN ACT Relating to hydraulic permits; amending RCW 75.20.100, 43.21B.005, and 75.20.050; adding new sections to chapter 75.20 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 4551 by Senators Vognild, Sellar, Peterson, Granlund, Zimmerman, Hansen, Moore, Talmadge, Garrett, Gaspard, Bauer, Rasmussen, Bender, Bottiger and Conner

AN ACT Relating to assault on fire protection personnel; and amending RCW 9A.36.030.

Referred to Committee on Judiciary.

SB 4552 by Senators Hansen, Barr, Newhouse, Goltz, Bailey, Benitz, Gaspard and Bauer

AN ACT Relating to livestock; and amending RCW 16.20.020, 16.20.030, and 16.24.010.

Referred to Committee on Agriculture.

SB 4553 by Senators Hansen, Barr, Goltz, Newhouse, Bailey and Benitz

AN ACT Relating to the state beef commission; and adding a new section to chapter 16.67 RCW.

Referred to Committee on Agriculture.

SB 4554 by Senators Hansen, Barr, Goltz, Benitz, Bauer, Bailey and Gaspard

AN ACT Relating to water well construction; amending RCW 18.104.070; and adding a new section to chapter 18.104 RCW.

Referred to Committee on Agriculture.

SB 4555 by Senators Moore, Warnke, Bender and Johnson

AN ACT Relating to class H liquor licenses; and amending RCW 66.24.420.

Referred to Committee on Commerce and Labor.

SB 4556 by Senators Vognild, Zimmerman, Rasmussen, Peterson, Granlund, Sellar, Wojahn and Moore

AN ACT Relating to electrical equipment safety standards; and amending RCW 19.28.010.

Referred to Committee on Commerce and Labor.

SB 4557 by Senators Thompson and Zimmerman

AN ACT Relating to the rule-making authority of the state building code council for state building code and energy-related standards; and amending RCW 19.27.031, 19.27-.060, 19.27.070, 19.27A.010, and 19.27A.040.

Referred to Committee on Governmental Operations.

SB 4558 by Senator Moore

AN ACT Relating to statutes of limitation; amending RCW 21.20.400; and reenacting and amending RCW 9A.04.080.

Referred to Committee on Judiciary.

SB 4559 by Senators McDermott, McDonald, Thompson, Bluechel and Zimmerman

AN ACT Relating to limited waiver of the one hundred six percent property tax limit; and amending RCW 84.55.050.

Referred to Committee on Ways and Means.

SB 4560 by Senators Thompson, McDermott and McDonald

AN ACT Relating to the legislature and terms of state officials; amending RCW 44.04-.010 and 43.01.010; and adding a new section to chapter 44.04 RCW.

Referred to Committee on Governmental Operations.

SB 4561 by Senators Hansen, Gaspard, Barr, Newhouse, Bauer, Goltz, Bailey, Benitz and Conner

AN ACT Relating to the fairs commission; and repealing RCW 43.131.273 and 43.131.274.

Referred to Committee on Agriculture.

SB 4562 by Senator Goltz

AN ACT Relating to retail sales and use taxation; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4563 by Senators Bauer, Newhouse, Hansen, Barr and Gaspard

AN ACT Relating to agricultural fairs; and amending RCW 36.34.145.

Referred to Committee on Agriculture.

SB 4564 by Senators Vognild, Newhouse, Bottiger, McManus, Conner, DeJarnatt, Granlund, Moore, Bauer, Goltz, Rasmussen, Wojahn and Zimmerman

AN ACT Relating to the establishment of accident and tort liability funds by municipal corporations and political subdivisions; and adding new sections to chapter 4.96 RCW.

Referred to Committee on Governmental Operations.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3416, by Committee on Financial Institutions (originally sponsored by Senators Moore, Rasmussen, Halsan, Warnke and McDonald)

Providing penalties for persons writing drafts or checks and having insufficient funds.

The bill was read the third time and placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, do you think that this is a heavy enough penalty where Westside Federal Savings or Shoreline would issue checks for millions of dollars and then can't make them good--and would this also affect E. F. Hutton with their balancing act?"

Senator Moore: "Well, of course, Senator, one of them comes under federal regulation and we can't do a whole lot about that and the other one, of course, comes under the SEC and the Department of Licensing in the state. Your question is well taken and something probably should be done, but I haven't any idea what the best approach is."

Senator Rasmussen: "I think you have a bill in your committee, Senator Moore, that would require them to reveal when they were in precarious straights--the bank examiner. I hope we can see that this session."

Senator Moore: "Well, it is certainly going to get a hearing, Senator Rasmussen, and God-willing, we'll get an opportunity--all of us--to vote on it."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3416.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3416 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Fleming, McDermost, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3498, by Committee on Commerce and Labor (originally sponsored by Senators Warnke, Bender, Vognild and Stratton)

Regulating recreational water contact facilities.

MOTIONS

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 3498 was returned to second reading and read the second time.

On motion of Senator Warnke, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that recreational water contact activities are becoming increasingly popular. Recreational water contact facilities are expanding in number and in the variety of equipment and activities offered. The legislature, to protect the public health, safety, and welfare and promote the safe use of recreational water contact facilities finds it necessary to regulate these facilities.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) "Recreational water contact facility" means any artificial basin or other structure containing water, used or intended to be used for recreation or therapy, where body contact with the water occurs, or is intended to occur, and any area designated for swimming in natural waters with artificial boundaries within the waters: The term includes, but is not limited to, swimming pools, water slides, hot tubs or spas, wading pools, spray pools, wave pools, and any other water park amusement facility designed for body contact with the water, together with auxiliary buildings and appurtenances, provided with or without charge, regardless of ownership or management.

The term does not include the following: (a) Water contact facilities at a single family residence for the sole use of the occupants and invited guests; (b) water contact facilities at medical or health care facilities operated only for patient use; (c) single-use hydrotherapy tubs; (d) boating and associated activities; (e) scuba activities in natural waters; (f) steam baths and saunas, and (g) fountains whose intended uses are for visual and aesthetic purposes.

(2) "Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

(3) "Secretary" means the secretary of social and health services.

(4) "Person" means an individual, firm, partnership, co-partnership, corporation, company, association, club, government entity, or organization of any kind.

(5) "Department" means the department of social and health services.

(6) "Board" means the state board of health.

NEW SECTION. Sec. 3. (1) The board shall adopt rules under the administrative procedures act, chapter 34.04 RCW, setting safety, sanitation, and water quality standards for recreational water contact facilities. The rules shall include but not be limited to requirements for design; operation; injury and illness reports; biological and chemical contamination standards; water quality monitoring; inspection; permit application and issuance; fees sufficient to cover the costs incurred by the department for the administration and enforcement of this chapter; and enforcement procedures.

(2) In adopting rules under subsection (1) of this section regarding the operation or design of a recreational water contact facility, the board shall review and consider any recommendations made by the recreational water contact facility advisory committee.

NEW SECTION. Sec. 4. (1) A recreational water contact facility advisory committee is established and shall be appointed by the board which shall consist of the following members:

- (a) A representative of the board of health;
- (b) A private operator of a recreational water contact facility;
- (c) A public operator of a recreational water contact facility;
- (d) A representative from the department of social and health services;
- (e) A representative of the county health departments;
- (f) A representative from those who engage in the construction or design of recreational water contact facilities; and

(g) A representative from those who engage in the manufacturing or design of goods or services for recreational water contact facilities.

(2) The advisory committee shall have the following powers and duties:

(a) To assist in reviewing and drafting proposed rules regarding the design or operation of any recreational water contact facility which recommendations shall be transmitted to the board;

(b) To provide technical assistance regarding the review of new products, equipment and procedures, and periodic program review; and

(c) To provide recommendations upon request in the settlement of grievances.

(3) The committee may appoint subcommittees as it deems necessary.

NEW SECTION. Sec. 5. The secretary shall enforce the rules adopted under this chapter. The secretary may develop joint plans of responsibility with any local health jurisdiction to administer this chapter.

NEW SECTION. Sec. 6. (1) Local health officers may establish and collect fees sufficient to cover their costs incurred in carrying out their duties under this chapter and the rules adopted under this chapter.

(2) The department may establish and collect fees sufficient to cover its costs incurred in carrying out its duties under this chapter. The fees shall be deposited in the state general fund.

(3) A person shall not be required to submit fees at both the state and local levels.

NEW SECTION. Sec. 7. A permit is required for any modification to or construction of any recreational water contact facility after the effective date of this act. The plans and specifications for the modification or construction shall be submitted to the applicable local authority or the department as applicable, but a person shall not be required to submit plans at both the state and local levels or apply for both a state and local permit. The plans shall be reviewed and may be approved or rejected or modifications or conditions imposed consistent with this chapter as the public health or safety may require, and a permit shall be issued or denied.

NEW SECTION. Sec. 8. An operating permit from the department or local health officer, as applicable, is required for each recreational water contact facility operated in this state. The permit shall be renewed annually. The permit shall be conspicuously displayed at the recreational water contact facility.

NEW SECTION. Sec. 9. Nothing in this chapter or the rules adopted under this chapter creates or forms the basis for any liability: (1) On the part of the state and local health jurisdictions, or their officers, employees, or agents, for any injury or damage resulting from the failure of the owner or operator of recreational water contact facilities to comply with this chapter or the rules adopted under this chapter; or (2) by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter or the rules adopted under this chapter on the part of the state and local health jurisdictions, or by their officers, employees, or agents.

All actions of local health officers and the secretary shall be deemed an exercise of the state's police power.

NEW SECTION. Sec. 10. Any person operating a recreational water contact facility shall report to the local health officer or the department any serious injury, illness, or death occurring at or caused by the recreational water contact facility.

NEW SECTION. Sec. 11. County, city, or town legislative authorities and the secretary, as applicable, may establish civil penalties for a violation of this chapter or the rules adopted under this chapter.

NEW SECTION. Sec. 12. (1) Any person aggrieved by an order or action of the department may request a hearing under the administrative procedures act, chapter 34.04 RCW.

(2) Any person aggrieved by an order or action of a local health officer may request a hearing which shall be held consistent with the local health jurisdiction's administrative appeals process.

NEW SECTION, Sec. 13. (1) Any person violating any provision of this chapter or the rules adopted under this chapter is guilty of a misdemeanor and subject to a fine of not more than five hundred dollars. Each day upon which a violation occurs constitutes a separate violation. A person violating this chapter may be enjoined from continuing the violation.

(2) Notice shall be provided by the department, if applicable, as required under chapter 34.04 RCW for contested cases. Notice shall be provided by the local health jurisdiction as applicable consistent with the due process requirements of the local health jurisdiction.

NEW SECTION, Sec. 14. (1) A recreational water contact facility shall not be operated within the state unless the owner or operator has purchased insurance in an amount not less than five hundred thousand dollars against liability for bodily injury to or death of one or more persons in any one accident arising out of the use of the recreational water contact facility.

(2) The board may require a recreational water contact facility to purchase insurance in addition to the amount required in subsection (1) of this section.

NEW SECTION, Sec. 15. The recreational water contact facility advisory committee shall be reviewed under the process provided in chapter 43.131 RCW before December 1, 1989. Unless extended by law, the committee shall be terminated on June 30, 1990, and section 4 of this act shall expire June 30, 1991.

NEW SECTION, Sec. 16. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 57, Laws of 1957, section 115, chapter 141, Laws of 1979 and RCW 70.90.010;

(2) Section 2, chapter 57, Laws of 1957, section 116, chapter 141, Laws of 1979 and RCW 70.90.020;

(3) Section 3, chapter 57, Laws of 1957, section 117, chapter 141, Laws of 1979 and RCW 70.90.030;

(4) Section 4, chapter 57, Laws of 1957, section 118, chapter 141, Laws of 1979 and RCW 70.90.040; and

(5) Section 5, chapter 57, Laws of 1957 and RCW 70.90.900.

NEW SECTION, Sec. 17. Sections 1 through 15 of this act are added to chapter 70.90 RCW.

NEW SECTION, Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 19. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "adding new sections to chapter 70.90 RCW; repealing RCW 70.90.010, 70.90.020, 70.90.030, 70.90.040, and 70.90.900; prescribing penalties; and declaring an emergency."

MOTION

On motion of Senator Warnke, the rules were suspended, Reengrossed Substitute Senate Bill No. 3498 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bluechel: "Senator Warnke, is this bill really necessary? Around here, we try to, it seems, regulate everything. Who wants the regulations? I know in King County that they have had some problems with the water quality of one of the operators and it was taken care of, but is it necessary for the state to set up a whole new series of regulations? If we set up advisory boards and the whole works, are we going overboard?"

Senator Warnke: "So to speak. The people that have requested are the Departments of Health of both the state and county. Both testified for the bill. The industry, itself, came in and testified that some regulation was needed to be instituted. We have worked closely with those people all through the interim two-year period and it is fairly well agreed to that there is a public safety hazard in not having regulations dealing with the quality and the safety of the water in the facilities that the general public is going to use. That is exactly what this bill is intended to do—to protect the general public from some of those infectious type contacts."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3498.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3498 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, McCaslin, Metcalf, Pullen - 7.

Excused: Senators Fleming, McDermott, Stratton - 3.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3595, by Committee on Judiciary (originally sponsored by Senators Talmadge, McCaslin, Pullen, Moore, Barr, Rasmussen and Lee)

Establishing the crime of robbery of controlled substance.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3595.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3595 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Fleming, McDermott, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 3595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO 4320, by Committee on Ways and Means (originally sponsored by Senators McManus, Newhouse, Owen, Conner and Moore)

Establishing procedure for submission by state agencies of capital project proposals.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4320.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4320 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Fleming, McDermott, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:42 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:52 a.m. by President Cherberg.

There being no objection, the President returned to the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 15, 1986

GA 188 HELEN RADKE, to the position of member of the State Board for Community College Education, reappointed by the Governor on July 5, 1985, for the term ending April 3, 1989.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Goltz, Granlund, Guess, Kiskaddon, McManus, Patterson, Saling.

Passed to Committee on Rules.

January 15, 1986

GA 242 HERB GELMAN, to the position of member of the Board of Trustees for the Evergreen State College, reappointed by the Governor on September 23, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Goltz, Granlund, Guess, Kiskaddon, McManus, Patterson, Saling.

Passed to Committee on Rules.

January 15, 1986

GA 245 SCOTT B. LUKINS, to the position of member of the Washington State University Board of Regents, appointed by the Governor on October 1, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Goltz, Granlund, Guess, Kiskaddon, McManus, Patterson, Saling.

Passed to Committee on Rules.

January 15, 1986

GA 247 STERLING MUNRO, to the position of member of the Board of Trustees for Central Washington University, appointed by the Governor on September 17, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Goltz, Granlund, Guess, Kiskaddon, McManus, Patterson, Saling.

Passed to Committee on Rules.

January 15, 1986

GA 248 DR. CARROL A. HERNANDEZ, to the position of member of the Board of Trustees for Central Washington University, appointed by the Governor on September 17, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Goltz, Granlund, Guess, Kiskaddon, McManus, Patterson, Saling.

Passed to Committee on Rules.

January 15, 1986

GA 249 DR. R. Y. WOODHOUSE, to the position of member of the Board of Trustees for Central Washington University, appointed by the Governor on September 17, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Goltz, Granlund, Guess, Kiskaddon, McManus, Patterson, Saling.

Passed to Committee on Rules.

January 15, 1986

GA 252 ELEANOR CHASE, to the position of member of the Board of Trustees for Eastern Washington University, reappointed by the Governor on September 23, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Goltz, Granlund, Guess, Kiskaddon, McManus, Patterson, Saling.

Passed to Committee on Rules.

January 15, 1986

GA 253 LARRY TAYLOR, to the position of member of the Board of Trustees for Western Washington University, appointed by the Governor on September 23, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Goltz, Granlund, Guess, Kiskaddon, McManus, Patterson, Saling.

Passed to Committee on Rules.

January 15, 1986

GA 256 SAMUEL STROUM, to the position of member of the University of Washington Board of Regents, appointed by the Governor on September 25, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Goltz, Granlund, Guess, Kiskaddon, McManus, Patterson, Saling.

Passed to Committee on Rules.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Rules Committee was relieved of the following bills and the bills were referred to the committees as listed:

THIRD READING

ENGROSSED SENATE BILL NO. 3044, referred to Committee on Agriculture,
SENATE BILL NO. 3092, referred to Committee on Judiciary

SENATE BILL NO. 3286, referred to Committee on Agriculture,
 SUBSTITUTE SENATE BILL NO. 3459, referred to Committee on Governmental
 Operations,
 SUBSTITUTE SENATE BILL NO. 3712, referred to Committee on Ways and Means,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3717, referred to Committee on Ways and
 Means,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4141, referred to Committee on Govern-
 mental Operations,
 SUBSTITUTE SENATE BILL NO. 4241, referred to Committee on Ways and Means,
 SUBSTITUTE SENATE BILL NO. 4255, referred to Committee on Parks and Ecology,
 SUBSTITUTE SENATE BILL NO. 4308, referred to Committee on Parks and Ecology,
 SENATE JOINT MEMORIAL NO. 113, referred to Committee on Governmental
 Operations,
 ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 103, referred to Committee
 on Governmental Operations,
 SENATE CONCURRENT RESOLUTION NO. 103, referred to Committee on Energy and
 Utilities.

SECOND READING

SENATE BILL NO. 3017, referred to Committee on Ways and Means,
 SENATE BILL NO. 3657, referred to Committee on Financial Institutions,
 SENATE BILL NO. 3806, referred to Committee on Governmental Operations,
 SENATE JOINT RESOLUTION NO. 101, referred to Committee on Ways and Means,
 SENATE JOINT RESOLUTION NO. 118, referred to Committee on Governmental
 Operations.

MOTIONS

On motion of Senator Vognild, the Committee on Human Services and Correc-
 tions was relieved of further consideration of Senate Bill No. 3231.

On motion of Senator Vognild, Senate Bill No. 3231 was referred to the Com-
 mittee on Financial Institutions.

On motion of Senator Vognild, the Committee on Ways and Means was
 relieved of further consideration of Senate Bill No. 3487.

On motion of Senator Vognild, Senate Bill No. 3487 was referred to the Com-
 mittee on Energy and Utilities.

On motion of Senator Vognild, the Committee on Human Services and Correc-
 tions was relieved of further consideration of Senate Bill No. 4323.

On motion of Senator Vognild, Senate Bill No. 4323 was referred to the Com-
 mittee on Financial Institutions.

On motion of Senator Vognild, the Committee on Commerce and Labor was
 relieved of further consideration of Senate Bill No. 4478.

On motion of Senator Vognild, Senate Bill No. 4478 was referred to the Com-
 mittee on Governmental Operations.

On motion of Senator Vognild, the Committee on Education was relieved of
 further consideration of Senate Bill No. 4543.

On motion of Senator Vognild, Senate Bill No. 4543 was referred to the Com-
 mittee on Ways and Means.

POINT OF INQUIRY

Senator McDonald: "Senator Vognild, just for the record on Senate Bill 3487, it is
 my understanding that it is going to Energy and Utilities first, but it does have a
 very significant fiscal impact. It's your intent to send it back then to the Ways and
 Means Committee, is that correct?"

Senator Vognild: "Senator McDonald, when Senate Bill 3487 comes out of
 Energy and Utilities, if it still has a fiscal impact, it will be referred to Ways and
 Means."

MOTION

At 11:56 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Thursday, January 16, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 16, 1986

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Hansen and Stratton. On motion of Senator Bender, Senators Hansen and Stratton were excused.

The Sergeant at Arms Color Guard, consisting of Pages Walter Pullen and Nicole Brown, presented the Colors. Reverend Mark A. Barclift, senior pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 15, 1986

SB 4500 Prime Sponsor, Senator Granlund: Revising the basic education formula. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Goltz, Granlund, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules for second reading.

January 15, 1986

SB 4501 Prime Sponsor, Senator Gaspard: Revising the basic education formula. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Goltz, Granlund, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 14, 1986

GA 190 GEORGE JOHNSON, to the position of member of the Board of Prison Terms and Paroles, reappointed by the Governor on July 5, 1985, for the term ending June 30, 1988.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Passed to Committee on Rules.

January 14, 1986

GA 189 WILLIAM HENRY, to the position of member of the Board of Prison Terms and Paroles, reappointed by the Governor on July 5, 1985, for the term ending June 30, 1987.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

April 17, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval Substitute Senate Bill No. 3090, entitled:

"AN ACT Relating to defense of persons."

The legislature in trying to strengthen the self-defense statute appears to have significantly broadened the areas of coverage. The current statute protects citizens who defend themselves or aid others in defense of heinous crimes from the added burden of paying legal fees when they are charged with criminal conduct. When the citizen's actions are found to be justified, the state will pay the legal costs. The current statute is a positive approach by state government to help its citizens.

However, Substitute Senate Bill No. 3090 includes an exemption for civil liability, as well as criminal, and could be construed to require the state to pay legal fees, loss-wages, and all expenses in civil cases. Normally, the losing party in a civil suit pays at least the court costs of the prevailing party. It would not be appropriate to expand the use of state funds to pay legal fees, loss-wages and other expenses in civil cases where the state is not a party to the litigation.

The bill also greatly expands the offense categories which are covered under self-defense actions. The United States Supreme Court recently handed down a decision concerning the use of force by law enforcement to stop a fleeing criminal. The Court ruled that the crime committed should be considered a "dangerous felony" for the police to shoot the criminal. The offense categories in this bill are expanded beyond what could be considered a dangerous felony and should be the subject of further review before changes are made, including a review of the state law on use of deadly force.

The bill would also expand coverage for legal fees to include law enforcement officers who are required to defend themselves in a coroner's inquest or other similar proceeding. According to RCW 30.24.020, coroner's inquests are a local decision and proceeding with cost borne at the local level. It would seem reasonable that additional costs for law enforcement officers are also clearly a local responsibility, which should not be transferred to the state.

For the above reasons, I have vetoed Substitute Senate Bill No. 3090.

Respectfully submitted,

BOOTH GARDNER

The veto message on SUBSTITUTE SENATE BILL NO. 3090 was referred to the Committee on Judiciary.

MESSAGES FROM THE HOUSE

January 14, 1986

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 124, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

January 14, 1986

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 125, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

January 15, 1986

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 6.

SUBSTITUTE HOUSE BILL NO. 37.

SECOND SUBSTITUTE HOUSE BILL NO. 136.

SUBSTITUTE HOUSE BILL NO. 205,
 SUBSTITUTE HOUSE BILL NO. 243,
 HOUSE BILL NO. 392,
 HOUSE BILL NO. 464,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 495,
 SUBSTITUTE HOUSE BILL NO. 594,
 SUBSTITUTE HOUSE BILL NO. 719,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 879,
 SUBSTITUTE HOUSE BILL NO. 1096,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1177,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182,
 HOUSE JOINT MEMORIAL NO. 17,
 ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 25, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING

SB 4565 by Senators Hansen, Barr, Newhouse, Goltz, Bailey, Benitz, Bauer and Zimmerman (by request of Department of Ecology)

AN ACT Relating to authority for conditioning ground water permits; and amending RCW 90.44.060.

Referred to Committee on Agriculture.

SB 4566 by Senator Kreidler (by request of Department of Community Development)

AN ACT Relating to authorizing the purchase of nonalcoholic beverages for non-compensated personnel; amending RCW 43.150.070; and adding a new section to chapter 43.03 RCW.

Referred of Committee on Governmental Operations.

SB 4567 by Senators Goltz, Saling, Thompson, Bailey, Garrett and Zimmerman

AN ACT Relating to the construction and procurement by cities, towns, and counties of resource recovery facilities and solid waste handling systems and plants; amending RCW 35.21.120 and 36.58.040; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.58 RCW; and creating new sections.

Referred to Committee on Governmental Operations.

SB 4568 by Senator Owen

AN ACT Relating to fish and wildlife management; amending RCW 82.08.020, 82.12-.020, 82.12.045, and 43.99.110; adding a new section to chapter 43.99 RCW; creating a new section; and providing an effective date.

Referred to Committee on Natural Resources.

SB 4569 by Senators Owen, Warnke and Barr

AN ACT Relating to sport fishing licenses; and creating a new section.

Referred to Committee on Natural Resources.

SB 4570 by Senators Owen, Halsan and Vognild

AN ACT Relating to the department of fisheries and game; amending RCW 43.17.010, 43.17.020, 46.16.605, 75.08.011, 75.08.014, 77.08.010, 77.12.170, 77.12.185, 77.12.210, 77.12.230, 77.12.240, 77.12.323, 77.12.380, 77.12.390, 77.21.040, 82.27.070, and 90.48.142; creating new sections; repealing RCW 75.08.014, 77.04.020, 77.04.030, 77.04.040, 77.04.060, 77.04.080, 77.04.090, 77.12.190, and 79.72.100; and providing an effective date.

Referred to Committee on Natural Resources.

SB 4571 by Senator Hayner

AN ACT Relating to rewards; amending RCW 10.85.030, 10.85.040, and 10.85.050; and adding a new section to chapter 10.85 RCW.

Referred to Committee on Governmental Operations.

SB 4572 by Senators Kreidler, Goltz, Thompson, Zimmerman and Bluechel

AN ACT Relating to shoreline management; amending RCW 90.58.030, 90.58.180, 90.58.190, and 90.58.210; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 4573 by Senators Owen, Barr, Patterson and Peterson

AN ACT Relating to forest protection; amending RCW 43.30.300, 46.09.200, 52.18.030, 52.20.027, 70.94.760, 76.14.120, and 84.33.130; adding a new section to chapter 43.30 RCW; adding new sections to chapter 76.04 RCW; adding a new section to chapter 76.09 RCW; adding a new section to chapter 79.01 RCW; creating a new section; repealing RCW 76.04.010, 76.04.020, 76.04.030, 76.04.050, 76.04.060, 76.04.070, 76.04.080, 76.04.090, 76.04.100, 76.04.110, 76.04.120, 76.04.130, 76.04.140, 76.04.150, 76.04.170, 76.04.180, 76.04.190, 76.04.200, 76.04.210, 76.04.220, 76.04.222, 76.04.240, 76.04.242, 76.04.245, 76.04.251, 76.04.252, 76.04.270, 76.04.273, 76.04.275, 76.04.277, 76.04.280, 76.04.280, 76.04.290, 76.04.300, 76.04.310, 76.04.340, 76.04.350, 76.04.360, 76.04.370, 76.04.380, 76.04.385, 76.04.390, 76.04.395, 76.04.400, 76.04.410, 76.04.420, 76.04.430, 76.04.440, 76.04.490, 76.04.500, 76.04.510, 76.04.515, and 76.04.520; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 4574 by Senators Wojahn, Kiskaddon, DeJarnatt, Kreidler, Conner, Vognild, Johnson and Garrett (by request of Department of Social and Health Services)

AN ACT Relating to chore services; amending RCW 74.08.541; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 4575 by Senators Halsan and Moore

AN ACT Relating to credit card authorizations; adding a new section to chapter 19.86 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions.

SB 4576 by Senators Halsan and Talmadge

AN ACT Relating to community supervision of offenders; amending RCW 9.94A.120, 9.94A.200, 9.94A.360, and 9.94A.330; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4577 by Senators Halsan, Talmadge and Warnke

AN ACT Relating to the prevention of driving while intoxicated; adding a new section to chapter 10.05 RCW; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Judiciary.

SB 4578 by Senators Halsan and Owen

AN ACT Relating to the department of game; amending RCW 43.17.020, 77.04.020, 77.04.030, 77.04.040, 77.04.060, 77.04.080, 77.04.090, 77.08.010, 77.08.020, 77.08.030, 77.08.045, 77.12.010, 77.12.020, 77.12.030, 77.12.040, 77.12.040, 77.12.055, 77.12.060, 77.12.070, 77.12.080, 77.12.090, 77.12.100, 77.12.105, 77.12.140, 77.12.150, 77.12.170, 77.12.200, 77.12.210, 77.12.220, 77.12.260, 77.12.265, 77.12.270, 77.12.280, 77.12.290, 77.12.300, 77.12.315, 77.12.320, 77.12.323, 77.12.325, 77.12.330, 77.12.370, 77.12.420, 77.12.450, 77.12.530, 77.12.560, 77.12.570, 77.12.580, 77.12.590, 77.16.010, 77.16.020, 77.16.040, 77.16.060, 77.16.080, 77.16.095, 77.16.110, 77.16.120, 77.16.130, 77.16.150, 77.16.180, 77.16.310, 77.16.320, 77.21.010, 77.21.020, 77.21.030, 77.21.040, 77.21.060, 77.21.070, 77.32.007, 77.32.010, 77.32.050, 77.32.060, 77.32.070, 77.32.090, 77.32.155, 77.32.197, 77.32.211, 77.32.220, 77.32.230, 77.32.256, 77.32.320, 77.32.360, 77.32.370, 9.41.098, 42.17.2401, 43.51.675, 43.51.955, 75.08.055, 90.03.247, 90.22.010, and 90.22.020; reenacting and amending RCW 77.12.201 and 77.32.350; and creating a new section.

Referred to Committee on Natural Resources.

SB 4579 by Senators Halsan, Owen, Warnke, Peterson and Vognild

AN ACT Relating to game fish; amending RCW 77.12.010; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 4580 by Senators Halsan, Owen and Vogwild

AN ACT Relating to game fish; and amending RCW 77.12.010.

Referred to Committee on Natural Resources.

SB 4581 by Senator Halsan

AN ACT Relating to authorizing the governor to consolidate the administration of community college districts; and amending RCW 28B.50.040.

Referred to Committee on Education.

SB 4582 by Senators Moore, Sellar, Bender and Newhouse

AN ACT Relating to fraud in the obtaining of health care benefits; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions.

SB 4583 by Senators Moore and Goltz

AN ACT Relating to health insurance; amending RCW 41.04.180; and creating a new section.

Referred to Committee on Financial Institutions.

SB 4584 by Senators Benitz and Thompson

AN ACT Relating to library districts; and amending RCW 54.28.055.

Referred to Committee on Governmental Operations.

SB 4585 by Senators Owen and Pullen

AN ACT Relating to game hunters; amending RCW 77.16.310; adding new sections to chapter 77.16 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 4586 by Senator Williams

AN ACT Relating to energy-related building standards eliminating adoption by reference of certain codes, rules and regulations now adopted by reference in chapter 19.27 RCW and recognizing the state building code council as successor to the state building code advisory council; and amending RCW 19.27A.010, 19.27A.020, 19.27A.040, and 19.27A.050.

Referred to Committee on Energy and Utilities.

SB 4587 by Senator Williams

AN ACT Relating to regulations of the utility and transportation commission; reenacting RCW 80.04.010; and reenacting and amending RCW 80.04.130.

Referred to Committee on Energy and Utilities.

SB 4588 by Senators Gaspard, Bender and Warnke

AN ACT Relating to compensation of teachers for in-service training; and adding a new section to chapter 28A.71 RCW.

Referred to Committee on Education.

SB 4589 by Senators Zimmerman, Garrett, Saling and Granlund

AN ACT Relating to motor vehicle safety restraints; adding a new section to chapter 46.61 RCW; adding a new section to chapter 4.24 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 4590 by Senators Thompson, Zimmerman and Rasmussen (by request of State Treasurer)

AN ACT Relating to local government; adding a new chapter to Title 43 RCW; adding a new section to chapter 36.29 RCW; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 4591 by Senators Thompson, Zimmerman and Rasmussen (by request of State Treasurer)

AN ACT Relating to state warrants; and amending 43.08.062.

Referred to Committee on Governmental Operations.

SB 4592 by Senators Rasmussen and Zimmerman (by request of State Treasurer)

AN ACT Relating to the state school equalization fund; reenacting and amending RCW 82.44.150; and repealing RCW 28A.46.010.

Referred to Committee on Ways and Means.

SB 4593 by Senators Moore, Sellar and Rasmussen (by request of State Treasurer)

AN ACT Relating to deposit of public funds; and amending RCW 39.58.135 and 39.58.040.

Referred to Committee on Financial Institutions.

SB 4594 by Senators Thompson, Saling and DeJarnatt

AN ACT Relating to personnel procedures; and reenacting and amending RCW 41.06.150.

Referred to Committee on Governmental Operations.

SB 4595 by Senators McDermott, Lee, Fleming, Wojahn, Conner, Bender, Granlund, Gaspard, Goltz, Williams, Garrett, McManus and Bauer (by request of Governor Gardner)

AN ACT Relating to comparable worth; amending section 702, chapter 6, Laws of 1985 ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

SJR 135 by Senators Talmadge and Halsan

Revising the jurisdiction of the superior court.

Referred to Committee on Judiciary.

SJR 136 by Senators Talmadge and Metcalf

Revising the membership of the judicial qualifications commission.

Referred to Committee on Judiciary.

SJR 137 by Senators Talmadge, Newhouse and Halsan

Revising provisions relating to judges pro tempore.

Referred to Committee on Judiciary.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 125.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SENATE BILL NO. 4291, by Senators Lee and Zimmerman

Authorizing a plan to promote small businesses in certain areas of the state.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4291.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4291 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Barr, Halsan - 2.

Excused: Senators Hansen, Stratton - 2.

SENATE BILL NO. 4291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 4128, by Committee on Human Services and Corrections (originally sponsored by Senator McCaslin) (by Corrections Standards Board request)

Revising the authority of the corrections standards board.

MOTIONS

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 4128 was returned to second reading and read the second time.

On motion of Senator Wojahn, the following amendment by Senators Wojahn and McCaslin was adopted:

Beginning on page 16, after line 11 strike all the material down to and including "jails." on page 17, line 16, and insert the following:

"Sec. 15. Section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 10, chapter 360, Laws of 1985 and RCW 19.27.060 are each amended to read as follows:

(1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code. No amendment to a code enumerated in RCW 19.27.031 that affects single family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b). Any county or city amendment to a code enumerated in RCW 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to be effective after any action is taken under RCW 19.27.074(1)(a) without necessity of reapproval under RCW 19.27.074(1)(b) unless the amendment is declared null and void by the council at the time any action is taken under RCW 19.27.074(1)(a) because such action in any way altered the impact of the amendment.

(2) Except as permitted or provided otherwise under this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any governmental subdivision or unit of local government.

(3) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single family or multifamily residential buildings: PROVIDED, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with a B occupancy as defined by the uniform building code, 1982 edition, and with a city fire insurance rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

(5) No provision of the uniform fire code concerning roadways shall be part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(6) The provisions of the state building code are preempted by any physical standards adopted by the ~~((state jail commission))~~ corrections standards board under RCW 70.48.050 when the code provisions relating to the installation or use of sprinklers in the cells conflict with the standards and the secure and humane operation of jails."

MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Bill No. 4128 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4128.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4128 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Barr - 1.

Excused: Senators Hansen, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senator Barr was excused.

THIRD READING

SENATE BILL NO. 3011, by Senator Lee

Requiring uniform fees for copies of public records.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3011.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3011 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Barr, Hansen, Stratton - 3.

SENATE BILL NO. 3011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3030, by Senators McDermott, Gaspard, Zimmerman, Conner and von Reichbauer (by Legislative Budget Committee request)

Enhancing accountability for publicly owned vehicles.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3030.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3030 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Johnson - 1.

Excused: Senators Barr, Hansen, Stratton - 3.

SENATE BILL NO. 3030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3048, by Committee on Financial Institutions (originally sponsored by Senator Moore)

Modifying the state advisory committee on securities.

The bill was read the third time and placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, are so-called financial planners or counselors licensed?"

Senator Moore: "The answer to that is both 'yes' and 'no,' Senator Rasmussen, because there are a number of them that are calling themselves financial planners or investment advisors who in reality are not and the Department has not the resources to run these people down to see that they are licensed, so there has been quite a bit of looseness.

"All credit to that group, they are trying to police their own group. That's one of the reasons they want membership on this committee."

Senator Rasmussen: "But at the present time, there is no licensing requirement per se?"

Senator Moore: "Not really."

Senator Rasmussen: "Thank you."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3048.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3048 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Barr, Hansen, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 3048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3093, by Senators Talmadge, Newhouse, Halsan, McCaslin, Hayner and Metcalf

Revising provisions relating to theft.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3093.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3093 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Barr, Hansen, Stratton - 3.

SENATE BILL NO. 3093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3160, by Committee on Education (originally sponsored by Senator Warnke)

Providing for school employee suggestion awards.

MOTIONS

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 3160 was returned to second reading and read the second time.

On motion of Senator Gaspard, the following amendment was adopted:
On page 1, line 22, strike "1985" and insert "1986"

MOTION

On motion of Senator Gaspard, the rules were suspended, Reengrossed Substitute Senate Bill No. 3160 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3160.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3160 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Hansen, Stratton - 2.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3756, which was on the second reading calendar, was referred to the Committee on Rules.

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 4484.

On motion of Senator Vognild, Senate Bill No. 4484 was referred to the Committee on Ways and Means.

MOTION

At 10:48 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, January 17, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 17, 1986

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Stratton. On motion of Senator Bender, Senator Stratton was excused.

The Sergeant at Arms Color Guard, consisting of Pages John High and Marci Haller, presented the Colors. Reverend Mark A. Barclift, senior pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 14, 1986

SB 3260 Prime Sponsor, Senator Kreidler: Revising the regulation of health related professions. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3260 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Granlund, Kiskaddon.

Passed to Committee on Rules for second reading.

January 13, 1986

SSB 3414 Prime Sponsor, Committee on Commerce and Labor: Enforcing the regulatory fairness act. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Second Substitute Senate Bill No. 3414 be substituted therefor, and the second substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 15, 1986

SB 3453 Prime Sponsor, Senator Talmadge: Identifying the scope of common law liens. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3453 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

January 16, 1986

SB 4443 Prime Sponsor, Senator Rinehart: Providing for ongoing absentee voter status for blind persons. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman, McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 16, 1986

SB 4446 Prime Sponsor, Senator Thompson: Requiring maintenance of fire hydrants. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 16, 1986

SB 4448 Prime Sponsor, Senator Thompson: Modifying publication notice requirements for improvement districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 16, 1986

SB 4449 Prime Sponsor, Senator Thompson: Authorizing county treasurers to combine funds for investment purposes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 16, 1986

SB 4450 Prime Sponsor, Senator Thompson: Establishing procedures for filing of candidacy by mail and ordering the appearance of names on ballots. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 16, 1986

SB 4467 Prime Sponsor, Senator Zimmerman: Modifying provisions on port district industrial development levies. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4467 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 15, 1986

GA 133 LARRY ERICKSON, to the position of member of the Corrections Standards Board, reappointed by the Governor on April 10, 1985, for the term ending September 24, 1987.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Conner, Craswell, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules.

January 15, 1986

GA 134 HENRY BEAUCHAMP, to the position of member of the Corrections Standards Board, reappointed by the Governor on April 10, 1985, for the term ending September 24, 1987.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Conner, Craswell, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules.

January 15, 1986

GA 136 DAVID McEACHRAN, to the position of member of the Corrections Standards Board, reappointed by the Governor on April 10, 1985, for the term ending September 24, 1987.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Conner, Craswell, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules.

January 15, 1986

GA 172 KEN EIKENBERRY, to the position of member of the Corrections Standards Board, reappointed by the Governor on June 13, 1985, for the term ending September 24, 1988.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Conner, Craswell, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules.

January 15, 1986

GA 173 TERRY SEBRING, to the position of member of the Corrections Standards Board, appointed by the Governor on June 13, 1985, for the term ending September 24, 1989, succeeding Keith Angier.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Conner, Craswell, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules.

January 16, 1986

GA 182 MARIAN TROYER-MERKEL, to the position of member of the Hospital Commission, appointed by the Governor on July 5, 1985, for the term ending July 16, 1989, succeeding John C. McCarthy.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Granlund, Johnson.

Passed to Committee on Rules.

January 16, 1986

GA 259 ANITA MENDEZ-PETERSON, to the position of member of the Clemency and Pardons Board, reappointed by the Governor on October 16, 1985, for the term ending September 25, 1989.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Granlund, Johnson.

Passed to Committee on Rules.

January 16, 1986

GA 260 VERNON STONER, to the position of member of the Clemency and Pardons Board, appointed by the Governor on October 16, 1985, for the term ending September 25, 1988.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Granlund, Johnson.

Passed to Committee on Rules.

January 16, 1986

GA 262 TRUDY SCHMIDLI to the position of member of the Clemency and Pardons Board, appointed by the Governor on October 16, 1985, for the term ending September 25, 1988.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Granlund, Johnson.

Passed to Committee on Rules.

January 15, 1986

GA 263 MARK COOPER, to the position of member of the Corrections Standards Board, appointed by the Governor on October 1, 1985, for the term ending September 24, 1989, succeeding Norman Chamberlain.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Conner, Craswell, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules.

January 15, 1986

GA 264 BETTE RINEHART, to the position of member of the Corrections Standards Board, appointed by the Governor on October 1, 1985, for the term ending September 24, 1989, succeeding Elaine Melior.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Conner, Craswell, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 10, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:

Barbara Vanderkolk, reappointed January 10, 1986, for a term ending January 20, 1990, as a member of the Pharmacy Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

January 10, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Jack Tice, appointed January 10, 1986, for a term ending September 30, 1990, as a member of the Peninsula Community College District 1 Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 10, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Jack Durney, appointed January 10, 1986, for a term ending September 30, 1986, as a member of the Grays Harbor Community College District 2 Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

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

INTRODUCTION AND FIRST READING

SB 4596 by Senators Granlund, Kiskaddon, Wojahn, Garrett and Johnson

AN ACT Relating to community mental health services; and amending RCW 71.24-.015, 71.24.025, 71.24.035, 71.24.045, and 71.24.155.

Referred to Committee on Human Services and Corrections.

SB 4597 by Senators Williams, Kreidler and McManus

AN ACT Relating to maternity vacation leave; and amending RCW 35.58.400, 36.32-.390, 43.01.040, and 43.01.042.

Referred to Committee on Governmental Operations.

SB 4598 by Senator Williams

AN ACT Relating to municipal utilities; and reenacting and amending RCW 35.92.070.

Referred to Committee on Energy and Utilities.

SB 4599 by Senators Williams, Rasmussen, McManus, Granlund, Bender, Moore, Rinehart and Warnke

AN ACT Relating to information delivery telephone services; adding a new section to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 4600 by Senators Williams, Rasmussen, McManus, Granlund and Warnke

AN ACT Relating to sale of snuff to minors; and amending RCW 26.28.080.

Referred to Committee on Commerce and Labor.

SB 4601 by Senators Williams, Kreidler and Zimmerman

AN ACT Relating to the rehabilitation and assessment of historic property; and amending RCW 84.26.020, 84.26.030, 84.26.040, 84.26.050, 84.26.070, 84.26.080, and 84.26-.090.

Referred to Committee on Parks and Ecology.

SB 4602 by Senators Williams, Moore, Metcalf, Johnson, Bottiger, Bender and Rasmussen

AN ACT Relating to financial institutions; and adding new sections to chapter 30.04 RCW.

Referred to Committee on Financial Institutions.

SB 4603 by Senators Bender, Bauer, Rinehart, Patterson, Saling and Gaspard

AN ACT Relating to tuition and fees; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Education.

SB 4604 by Senators Granlund, Gaspard, Johnson, Wojahn, Bottiger, Rasmussen, Warnke and von Reichbauer

AN ACT Relating to community college tuition waivers; and repealing section 3, chapter 50, Laws of 1984 (uncodified).

Referred to Committee on Education.

SB 4605 by Senators Bauer and Patterson

AN ACT Relating to school district reorganization; and adding a new section to chapter 28A.57 RCW.

Referred to Committee on Education.

SB 4606 by Senators Hansen, Sellar, Goltz, Barr, Rasmussen, Cantu, Patterson, Johnson and Conner

AN ACT Relating to public utility and transportation corridors; and repealing RCW 64.04.180 and 64.04.190.

Referred to Committee on Transportation.

SB 4607 by Senators Kreidler, Hansen, Goltz, Bauer and Gaspard

AN ACT Relating to protecting animals from cruel treatment; amending RCW 16.52.010, 16.52.020, 16.52.030, 16.52.040, 16.52.055, 16.52.070, 16.52.080, 16.52.095, 16.52.160, and 16.52.180; adding new sections to chapter 16.52 RCW; repealing RCW 16.52.085, 16.52.100, 16.52.165, and 16.52.185; and prescribing penalties.

Referred to Committee on Agriculture.

SB 4608 by Senator Owen

AN ACT Relating to motor vehicle dealers, salesmen, and manufacturers licenses; amending RCW 46.70.051; and adding new sections to chapter 46.70 RCW.

Referred to Committee on Transportation.

SB 4609 by Senators Halsan and Peterson

AN ACT Relating to county rail districts; adding new sections to chapter 36.60 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 4610 by Senators Halsan and Talmadge

AN ACT Relating to the decriminalization of misdemeanors; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

SB 4611 by Senators Halsan, Talmadge, McCaslin, DeJarnatt, Saling, Moore, Williams, Bailey, Kreidler and Johnson

AN ACT Relating to pit bull terriers; adding a new section to chapter 16.08 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4612 by Senators Owen, Guess, Metcalf, Benitz, Saling and Vognild

AN ACT Relating to joint custody of children of divorced parents; amending RCW 26.09.200; adding new sections to chapter 26.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 4613 by Senators Wojahn, Sellar and Stratton

AN ACT Relating to state hospital purchasing authority; and amending RCW 43.19.190 and 43.19.1906.

Referred to Committee on Human Services and Corrections.

SB 4614 by Senator Metcalf

AN ACT Relating to special education; and adding a new section to chapter 28A.13 RCW.

Referred to Committee on Education.

SB 4615 by Senators Peterson, Patterson and Vognild (by request of Department of Transportation)

AN ACT Relating to motor vehicle fuel used in aircraft; and adding a new section to chapter 82.36 RCW.

Referred to Committee on Transportation.

SB 4616 by Senators Peterson, Patterson and Vognild (by request of Department of Transportation)

AN ACT Relating to registration of aircraft pilots; and amending RCW 47.68.233.

Referred to Committee on Transportation.

SB 4617 by Senators Peterson, Hansen and Patterson (by request of Department of Licensing)

AN ACT Relating to drivers' instruction permits; and amending RCW 46.20.055.

Referred to Committee on Transportation.

SB 4618 by Senators Guess, Peterson and Hansen (by request of Department of Licensing)

AN ACT Relating to motor vehicle licensing and registration; amending RCW 46.04-.650, 46.16.070, 46.16.079, 46.16.080, 46.16.083, 46.16.085, 46.16.088, 46.16.111, 46.16.135, 46.16.140, 46.16.170, 46.16.225, 46.16.260, 46.16.280, 46.16.290, 46.85.120, 46.85.130, 46.85.160, 46.87.010, 46.87.030, 46.87.090, and 46.88.010; amending section 24, chapter 380, Laws of 1985 (uncodified); amending section 25, chapter 380, Laws of 1985 (uncodified); reenacting and amending RCW 46.16.090; adding new sections to chapter 46.04 RCW; repealing RCW 46.16.130, 46.85.135, 46.85.147, 46.87.100, and 46.87.110; making an appropriation; and providing an effective date.

Referred to Committee on Transportation.

SB 4619 by Senators Bender, Sellar, Bluechel and Rinehart

AN ACT Relating to an exchange and subsequent use of federally granted trust lands; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 4620 by Senators Halsan, Johnson, Peterson, Bender, Bottiger, McManus, Warnke, Deccio and Lee (by request of Select Committee on Petroleum Marketing Practices)

AN ACT Relating to retail trading practices in the sale of motor vehicle fuels; amending RCW 19.100.010; adding a new chapter to Title 19 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4621 by Senators Halsan, Peterson, Johnson, Bender, Bottiger, Vognild, McManus, Warnke, Deccio and Lee (by request of Select Committee on Petroleum Marketing Practices)

AN ACT Relating to retail sales of motor vehicle fuel; and adding a new chapter to Title 19 RCW.

Referred to Committee on Transportation.

SB 4622 by Senators Halsan, Johnson, Peterson, Bender, Bottiger, McManus, Warnke, Deccio and Lee (by request of Select Committee on Petroleum Marketing Practices)

AN ACT Relating to the retail sale of motor vehicle fuels; and adding a new chapter to Title 19 RCW.

Referred to Committee on Transportation.

SB 4623 by Senators Halsan, Johnson, Peterson, Bender, Bottiger, McManus, Warnke, Deccio and Lee (by request of Select Committee on Petroleum Marketing Practices)

AN ACT Relating to retail sale of motor vehicle fuel; adding a new chapter to Title 19 RCW; and making an appropriation.

Referred to Committee on Judiciary.

SB 4624 by Senators Lee, Stratton and Metcalf

AN ACT Relating to limitation of actions; and reenacting and amending RCW 9A.04.080.

Referred to Committee on Judiciary.

SB 4625 by Senator Warnke

AN ACT Relating to fidelity bonds; and amending RCW 18.44.050.

Referred to Committee on Commerce and Labor.

SB 4626 by Senators Warnke, Fleming, Moore and Williams

AN ACT Relating to the housing trust fund; amending RCW 82.02.030, 63.29.230, 18.44.070, and 59.18.270; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 4627 by Senators Warnke, Hayner, Vognild and Garrett

AN ACT Relating to cigarette sales; amending RCW 19.91.010 and 19.91.030; creating a new section; and repealing RCW 19.91.060, 19.91.100, and 19.91.911.

Referred to Committee on Commerce and Labor.

SB 4628 by Senators Gaspard, Rinehart and Benitz

AN ACT Relating to the community college board; and amending RCW 28B.50.070.

Referred to Committee on Education.

SB 4629 by Senators Talmadge, Sellar, McDermott, Granlund, Zimmerman and Lee

AN ACT Relating to psychologists; amending RCW 18.83.020, 18.83.035, 18.83.050, 18.83.080, 18.83.100, 18.83.130, 18.83.190, and 18.83.200; adding a new section to chapter 18.83 RCW; and repealing RCW 43.131.323.

Referred to Committee on Human Services and Corrections.

SB 4630 by Senator Talmadge

AN ACT Relating to civil actions; amending RCW 5.60.060, 4.84.030, 4.84.250, 4.84.300, 12.20.060, and 7.70.070; adding new sections to chapter 4.84 RCW; recodifying RCW 7.70.070; repealing RCW 4.84.020; and providing an effective date.

Referred to Committee on Judiciary.

SB 4631 by Senator Talmadge

AN ACT Relating to medical malpractice; amending RCW 18.72.030, 18.72.040, 18.72.155, 48.19.030, 4.22.060, 4.24.260, and 4.16.350; adding new sections to chapter 7.70 RCW; adding new sections to chapter 18.57 RCW; adding new sections to chapter 18.71 RCW; adding new sections to chapter 18.72 RCW; adding a new section to chapter 48.42 RCW; adding new sections to chapter 70.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4632 by Senators Hansen, Benitz, Guess, Conner, Deccio, Bottiger, Bailey and Newhouse

AN ACT Relating to the composition of the horse racing commission; and amending RCW 67.16.012.

Referred to Committee on Agriculture.

SB 4633 by Senators Talmadge, Newhouse and Bottiger (by request of Department of Licensing)

AN ACT Relating to fees under the Uniform Commercial Code; and amending RCW 62A.9-302, 62A.9-403, 62A.9-405, 62A.9-406, 62A.9-407, 62A.9-409, and 60.13.040.

Referred to Committee on Judiciary.

SB 4634 by Senator Williams (by request of Utilities and Transportation Commission)

AN ACT Relating to special proceedings of the utilities and transportation commission; and amending RCW 80.04.180 and 81.04.180.

Referred to Committee on Energy and Utilities.

SB 4635 by Senators Williams and Saling (by request of Utilities and Transportation Commission)

AN ACT Relating to special jurisdictional proceedings of the utilities and transportation commission; amending RCW 81.04.510; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Energy and Utilities.

SB 4636 by Senators Williams and Saling (by request of Utilities and Transportation Commission)

AN ACT Relating to penalty assessments made by the utilities and transportation commission; and amending RCW 80.04.405.

Referred to Committee on Energy and Utilities.

SB 4637 by Senators Williams and Saling (by request of Utilities and Transportation Commission)

AN ACT Relating to special proceedings of the utilities and transportation commission; and repealing RCW 80.04.165 and 81.04.165.

Referred to Committee on Energy and Utilities.

SB 4638 by Senators Goltz, Newhouse and Vognild

AN ACT Relating to industrial insurance; and repealing RCW 51.16.050.

Referred to Committee on Commerce and Labor.

SB 4639 by Senators Granlund, Zimmerman and Thompson

AN ACT Relating to vacancies in elective office; amending RCW 36.16.110 and 36.32-.070; and adding a new section to chapter 42.12 RCW.

Referred to Committee on Governmental Operations.

SB 4640 by Senator McDermott

AN ACT Relating to the business and occupation taxation of health or social welfare services; and amending RCW 82.04.4297.

Referred to Committee on Ways and Means.

SB 4641 by Senators McDermott, Hayner, Bottiger, Thompson and Zimmerman

AN ACT Relating to revenue and taxation; amending RCW 82.16.020; adding a new chapter to Title 82 RCW; and prescribing penalties.

Referred to Committee on Ways and Means.

SB 4642 by Senators Granlund, Craswell, Owen, Deccio, Moore and Talmadge

AN ACT Relating to liability for emergency medical services; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Judiciary.

SB 4643 by Senators Granlund, Peterson, Patterson, Kreidler, Conner and Guess

AN ACT Relating to driver's licenses; amending RCW 46.20.011, 46.20.102, and 46.20-.161; adding new sections to chapter 46.20 RCW; creating a new section; repealing RCW 46.20.104; prescribing penalties; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

SJR 138 by Senators Granlund, Zimmerman and Thompson

Revising procedure for filling vacancies in elective office.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 6 by Representatives Sommers, B. Williams, G. Nelson, Brekke, Schoon, Tanner, Sayan and Fuhrman (by request of the Legislative Budget Committee)

Adopting life-cycle costing in construction design of public facilities.

Referred to Committee on Ways and Means.

SHB 37 by Committee on Environmental Affairs (originally sponsored by Representatives D. Nelson, Brough, Rust, Allen, Unsoeld, R. King, P. King, Fisch, McMullen and Lux)

Authorizing above-ground tanks for recycling used oil.

Referred to Committee on Parks and Ecology.

2SHB 136 by Committee on Environmental Affairs (originally sponsored by Representatives Unsoeld, Isaacson, Rust, Allen, Barnes, Valle, Jacobsen, Brekke, Lux, Patrick, R. King, Leonard, May and Belcher)

Promoting local governments hazardous waste management programs.

Referred to Committee on Parks and Ecology.

SHB 205 by Committee on Ways and Means (originally sponsored by Representatives Lux, Winsley and Zellinsky (by request of the Department of Licensing)

Authorizing a limited offering exemption to the securities act.

Referred to Committee on Financial Institutions.

SHB 243 by Committee on Natural Resources (originally sponsored by Representatives Hargrove, Lundquist and Haugen)

Authorizing a voluntary food fish or shellfish license suspension program in conservation crisis.

Referred to Committee on Natural Resources.

HB 392 by Representatives Baugher, Belcher, O'Brien and Hankins (by request of the Department of General Administration)

Repealing the laws requiring the purchase by the state of fuel produced in this state.

Referred to Committee on Governmental Operations.

HB 464 by Representatives Patrick, Sutherland, Sanders, Leonard, Isaacson, Sayan, Dobbs, Haugen, Lundquist, J. Williams, van Dyke and Cole

Restricting the sale of wildlife skins and furs at auction.

Referred to Committee on Natural Resources.

ESHB 495 by Committee on Judiciary (originally sponsored by Representatives Dellwo, Armstrong, Lewis, Scott, Tilly, Locke, Niemi, Lux, Hargrove and Belcher)

Authorizing retrocession of jurisdiction over certain Indian land.

Referred to Committee on Judiciary.

SHB 594 by Committee on Social and Health Services (originally sponsored by Representatives Tanner, Long and Sayan)

Establishing plans for institutional industries and requiring purchase of products from institutional industries.

Referred to Committee on Human Services and Corrections.

SHB 719 by Committee on Higher Education (originally sponsored by Representatives Todd, Crane, Belcher, O'Brien, Baugher, Walk, Peery, Cole, R. King and Brekke)

Requiring installation of smoke detectors in college dormitories.

Referred to Committee on Education.

E2SHB 879 by Committee on Ways and Means (originally sponsored by Representatives Armstrong, Dellwo, Patrick and P. King)

Revising laws against drunk driving.

Referred to Committee on Judiciary.

SHB 1096 by Committee on Natural Resources (originally sponsored by L. Smith, Schoon, Hastings, Schmidt, Bond, Ballard and Isaacson)

Modifying provisions relating to surface mining permits and fees.

Referred to Committee on Natural Resources.

ESHB 1177 by Committee on Environmental Affairs (originally sponsored by Representative Lux)

Providing public access to records of hazardous waste handlers.

Referred to Committee on Parks and Ecology.

ESHB 1182 by Committee on Transportation (originally sponsored by Representatives J. King, S. Wilson, Haugen, Fisher, Gallagher, O'Brien, K. Wilson, McMullen, Hankins, Betrozoff, Schoon, Jacobsen, Miller, Isaacson and Tilly) (by request of the Washington Traffic Safety Commission)

Requiring the use of safety belts and child safety seats in motor vehicles.

Referred to Committee on Transportation.

HJM 17 by Representatives K. Wilson, Lundquist, D. Nelson, Thomas, R. King, Hankins, Haugen, Sutherland and Isaacson

Requesting federal funds for treaty fish management.

Referred to Committee on Natural Resources.

ESHJR 25 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Fisch, Leonard and Hargrove)

Providing for the alteration of counties.

Referred to Committee on Governmental Operations.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SENATE BILL NO. 3397, by Senators Stratton, Vognild, Metcalf and Owen

Revising provisions relating to reimbursements for illegally killed wildlife.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3397.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3397 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SENATE BILL NO. 3397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3112, by Committee on Energy and Utilities (originally sponsored by Senators Williams, Benitz, Halsan, Stratton, Owen, Kreidler and Bailey)

Revising provisions relating to cogeneration facilities.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3112.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3112 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Sellar - 1.

Excused: Senator Stratton - 1.

SUBSTITUTE SENATE BILL NO. 3112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:27 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:28 a.m. by President Cherberg.

THIRD READING

SENATE BILL NO. 3021, by Senator Barr

Modifying the fee paid by a married couple or family when filing a water rights statement.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3021.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3021 and the bill passed the Senate by the following vote: Yeas, 29; absent, 19; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 29.

Absent: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, Zimmerman - 19.

Excused: Senator Stratton - 1.

SENATE BILL NO. 3021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Mary Wiley
Journal Clerk
308 Legislative Building
Olympia, Washington

Dear Ms. Wiley:

In reference to SB 3021, I would like the record to indicate that I would vote in favor of this measure. The Republican caucus was in session and I was unable to make it to the floor in time to vote for this measure.

Thank you for your assistance in this matter.

Sincerely yours,
CLIFF BAILEY,
Senator, Thirty-ninth District

THIRD READING

SENATE BILL NO. 3020, by Senators Barr and Goltz

Authorizing expenditures for commodities education programs.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3020.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3020 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Deccio, Hayner - 2.

Excused: Senator Stratton - 1.

SENATE BILL NO. 3020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 126, by Senators McDermott, Fleming, Rinehart and Lee

Ratifying comparable worth agreement.

MOTIONS

On motion of Senator McDermott, Substitute Senate Concurrent Resolution No. 126 was substituted for Senate Concurrent Resolution No. 126 and the substitute resolution was placed on second reading and read the second time.

Senator Pullen moved that the following amendment by Senators Pullen and Rasmussen be adopted:

On page 1, line 26, after "State" and before the semicolon insert:

"PROVIDED, That no contractual right is intended or conferred through the passage of this resolution"

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Pullen and Rasmussen.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 21.

Voting nay: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McDermott, McManus, Peterson, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 27.

Excused: Senator Stratton - 1.

MOTION

Senator Pullen moved that the following amendment by Senators Pullen and Rasmussen be adopted:

On page 1, line 29, after "resolution," insert:

"and subject to its submission to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Pullen and Rasmussen.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; absent, 1; excused, 1.

Voting yea: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kiskaddon, Kreidler, Lee, McDermott, McManus, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Absent: Senator Guess - 1.

Excused: Senator Stratton - 1.

MOTION

Senator Hayner moved that the following amendment be adopted:

On page 1, line 22, strike "and" and strike everything on line 23 through line 26

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Hayner.

The motion by Senator Hayner carried and the amendment was adopted.

MOTION

Senator McDermott moved that the rules be suspended and that Engrossed Substitute Senate Concurrent Resolution No. 126 be advanced to third reading, the second reading considered the third, and the resolution be placed on final passage.

Senator McDonald demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, how many votes does it take to vote this bill--to suspend the rules?"

REPLY BY THE PRESIDENT

President Cherberg: "Two-thirds favorable vote of the members present."

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, is there anything in the rules that permits us, if this doesn't bump, to go into Rules, bring it back out and vote on it about one o'clock?"

REPLY BY THE PRESIDENT

President Cherberg: "In reply to your inquiry, the Rules Committee could meet and place the measure on third reading, but you would not be able to consider it until the next working day."

The President declared the question before the Senate to be the roll call on the motion by Senator McDermott that the rules be suspended and Engrossed Substitute Senate Concurrent Resolution No. 126 be advanced to third reading.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed to receive the constitutional two-thirds majority by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 19.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE CONCURRENT RESOLUTION NO. 126 was passed to the Committee on Rules on third reading.

MOTION

At 12:48 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday, January 20, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 20, 1986

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Fleming, Guess and von Reichbauer. On motion of Senator McCaslin, Senators Benitz, Guess and von Reichbauer were excused. On motion of Senator Vognild, Senator Fleming was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jim Edwards and Shelley Monnett, presented the Colors. Reverend Judith McDaniel, associate rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

January 17, 1986

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 125, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

January 17, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING

SB 4644 by Senators Vognild, Newhouse, Wojahn and Rasmussen (by request of Employment Security Department)

AN ACT Relating to the treatment of tips as wages for unemployment insurance purposes; amending RCW 50.04.320; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4645 by Senators Warnke, Newhouse and Vognild (by request of Employment Security Department)

AN ACT Relating to unemployment insurance coverage of corporate officers; amending RCW 50.04.165; creating a new section; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 4646 by Senators Warnke, Vognild and Wojahn (by request of Employment Security Department)

AN ACT Relating to corporate bonding requirements for unemployment compensation; adding a new section to chapter 50.24 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4647 by Senators Warnke, Newhouse and Vognild (by request of Employment Security Department)

AN ACT Relating to employers qualified for experience rating under unemployment insurance law; amending RCW 50.29.010; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4648 by Senators Vognild, Thompson, McManus, Warnke, Garrett, Wojahn, Patterson, Deccio, Newhouse, Cantu and McDonald

AN ACT Relating to industrial insurance; and amending RCW 51.32.055.

Referred to Committee on Commerce and Labor.

SB 4649 by Senator Pullen

AN ACT Relating to ballots; amending RCW 29.30.010, 29.30.081, 29.30.310, 29.34.125, 29.51.100, and 29.51.110; and repealing RCW 29.51.090.

Referred to Committee on Governmental Operations.

SB 4650 by Senators McDermott, Talmadge and Warnke

AN ACT Relating to public health; adding a new chapter to Title 70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Ways and Means.

SB 4651 by Senator Thompson

AN ACT Relating to the public utility tax on the business of sewerage collection; amending RCW 82.16.010; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 4652 by Senators Wojahn, Cantu, Rasmussen, Johnson, Owen, Craswell, McDonald, McManus, Deccio, Conner, Vognild, Granlund, Kiskaddon, McCaslin, Metcalf, Warnke and Bauer (by request of Lieutenant Governor Cherberg)

AN ACT Relating to blood donors; and adding a new section to chapter 70.01 RCW.

Referred to Committee on Human Services and Corrections.

SB 4653 by Senator Halsan

AN ACT Relating to optometry advertising; amending RCW 18.53.140; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 4654 by Senators Kreidler, Moore, Kiskaddon and Sellar

AN ACT Relating to health care facilities; and adding a new chapter to Title 70 RCW.

Referred to Committee on Commerce and Labor.

SB 4655 by Senators Talmadge, Kreidler, DeJarnatt, Moore, McDonald, Newhouse and Bauer (by request of Department of Social and Health Services)

AN ACT Relating to investigation of persons being considered for employment with the department of social and health services; amending RCW 26.44.070; adding a new section to chapter 43.20A RCW; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Human Services and Corrections.

SB 4656 by Senators Kreidler, DeJarnatt, Kiskaddon and Moore (by request of Department of Social and Health Services)

AN ACT Relating to sentencing; amending RCW 9.94A.122 and 9.94A.120; creating new sections; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 4657 by Senators Talmadge, DeJarnatt, Kreidler, Moore, Newhouse and McDonald (by request of Department of Social and Health Services)

AN ACT Relating to criminal actions under chapter 74.09 RCW; reenacting and amending RCW 9A.04.080; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Judiciary.

SB 4658 by Senators Wojahn, Conner, McDonald and Moore (by request of Department of Social and Health Services)

AN ACT Relating to alternatives to state residential schools; and amending RCW 72.33.125.

Referred to Committee on Human Services and Corrections.

SB 4659 by Senators Talmadge, McDonald, Wojahn and Moore (by request of Department of Social and Health Services)

AN ACT Relating to eligibility determinations for medical care programs; adding a new section to chapter 74.09 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

SB 4660 by Senators Halsan and Newhouse

AN ACT Relating to exempt pension money; and amending RCW 6.16.030.

Referred to Committee on Judiciary.

SB 4661 by Senators Fleming, Granlund, Bender, Wojahn, Zimmerman, Deccio, Bottiger, McDermott, Talmadge, McManus, Bauer and Kreidler

AN ACT Relating to extension of authority to issue and allocate bonds and raise the maximum indebtedness of the Washington state housing finance commission; amending RCW 43.180.050, 43.180.160, and 43.180.200; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 4662 by Senators Kreidler, Bluechel and Talmadge

AN ACT Relating to hazardous waste; and amending RCW 70.105.145.

Referred to Committee on Parks and Ecology.

SB 4663 by Senators Williams, Saling, McManus, Bailey, Granlund, Goltz, Halsan, McCaslin, Garrett, Gaspard, Bauer, Bender, Vognil and Talmadge

AN ACT Relating to radioactive materials; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SB 4664 by Senator Williams

AN ACT Relating to liability requirements for nuclear operations; amending RCW 81.80.190; adding new sections to chapter 70.98 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4665 by Senators Moore, Sellar and Bottiger

AN ACT Relating to out-of-state deposit of public funds; and amending RCW 39.58.080.

Referred to Committee on Financial Institutions.

SB 4666 by Senators Williams, Halsan and Kreidler

AN ACT Relating to a citizens' utility board; adding a new chapter to Title 80 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 41.40 RCW; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SB 4667 by Senators Williams, Kreidler and Halsan

AN ACT Relating to appliance energy efficiency; and adding new sections to chapter 19.27A RCW.

Referred to Committee on Energy and Utilities.

SB 4668 by Senators Thompson, Zimmerman and Talmadge

AN ACT Relating to the criminal justice training commission; and amending RCW 43.101.850.

Referred to Committee on Governmental Operations.

SB 4669 by Senator Moore

AN ACT Relating to public construction surety bonds or insurance; and amending RCW 48.30.270.

Referred to Committee on Financial Institutions.

SB 4670 by Senators Bluechel and Bender

AN ACT Relating to vehicle licenses; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 4671 by Senators DeJarnatt, Metcalf, Rasmussen and Conner

AN ACT Relating to retail sales and use taxation of diesel fuel; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 4672 by Senators Patterson, Hansen, Benitz, Guess, Peterson, Hayner and Lee

AN ACT Relating to directional signs; and adding a new section to chapter 47.42 RCW.

Referred to Committee on Transportation.

SB 4673 by Senators McDermott and Benitz

AN ACT Relating to vocational education; amending RCW 28C.04.020; adding new sections to chapter 28C.04 RCW; creating new sections; repealing RCW 28C.04.030, 28C.04.040, 28C.04.050, 28C.04.090, 28C.04.150, 28C.04.300, 28C.04.310, and 43.131.288; and providing an effective date.

Referred to Committee on Education.

SB 4674 by Senators Thompson and Warnke

AN ACT Relating to salaries of elective state officers; and amending RCW 43.03.010.

Referred to Committee on Governmental Operations.

SB 4675 by Senators Vognild, Guess, Garrett, Bender, Hansen, Sellar, Barr, Patterson, Metcalf, DeJarnatt, Johnson and Zimmerman

AN ACT Relating to motor vehicle license plates; repealing RCW 46.16.275; and declaring an emergency.

Referred to Committee on Transportation.

SB 4676 by Senators Bender, Bluechel, Kreidler, Hansen, McManus and Owen

AN ACT Relating to worker right to know fund; amending RCW 49.70.170; and adding a new section to chapter 49.70 RCW.

Referred to Committee on Parks and Ecology.

SB 4677 by Senators Kreidler, Bluechel and Deccio

AN ACT Relating to winter recreational facilities; and amending RCW 43.51.300 and 43.51.340.

Referred to Committee on Parks and Ecology.

SB 4678 by Senators Vognild, Newhouse and Warnke

AN ACT Relating to job site safety inspections; and amending RCW 49.17.100.

Referred to Committee on Commerce and Labor.

SB 4679 by Senators Bender and Warnke

AN ACT Relating to special education; and amending RCW 28A.13.070.

Referred to Committee on Education.

SB 4680 by Senators Rasmussen, Talmadge, Wojahn, Kiskaddon, Deccio and McDonald (by request of Department of Corrections)

AN ACT Relating to institutional industries; and amending RCW 72.09.110.

Referred to Committee on Human Services and Corrections.

SB 4681 by Senators Kreidler, Kiskaddon, Granlund and Deccio (by request of Department of Corrections)

AN ACT Relating to inmates assigned to work/training release facilities; and amending RCW 9.95.310, 9.95.320, 9.95.340, 9.95.350, 9.95.360, 72.65.090, and 72.65.100.

Referred to Committee on Human Services and Corrections.

SB 4682 by Senators Kreidler, Kiskaddon, McDonald and Granlund (by request of Department of Corrections)

AN ACT Relating to offenders performing community service; and amending RCW 51.12.045 and 72.09.100.

Referred to Committee on Human Services and Corrections.

SB 4683 by Senators Rasmussen, Owen, Deccio and Metcalf (by request of Department of Corrections)

AN ACT Relating to the death penalty; and amending RCW 10.95.180.

Referred to Committee on Human Services and Corrections.

SB 4684 by Senators Wojahn, Owen, Kreidler, Deccio, Kiskaddon, McDonald, Metcalf, Saling, Bauer and Johnson (by request of Department of Corrections)

AN ACT Relating to inmate restitution; and amending RCW 72.09.050.

Referred to Committee on Human Services and Corrections.

SB 4685 by Senators Wojahn, Deccio and Kreidler (by request of Department of Corrections)

AN ACT Relating to the death penalty; and amending RCW 10.95.200.

Referred to Committee on Human Services and Corrections.

SB 4686 by Senators Moore, Bender and Bauer (by request of Governor Gardner)

AN ACT Relating to insurance reporting; adding new sections to chapter 48.05 RCW; and creating a new section.

Referred to Committee on Financial Institutions.

SB 4687 by Senators Guess, Peterson, Hansen, Granlund, Vognild and Bender

AN ACT Relating to motor vehicle equipment; amending RCW 46.37.005 and 46.37.010; reenacting and amending RCW 46.63.020; adding new sections to chapter 46.37 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 4688 by Senators Guess, Rasmussen, Hansen, Patterson, Granlund, Vognild, Bender and Metcalf

AN ACT Relating to seizure and forfeiture of a vehicle driven by a person convicted of a second or subsequent offense of driving while intoxicated; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 4689 by Senators McManus and Garrett

AN ACT Relating to smoking; and amending RCW 70.160.040.

Referred to Committee on Education.

SB 4690 by Senators McManus, Zimmerman, Gaspard, Kiskaddon and Warnke

AN ACT Relating to participation and communication on public issues as part of the centennial observance by organizations and citizens; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on Parks and Ecology.

SB 4691 by Senators Kiskaddon, Newhouse and Vognild

AN ACT Relating to the definition of child for industrial insurance purposes; and amending RCW 51.08.030.

Referred to Committee on Commerce and Labor.

SB 4692 by Senators Kiskaddon and Goltz

AN ACT Relating to adult literacy; adding new sections to chapter 28A.03 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 4693 by Senators Thompson, Talmadge and Zimmerman (by request of Office of Financial Management)

AN ACT Relating to tort claims against the state; amending RCW 4.92.010, 4.92.020, 4.92.030, 4.92.040, 4.92.060, 4.92.070, 4.92.100, 4.92.110, 4.92.160, 4.92.170, and 77.12.280; and repealing RCW 4.92.131.

Referred to Committee on Governmental Operations.

SCR 127 by Senators Kreidler, Bluechel, McDonald and Thompson

Establishing a joint select legislative committee on natural heritage resources.

Referred to Committee on Parks and Ecology.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 32 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Fisch, Miller, Wang, Winsley, Allen, Fisher, O'Brien, P. King, Sayan, Basich, McMullen, Lux, Brekke and Rayburn)

Providing collective bargaining for institutions of higher education.

Referred to Committee on Commerce and Labor.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3590, by Committee on Governmental Operations (originally sponsored by Senators Thompson, Zimmerman, Newhouse, Benitz and Hayner) (by request of Attorney General)

Prohibiting private benefit due to public employment.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3590.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3590, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Kreidler - 1.

Excused: Senators Benitz, Fleming, Guess, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 3590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 4315, by Committee on Ways and Means (originally sponsored by Senators Halsan and Owen)

Modifying the compensating tax imposed on certain forest land transferred to open space classification.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4315.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4315, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Rinehart - 1.

Excused: Senators Benitz, Fleming, Guess - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3287, by Senators McDermott, Guess, Rinehart, Granlund, Cantu, Bailey and Barr (by request of Secretary of State)

Broadening the state's duty to pay prorated election costs.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3287.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3287, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Fleming, Guess - 3.

SENATE BILL NO. 3287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3352, by Senators Gaspard, Bauer, Kiskaddon and Patterson

Providing a state clearinghouse for educational information.

The bill was read the third time and placed on final passage.

POINT OF INQUIRY

Senator Newhouse: "Senator Gaspard, I know it's destructive to read bills, but why require any bureaucrat to publish a newsletter? It appears to me that we have far too many and they do it on their own without requiring it by the Legislature."

Senator Gaspard: "Senator Newhouse, in partial answer to that we felt there was enough information that would require a newsletter to be published. Secondly, we have requested the Superintendent of Public Instruction to do that within their budget right now. There's no fiscal note attached to it so it's one other reminder to the Superintendent that we think it's a good enough program that he ought to be putting out information to local districts."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3352.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3352, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Deccio, McDonald, Newhouse - 3.

Excused: Senators Benitz, Fleming, Guess - 3.

SENATE BILL NO. 3352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3520, by Committee on Financial Institutions (originally sponsored by Senators Bottiger, Hayner, Moore and Sellar)

Modifying provisions on insolvent insurers.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3520.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3520, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Fleming, Guess - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3910, by Senators Talmadge, Halsan and Goltz

Establishing penalties for unfair manufacturing processes.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3910.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3910, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Bluechel, Pullen - 2.

Excused: Senators Benitz, Fleming, Guess - 3.

SENATE BILL NO. 3910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Concurrent Resolution No. 126, which was passed to the Rules Committee on third reading January 17, 1986.

THIRD READING

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 126, by Committee on Ways and Means (originally sponsored by Senators McDermott, Fleming, Rinehart and Lee)

Ratifying comparable worth agreement.

The resolution was read the third time and placed on final passage.

Debate ensued.

Senators Vognild, Bottiger and Conner demanded the previous question.

PARLIAMENTARY INQUIRY

Senator McDonald: "We had the request to cut out debate. We had three people to make that request but we did not have a vote on it, whether we should or not. Is that correct?"

REPLY BY THE PRESIDENT

President Cherberg: "The question now is shall the main question be now put?"

Senator McDonald: "Thank you, Mr. President."

Senator Rasmussen demanded a roll call and the demand was sustained.

MOTION

On motion of Senator von Reichbauer, Senator Hayner was excused.

The President declared the question before the Senate to be the roll call on shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 28; nays, 18; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Barr, Bluechel, Cantu, Craswell, Deccio, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 18.

Excused: Senators Benitz, Guess, Hayner - 3.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Concurrent Resolution No. 126.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Concurrent Resolution No. 126, and the resolution passed the Senate by the following vote: Yeas, 30; nays, 16; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Barr, Bluechel, Cantu, Craswell, Deccio, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 16.

Excused: Senators Benitz, Guess, Hayner - 3.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 126, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Vognild, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator McDermott, the following resolution was adopted:

SENATE RESOLUTION 1986-132

by Senators McDermott and Fleming

WHEREAS, Dr. Martin Luther King, Jr., gained national prominence in leading a nation's conscience to achieve equality and justice for all through non-violent methods; and

WHEREAS, Dr. King began a career as the leader of the Montgomery, Alabama, bus boycott in 1956 which brought national attention to the plight of discrimination against minority races; and

WHEREAS, Dr. King in 1963 led a massive march on Washington, D. C. as the world watched and listened to his "Dream" of equality for all races; and

WHEREAS, King was awarded the Nobel Peace Prize for his outstanding work in awakening the conscience of this nation and all the world; and

WHEREAS, Dr. Martin Luther King died a national hero at the hands of an assassin in 1968 in Memphis, Tennessee, but the "Dream" did not die, but rather has grown in strength during the 18 years since his death; and

WHEREAS, The State of Washington and the United States of America have seen fit to designate the third Monday in January as a state and national holiday to honor the greatness of the life and the times of Dr. Martin Luther King, Jr.;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commemorate Monday, January 20, 1986, as the first-ever celebration of the life and times of Dr. Martin Luther King, Jr. The holiday shall be celebrated throughout Washington State as, not just a black holiday, but a holiday for all Washingtonians to reflect on the concept of peace and justice for all Americans, a concept that inspired Dr. King throughout his life; and

BE IT FURTHER RESOLVED, That the 1986 holiday celebration set a precedent of celebration and joy that Martin Luther King passed our way, and let his life serve as an example for all citizens to reflect on and to follow. Let every person in the state "Live the Dream" of Dr. King so that America can become a nation of high ideals and standards; and

BE IT FURTHER RESOLVED, That the Washington State Senate issue this resolution in recognition of the significant contributions Dr. King has made to all mankind, and recognize this solemn occasion commemorating the life and birth of Dr. Martin Luther King, Jr.

MOTION

At 11:52 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Tuesday, January 21, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 21, 1986

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt, Fleming, Halsan, Hayner, McDermott, Patterson, Pullen, Williams and Wojahn. On motion of Senator Bender, Senators Fleming, McDermott and Williams were excused. On motion of Senator Zimmerman, Senator Pullen was excused.

The Sergeant at Arms Color Guard, consisting of Pages John Snyder and Heather Sanford, presented the Colors. Reverend Judith McDaniel, associate rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE SECRETARY OF STATE

January 13, 1986

The Honorable John A. Cherberg
 President of the Senate
 The Legislature of the State of Washington
 Olympia, Washington
 Mr. President:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature number 90, originally filed with this office on July 22, 1985. On January 3, 1986, the sponsors of the proposed initiative filed 13,482 signature petition sheets in support of the measure. We have completed our preliminary canvass of these petitions and have determined that they contain 211,313 signatures.

Accordingly, pursuant to the provisions of Article 2, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature number 90 to you at this time. We expect to complete the random sample verification of signatures no later than January 24, 1986, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this 13th day of January, A.D., 1986.

(Seal)

Ralph Munro, Secretary of State

INITIATIVE TO THE LEGISLATURE NO. 90

AN ACT Relating to fish and wildlife management; amending RCW 82.08.020, 82.12.020, 82.12.045, and 43.99.110; adding a new section to chapter 43.99 RCW; creating a new section; and providing an effective date.

NEW SECTION. Sec. 1. Washington's fish and wildlife resources belong to all residents of the state. We all benefit economically, recreationally, and aesthetically from these resources. Wildlife management should provide for healthy populations of all species. Adequate funding for proper management now, and for future generations, is the responsibility of everyone.

The universal need of wildlife is sufficient and suitable habitat. Other fundamental needs include control of poaching, a comprehensive resource data base, and a well-informed public. Recreational needs include increased public access and properly funded facilities such as fish hatcheries. To meet these critical needs, a stable and sufficient funding source must be secured. License revenues, the traditional funding source for wildlife, are not keeping up with costs.

Reinvesting in these valuable wildlife resources will protect our quality of life, and maintain a three billion-dollar state industry.

Sec. 2. Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) In addition to the tax imposed under subsection (1) of this section, there is levied and shall be collected on each retail sale in this state an additional tax equal to one-eighth of one percent of the selling price. Moneys collected under this subsection shall be deposited in the state game fund and the wildlife account as provided in section 5 of this 1986 act.

(3) The tax imposed under this chapter shall apply to successive retail sales of the same property.

~~((3))~~ (4) The rates provided in this section ~~((applies))~~ apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 3. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 7, chapter 7, Laws of 1983 and RCW 82.12.020 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08-.020, as now or hereafter amended, in the county in which the article is used.

(2) The moneys collected under this section which result from a rate of one-eighth of one percent of the value of the article used shall be deposited in the state game fund and the wildlife account as provided in section 5 of this 1986 act.

Sec. 4. Section 82.12.045, chapter 15, Laws of 1961 as last amended by section 2, chapter 77, Laws of 1983 and RCW 82.12.045 are each amended to read as follows:

In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. Any person wilfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. Except as provided in RCW 82.12.020, all revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within two years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

NEW SECTION. Sec. 5. A new section is added to chapter 43.99 RCW to read as follows:

(1) Two-thirds of the moneys collected under RCW 82.08.020(2) and 82.12.020(2) shall be deposited in the state game fund.

(2) One-third of the moneys collected under RCW 82.08.020(2) and 82.12.020(2) shall be deposited in the wildlife account hereby created in the state treasury. The wildlife account shall be administered by the interagency committee for outdoor recreation and shall be used for programs and projects related to fish and wildlife conservation and recreation. Moneys in the wildlife account shall be divided as follows:

(a) Not less than forty percent to state agencies, upon application, for eligible programs and projects. "State agencies" include the Washington departments of fisheries, game, natural resources, and ecology, the state parks and recreation commission, and the office of the superintendent of public instruction.

(b) Not less than forty percent to local agencies, upon application, for eligible programs and projects. "Local agencies" means those public bodies defined in RCW 43.99.020(2).

The interagency committee for outdoor recreation shall adopt rules for the distribution of funds from the wildlife account in accordance with the comprehensive plan under subsection (3) of this section. Multiple use projects and cooperative programs between agencies are encouraged as long as they are consistent with the comprehensive plan.

(3) All funds shall be allocated according to a new comprehensive fish and wildlife management plan. The plan shall be developed by the department of game, in consultation with the public and agencies eligible to receive a portion of these funds. Habitat protection and enhancement shall be the primary consideration in development of the comprehensive plan. Other considerations shall include public access, wildlife enforcement, conservation education, population enhancement, and research. The purpose of the plan shall be to establish long-range goals; modern, integrated data collection and management systems; and methods for determining and managing trends for all elements of the resource. The planning and monitoring shall be ongoing and continuous efforts.

Sec. 6. Section 84, chapter 287, Laws of 1984 as amended by section 1, chapter 77, Laws of 1985 and RCW 43.99.110 are each amended to read as follows:

There is created the interagency committee for outdoor recreation consisting of the commissioner of public lands, the director of parks and recreation, the director of game, the director of fisheries, or their designees, and, by appointment of the governor with the advice and consent of the senate, five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation and wildlife in the state. The terms of members appointed from the public at large shall commence on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term; provided the first such members shall be appointed for terms as follows: One member for one year, two members for two years, and two members for three years. The governor shall appoint one of the members from the public at large to serve as chairman of the committee for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 7. This act shall take effect January 1, 1987.

INITIATIVE TO THE LEGISLATURE NO. 90 was referred to the Committee on Natural Resources.

FURTHER MESSAGES FROM THE SECRETARY OF STATE

The Honorable John A. Cherberg
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We respectfully transmit for your consideration the following bills which have been partially vetoed by the Governor, together with the respective veto messages of the governor setting forth his objections to the sections or items of each of the bills as required by Article III, section 12, of the Washington State Constitution:

Substitute Senate Bill 3678, the effective portion of which has been designated Chapter 190, Laws of 1985;

Substitute Senate Bill 3007, the effective portion of which has been designated Chapter 353, Laws of 1985;
 Substitute Senate Bill 3261, the effective portion of which has been designated Chapter 360, Laws of 1985;
 Substitute Senate Bill 3367, the effective portion of which has been designated Chapter 367, Laws of 1985;
 Substitute Senate Bill 3354, the effective portion of which has been designated Chapter 368, Laws of 1985;
 Substitute Senate Bill 3376, the effective portion of which has been designated Chapter 370, Laws of 1985;
 Senate Bill 3612, the effective portion of which has been designated Chapter 374, Laws of 1985;
 Substitute Senate Bill 3684, the effective portion of which has been designated Chapter 375, Laws of 1985;
 Substitute Senate Bill 3799, the effective portion of which has been designated Chapter 383, Laws of 1985;
 Substitute Senate Bill 4399, the effective portion of which has been designated Chapter 388, Laws of 1985;
 Substitute Senate Bill 3069, the effective portion of which has been designated Chapter 431, Laws of 1985;
 Substitute Senate Bill 4267, the effective portion of which has been designated Chapter 432, Laws of 1985;
 Substitute Senate Bill 4424, the effective portion of which has been designated Chapter 435, Laws of 1985;
 Second Substitute Senate Bill 3828, the effective portion of which has been designated Chapter 451, Laws of 1985;
 Senate Bill 3067, the effective portion of which has been designated Chapter 457, Laws of 1985;
 Substitute Senate Bill 3384, the effective portion of which has been designated Chapter 458, Laws of 1985;
 Senate Bill 3400, the effective portion of which has been designated Chapter 459, Laws of 1985;
 Substitute Senate Bill 3920, the effective portion of which has been designated Chapter 460, Laws of 1985;
 Substitute Senate Bill 3184, the effective portion of which has been designated Chapter 463, Laws of 1985;
 Senate Bill 3800, the effective portion of which has been designated Chapter 469, Laws of 1985;
 Substitute Senate Bill 3856, the effective portion of which has been designated Chapter 470, Laws of 1985;
 Substitute Senate Bill 4228, the effective portion of which has been designated Chapter 471, Laws of 1985;
 Substitute Senate Bill 3333, the effective portion of which has been designated Chapter 472, Laws of 1985.

IN TESTIMONY WHEREOF, I have set my hand, and affixed the Seal of the state of Washington at Olympia, this thirty-first day of May, A.D., 1985.
 (Seal)

Ralph Munro, Secretary of State

The Honorable John A. Cherberg
 President of the Senate
 The Legislature of the State of Washington
 Olympia, Washington
 Mr. President:

We respectfully transmit for your consideration Substitute Senate Bill 3249, Senate Bill 3282 and Substitute Senate Bill 3981 which have been vetoed by the Governor, together with the respective veto messages of the Governor setting forth his objections to each of the bills as required by Article III, section 12, of the Washington State Constitution.

IN TESTIMONY WHEREOF, I have set my hand, and affixed the Seal of the state of Washington at Olympia, this thirty-first day of May, 1985.
 (Seal)

Ralph Munro, Secretary of State

The Honorable John A. Cherberg
 President of the Senate
 The Legislature of the State of Washington
 Olympia, Washington
 Mr. President:

We herewith respectfully transmit for your consideration the following sections of a bill partially vetoed by the governor, together with a copy of the official veto message of the governor setting forth his objection to each of the sections as provided by Article III, Section 12, of the Washington State Constitution:

Sections 1 (3), 2, 119 - The proviso, 121 (4) in part, 214 (2), (3) and (4), 311 (2), 601 (3) in part, 602 (4), 603 (4) in part, 604 (5) in part, 604 (6), and 609 (1) in part, of Second Substitute Senate Bill No. 3656, the remainder of which has been designated Chapter 6, First Special Session, Laws of 1985.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this thirteenth day of January, 1986.

(Seal)

Ralph Munro, Secretary of State

The Honorable John A. Cherberg
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

We herewith respectfully transmit for your consideration the following sections of a bill partially vetoed by the governor, together with a copy of the official veto message of the governor setting forth his objections to each of the sections as provided by Article III, Section 12, of the Washington State Constitution:

Section 6 and 7 of Senate Bill No. 3569, the remainder of which has been designated Chapter 188, Laws of 1985.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this twenty-sixth day of April, 1985.

(Seal)

Ralph Munro, Secretary of State

MESSAGES FROM THE GOVERNOR
VETOES AND PARTIAL VETOES

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to Section 5, Substitute Senate Bill No. 3007, entitled:

"AN ACT Relating to motor vehicles;"

Section 5 provides that the value of a motor vehicle for the purpose of paying a use tax will be determined by a bill of sale signed by both parties. Such a proviso would require the acceptance of an unverified document as proof of sales price.

It is my belief that this is an improper way to administer the laws relating to tax collection on vehicles. The Departments of Revenue and Licensing have indicated that they will administratively provide instructions to Licensing's agents to insure the best collection method for use tax on motor vehicles.

With the exception of Section 5, which I have vetoed, Substitute Senate Bill No. 3007 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to several portions, Engrossed Senate Bill No. 3067, entitled:

"AN ACT Relating to aquatic farming."

Section 6 would create an aquaculture advisory council appointed by the Governor. I wholeheartedly support the purpose of the council, which will bring together private interests with the state agencies responsible for aquaculture promotion and regulation. This cooperation is essential to a successful program. However, the council should more appropriately be appointed by and report to the Director of the Department of Agriculture, who has the prime responsibility for promotion under the Act. The Director has authority under existing statute to appoint such an advisory body. The Director should consult the Departments of Fisheries and Natural Resources in making appointments.

Section 8(7) would provide treble damages in civil actions by aquatic farmers in cases where Department of Fisheries' orders for the destruction of aquatic products are held to be unreasonable. Treble damages against the state are without precedent and are, I believe, excessive and unnecessary. However, removing this provision in no way suggests that the Department should not be accountable for its actions. When the Department has committed an

unreasonable act, the courts should continue, as under current law, to award actual and consequential damages.

Section 26(2) would require the Department of Fisheries to survey the boundaries of the state's Puget Sound oyster reserves, assess their ability to support aquaculture, and report to the legislature regarding their optimum use. The Department of Fisheries reports that the surveys required by this subsection would cost more than \$500,000, for which no funding has been provided. In recognition of the need to enhance Puget Sound oyster reserves, I have signed into law Substitute Senate Bill No. 4041. This requires that Fisheries categorize the reserves according to their best uses. It further requires that Fisheries undertake a pilot Olympia oyster cultivation project.

With the exception of Sections 6, 8(7) and 26(2), which I have vetoed, Engrossed Senate Bill No. 3067 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Agriculture.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to Section 1, Substitute Senate Bill No. 3069, entitled:

"AN ACT Relating to professional service corporations;"

Section 1 of Substitute Senate Bill No. 3069 permits non-profit corporations practicing in one of the professions otherwise regulated by Title 18 of the Revised Code of Washington to employ individuals or groups incorporated under Title 18. This provision is unnecessary to the central purpose of this measure which is to permit organizations currently organized under Title 18 to organize under the non-profit corporation provisions of Title 24.

The inclusion of this provision raises significant questions about the relationships of for-profit enterprise with non-profit corporations. There is no current bar to a non-profit corporation contracting with a Title 18 professional services corporation as long as an arms length relationship is maintained. Section 1 of Substitute Senate Bill No. 3069 is therefore unnecessary unless some change in existing policy is intended. I believe that any provision which implies less stringent standards than those in the current law governing the relationship of non-profit entities to for-profit enterprise is unwise. I have therefore vetoed Section 1.

With the exception of Section 1, which I have vetoed, Substitute Senate Bill No. 3069 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Correction.

April 17, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval Substitute Senate Bill No. 3090, entitled:

"AN ACT Relating to defense of persons."

The legislature in trying to strengthen the self-defense statute appears to have significantly broadened the areas of coverage. The current statute protects citizens who defend themselves or aid others in defense of heinous crimes from the added burden of paying legal fees when they are charged with criminal conduct. When the citizen's actions are found to be justified, the state will pay the legal costs. The current statute is a positive approach by state government to help its citizens.

However, Substitute Senate Bill No. 3090 includes an exemption for civil liability, as well as criminal, and could be construed to require the state to pay legal fees, loss-wages, and all expenses in civil cases. Normally, the losing party in a civil suit pays at least the court costs of the prevailing party. It would not be appropriate to expand the use of state funds to pay legal fees, loss-wages and other expenses in civil cases where the state is not a party to the litigation.

The bill also greatly expands the offense categories which are covered under self-defense actions. The United States Supreme Court recently handed down a decision concerning the use of force by law enforcement to stop a fleeing criminal. The Court ruled that the crime committed should be considered a "dangerous felony" for the police to shoot the criminal. The offense categories in this bill are expanded beyond what could be considered a dangerous felony and should be the subject of further review before changes are made, including a review of the state law on use of deadly force.

The bill would also expand coverage for legal fees to include law enforcement officers who are required to defend themselves in a coroner's inquest or other similar proceeding. According to RCW 30.24.020, coroner's inquests are a local decision and proceeding with cost borne at the local level. It would seem reasonable that additional costs for law enforcement officers are also clearly a local responsibility, which should not be transferred to the state.

For the above reasons, I have vetoed Substitute Senate Bill No. 3090.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary, January 16, 1986.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning herewith, without my approval as to three portions of Substitute Senate Bill No. 3184, entitled:

"AN ACT Relating to state-owned housing."

This bill would establish that no rent could be charged to state employees who are required to live in state-owned or leased living facilities as a condition of their employment. I have been advised this portion of the bill is mandated by a existing court order and the old rent structure varied from zero to \$100 per month. I have left this portion of the bill intact, but noting the free rent may count as income for retirement and other tax purposes.

However, Section 3(1) in part, requires that housing be made available rent free to employees who work at the site but are not required to live there. These employees should pay rent since it is their option to live at the facilities. I have left intact the portion of the bill which allows employees the first option and non-employees the second option to occupy the housing if the agency chooses to rent the facility for its fair market rental value.

I have also vetoed Sections 3(2) and 3(3) which limited to \$78 per month or less, the dis-cresion of the state to charge employees the actual cost of utilities and placed the rent deter-mination at the agency level rather than at a centralized level as it had been in the past.

In all these situations, the state is acting as a landlord and should fulfill its obligations beyond just maintaining the facilities in a safe and healthful condition. The facilities should also be made reasonably energy efficient given their age and design and given regular mainte-nance. I feel requiring these measures makes more business sense than setting an arbitrary average maximum rate and house size on utility rates by statute. Other legislation passed this session takes a major step in requiring energy standards for new housing. I feel the state also should work to make all of its buildings as energy efficient as financially practical.

The Department of Personnel, General Administration and effected agencies will be asked to work together to resolve the above issues reference rental rates and improving the energy efficiency and maintenance of housing involved. If necessary, I will ask the Department of Per-sonnel and General Administration to adopt regulations or draft an Executive Order to imple-ment a uniform progressive policy in this area.

With the exceptions of Sections 3(1) in part, 3(2) and 3(3), Substitute Senate Bill No. 3184 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning herewith without my approval Substitute Senate Bill No. 3249, entitled:

"AN ACT Relating to group life insurance."

This bill would have established a separate statute governing group life insurance policies for members of an association composed of Washington National Guard members. The original intent for the bill was to allow the proceeds of members' group life insurance coverage to endow a scholarship fund. However, the final bill goes much further than that and contains provisions that should not be in statute.

I would be happy to consider legislation that would properly accomplish the original intent of this bill. In the meantime, I am pleased that an existing group policy is providing for the personal needs of Association members.

For the above reasons, I have vetoed Substitute Senate Bill No. 3249.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Financial Institutions.

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning herewith without my approval as to four sections Engrossed Substitute Sen-ate Bill No. 3261, entitled:

"AN ACT Relating to building codes;"

This Act would establish the State Building Code Council. The Council would be responsi-ble for the administration of the State Building Code. Counties, cities and towns would have the responsibility for its strict enforcement.

Substitute House Bill No. 1114, which I have signed, would also amend the State Building Code to provide a process and guidelines for the establishment and maintenance of up to date energy building codes.

I agree with the purpose of both bills. However, there are four double amendments that must be corrected.

Section 7 of Engrossed Substitute Senate Bill No. 3261 would conflict with the language of Section 1 of Substitute House Bill No. 1114. Therefore, I have vetoed Section 7 of Engrossed Substitute Senate Bill No. 3261 to avoid any possible confusion among the users of the State Energy Code.

Section 12 of Engrossed Substitute Senate Bill No. 3261 would make a minor amendment to a section of the State Building Code and makes reference to an obsolete federal code. Section 2 of Substitute House Bill No. 1114 extensively amends the same section of the State Building Code. Therefore, I have vetoed Section 12 of Engrossed Substitute Senate Bill No. 3261 as no longer being required.

Section 14 of Engrossed Substitute Senate Bill No. 3261 amends an obsolete provision of the State Building Code that would be repealed by Section 5 of Substitute House Bill No. 1114. Therefore, I have vetoed Section 14 of Engrossed Substitute Senate Bill No. 3261 to avoid any possible confusion.

Section 18 of Engrossed Substitute Senate Bill No. 3261 recodifies several obsolete sections of the State Building Code. Section 5 of Substitute House Bill No. 1114 repeals the same sections. Therefore, I have vetoed Section 18 of Engrossed Substitute Senate Bill No. 3261 as the recodification will not be necessary.

With the exceptions of Section 7, 12, 14, and 18, which are vetoed, Engrossed Substitute Senate Bill No. 3261 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill No. 3282, entitled:
"AN ACT Relating to historic preservation;"

I support the intent of Engrossed Senate Bill No. 3282 which would require the Director of General Administration to assert a preference for historic properties when the state has a requirement to purchase, lease or rent space for state agency purposes. This preference is to be asserted when it would be feasible and prudent compared with available alternatives.

Nevertheless, I am vetoing Engrossed Senate Bill No. 3282 because it would impose a costly procedure on the State Historic Preservation Officer (SHPO) to prepare a detailed list of qualifying properties in each instance that the Department of General Administration has a space requirement to fill. The SHPO does not currently maintain the type of information about historic properties which is mandated by Engrossed Senate Bill No. 3282, and this legislation does not provide an appropriation.

While I am vetoing Engrossed Senate Bill No. 3282, I will establish by executive order a procedure for building and maintaining an inventory of suitable historic properties and a policy that establishes a preference for the state to use historic properties under certain circumstances.

For these reasons I have vetoed Engrossed Senate Bill No. 3282.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning herewith, without approval as to certain sections, Substitute Senate Bill No. 3333, entitled:

"AN ACT Relating to motorcycle franchises."

This bill would establish a very detailed regulatory system for the business relationship between manufacturers and the dealers of motorcycles, all terrain vehicles, snowmobiles, and any motor vehicle weighing less than 1,500 pounds. The activities of both the manufacturer and dealer would continue to be regulated under RCW 46.70. The bill is held by its proponents as being necessary to end certain practices on the part of motorcycle manufacturers.

I believe that motorcycle manufacturers have been, at times, heavy-handed in their relationships with dealers. Nonetheless, government should be extremely careful about substituting statutory regulation for matters normally decided between the parties of a commercial transaction.

In general, government should not interfere with business transactions except to protect the consuming public from dangerous, anti-competitive, or fraudulent activities. The alleged actions leading to the measure at hand do not directly affect the consuming public but rather

the practices of one business with respect to another. It appears that many of these practices result from vigorous competition within the motorcycle industry.

Some of the provisions of Engrossed Substitute Senate Bill No. 3333 are reasonable standards for any business transaction. Other provisions place unreasonable restrictions on the ability of one party to engage in normal business activity. Others are clearly anti-competitive and would deny the public the benefits of a full, competitive market. For example, entry of new dealers in major urban markets would be virtually prohibited by this bill due to language giving dealers a ten mile radius marketing area. It also restricts warranty work to dealerships and prohibits manufacturers from owning or operating dealerships. All of these provisions, and others like them, restrict competition and would lead to higher prices for the consumers.

The bill also prohibits a manufacturer from reducing a dealer's allocations of motorcycles for poor sales performances, from denying a transfer or succession of dealership to another person except under extremely restricted conditions, and from initiating certain sales promotions which require dealer participation.

In summary, the bill places extraordinary restrictions on one type of business entity for the benefit of another. The public does not benefit from these restrictions and may, in fact, be adversely affected by reduced competition, higher prices and poor service.

The bill also would require manufacturers to purchase back all of a dealer's new or prior year "new" motorcycle inventory which had not been driven over fifty miles, all new, used and rebuilt parts, etc., at a price not less than current prices charged. This section would apply even where the dealer voluntarily chose to go out of business. This language puts the business risk almost totally on the manufacturer.

While this bill contains many provisions such as those described above which are not in the interests of the public, there are also desirable provisions which provide reasonable standards for any business relationship. To preserve these positive provisions, I have decided to approve this measure with the exception of a number of sections.

In making these vetoes, I have attempted to establish a balance between the interest of the dealers, manufacturers and the consumers. The consumer is best served by leaving room for competition between dealers and bargaining power on both sides between dealers and manufacturers in establishing franchise agreements.

For the above reasons, I have vetoed the following Sections: 3(2) in part, 3(8) in part, 3(16), 4(1)(a) in part, 4(1)(b), 4(1)(c), 4(1)(g), 4(7), 4(11), 4(17), 4(18), 4(20), 4(21), 4(22), 4(24), 5(4), 5(5), 6, 7, 8(1) in part, 8(2) in part, 10 in part, 11 and 12.

With the exception of the above vetoes, Substitute Senate Bill No. 3333 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning herewith without my approval as to Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7, Substitute Senate Bill No. 3354, entitled:

"AN ACT Relating to the medical aid fund;"

These sections of the bill would require expenditures from the Medical Aid Fund to be subject to appropriation. While this has been a very troubled program in the past, I have appointed new management which is actively undertaking management improvements. The need for control of health care costs is to run the workers' compensation program like the insurance business that it is. To do this, management needs the flexibility to adequately direct the program. For these reasons, I have vetoed Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7.

With the exception of Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7, Substitute Senate Bill No. 3354 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning herewith without my approval as to Section 1, Substitute Senate Bill No. 3367:

"AN ACT Relating to the public disclosure law."

Section 1 amends the definition of "election campaign." While there may need to be more clarity in this definition, I do not believe the proposed change is appropriate. Under the proposed new definitions an "election campaign" would begin when the initial campaign committee organization form is filed. It would not end until a final report showing a \$0 balance in the campaign fund is filed. In my opinion, this would mean an unacceptably long "election campaign" since most campaign committees do not file final reports after each November election.

With the exception of Section 1, Substitute Senate Bill No. 3367 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to one section Engrossed Substitute Senate Bill No. 3376, entitled:

"AN ACT Relating to governance in higher education."

Senate Bill 3630 transfers the High Technology Coordinating Board's administrative support responsibility from the existing Council for Postsecondary Education to the Department of Commerce and Economic Development. Engrossed Substitute Senate Bill No. 3376 replaces CPE with a new Higher Education Coordinating Board and changes existing statutes accordingly. Therefore, Section 3 of Senate Bill No. 3630 and Section 88 of Engrossed Substitute Senate Bill No. 3376 are in conflict as they relate to staff for the High Technology Coordinating Board. To carry out legislative intent, I, therefore, have vetoed Section 88 of Engrossed Substitute Senate Bill No. 3376.

With the exception of Section 88, Engrossed Substitute Senate Bill No. 3376 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Education.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval of two portions of Substitute Senate Bill No. 3384, entitled:

"AN ACT Relating to salmon enhancement."

The first two sentences of Section 8(1)(c) would require all facilities funded by the Salmon Enhancement Account to operate at full production capacity or be made available for volunteer cooperative projects to produce salmon for stocking state waters. This provision is apparently based on the idea that any hatchery not operated at full capacity is surplus. This is not the case. There are many good reasons for operating at less than full capacity, including disease control, water quantity and quality, and compliance with federal court orders.

The remainder of Section 8(1)(c) requires that the Salmon Advisory Council evaluate the operation of certain salmon hatcheries and report to the Legislature. I will request that the Council comply with this language.

Section 9 contains similar language relating to the Game Department. I am vetoing it for the same reasons.

With the exception of Sections 8(1)(c) and 9, Substitute Senate Bill No. 3384 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to one section, Engrossed Senate Bill No. 3400, entitled:

"AN ACT Relating to the exploration and extraction of nonrenewable resources."

Section 5 of this bill would change the fees for surface mining permits. The current fee structure was instituted only a year ago and has been very positively received. In addition, the change proposed in this section would result in the need for a higher general fund subsidy of this activity in a time of severe revenue shortfalls. I believe that the current fee structure should receive a longer trial and a thorough evaluation before we consider changing it again.

With the exception of Section 5, Engrossed Senate Bill No. 3400 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Natural Resources.

April 25, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to two sections, Senate Bill No. 3569, entitled:

"AN ACT Relating to risk management."

Sections 6 and 7 of this bill would require claims against the state for damages arising out of tortious conduct to be filed with the Risk Management Office in addition to the currently

required filing with the Office of Financial Management. This dual claim filing could be unnecessarily burdensome and confusing to the public. However, notice to the Risk Management Office is necessary to the improvement of our risk management program, which I support.

Therefore, I have directed the Office of Financial Management to provide the Risk Management Office with a copy of all filings. This will accomplish the purpose of these sections at no inconvenience to the public. State government should avoid requiring duplicate filings by the public when possible.

With the exceptions of Sections 6 and 7, Senate Bill No. 3569 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning herewith without my approval as to two sections Engrossed Senate Bill 3612 entitled:

"AN ACT Relating to excess school levies;"

The primary purpose of Engrossed Senate Bill 3612 is to extend the levels of local school support levy options for three years. Section 2 of that legislation also establishes a legislative committee to undertake a review of the means to adequately fund the state's basic education responsibilities.

I support both the need for such a study and the issues identified within Section 2. However, I believe that there are additional far-reaching issues that must also be considered. These issues include state and local revenues; the relationship of educational funding to other state responsibilities; and structured relationships between the state and local schools which result from state funding.

For this reason I am vetoing Section 2. In lieu of allowing that section to become law, I will, by executive order, establish a broadly based study committee including legislators, educators and interested citizens.

Section 4 of the bill declares an emergency and provides for the act to take effect immediately. The emergency clause section is not necessary in order to continue the administrative provisions for the collection of the levels of school levies that would be based upon this legislation. The 1985 levies have already been certified. The 1986 levies are to be certified in October, well after the normal effective date of this legislation.

The emergency clause should be restricted to those instances where its use is clearly warranted due to the urgency of the situation. For these reasons I have vetoed Section 4.

With the exception of Sections 2 and 4, which I have vetoed, the remainder of Engrossed Senate Bill No. 3612 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Education.

June 27, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning herewith, without my approval as to several sections, Second Substitute Senate Bill No. 3656, entitled:

"AN ACT Relating to the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1985 and ending June 30, 1987."

Section 1, Subsection (3), Page 2, Biennial budget.

The effect of this section is to place an absolute prohibition on transferring appropriations between fiscal years 1986 and 1987. Based on the language of Subsection (4) of this section, I do not believe the Legislature intended this absolute prohibition and the consequent restrictions on management actions. In removing this language, I do not intend to transfer appropriations between programs. Rather, I want to ensure the ability to allot monies as needed over the entire biennium. I have therefore vetoed this section.

As further explanation of my veto of Subsection (3), I am offering the following comment on the language in Subsection (5) which states the Legislature's intent that the dollars appropriated are to sustain state government through the biennium without any supplemental appropriations. I endorse this statement and will manage within the scope of this policy. However, if the assumptions underlying the appropriations in this document as to enrollments, caseloads, prison population, and other critical factors vary significantly, it could result in a supplemental budget request.

Section 2, Page 2, OFM review of publications.

This section prohibits production or publication of any magazine or brochure unless it has been expressly authorized by the director of Financial Management. I believe agency directors and elected officials should be responsible for the content of their publications and whether or not to publish them. I also believe that sufficient oversight authority already exists under

RCW 40.07. However, we will advise agencies of the Legislature's concern. Agencies will be required to review their policies on publications and expected to use restraint.

Section 119, The Proviso, Page 7, Excess appropriations by OFM for State Auditor.

I have vetoed the proviso to this section which places certain conditions and limitations upon the director of Financial Management in relationship to the State Auditor. RCW 43.09.418 currently allows the director of the office of Financial Management the discretion to approve payments to the State Auditor in excess of the legislative appropriation in cases of necessity. This proviso in the budget would require OFM to approve any additional payments as determined by the State Auditor. This language appears to limit the discretion of OFM rather than broaden it.

Section 121, Subsection (4) in part, Page 8, DWI grants.

I have vetoed the following sentence from Subsection (4) of Section 121: "No city or county is eligible for grants under this subsection unless the city or county has levied or proposed all optional excise taxes authorized by the Legislature." This language appears to disqualify most, if not all, of the fifty jurisdictions presently receiving grants. Few have "levied or proposed all optional excise taxes" which probably means the half-cent sales tax, the quarter percent real estate excise tax, the gambling excise taxes, and other miscellaneous excise taxes.

However, the message from the Legislature to cities and counties is clear - don't ask for more money until you have exhausted or tried to exhaust all avenues to raise local taxes for funding this activity. The funds provided in this budget are to allow local governments time to assume full responsibility for support of this program.

Section 214, Subparagraph (2), Page 36, Work Incentive Demonstration Project

The Work Incentive Demonstration Project (WIN Demo) is a federal program which would require the consolidation of WIN Work Programs under DSHS administration. At the current time, responsibility for the program is divided between DSHS and the Employment Security Department. Implementation of WIN Demo would result in a reduction of federal funds. It is possible, however, that this reduction would be offset by operating efficiencies.

I am vetoing the requirement that a WIN Demo application be submitted to the federal Department of Health and Human Services. I have the matter of WIN Demo and other means to increase the effectiveness of these programs under consideration. My intention is to initiate program changes in this area within the near future.

Section 214, Subparagraphs (3) and (4), Page 36 and 37, Community Work Training Programs.

I am vetoing the sections requiring increases in these programs because no money was appropriated for the staff needed to carry them out.

Section 311, Subsection (2), Page 55, Plans for Salmon fishery management.

I have vetoed Subsection (2) of Section 311 because Subsections (1) and (2) appear redundant in part. I have chosen to retain Subsection (1), which appears to more accurately conform with the description of the activities intended for these funds.

Section 601, Subsection (3) in part, Page 75 and Section 602, Subparagraph (4), Page 77, Community College intercollegiate sports.

I have vetoed the first sentence of Subsection (3) of Section 601 and Subsection (4) of Section 602 which would have placed a \$648,000 maximum on what could have been spent for intercollegiate sports purposes by the State Board for Community College Education. This amount was based upon inaccurate data provided to the Legislature. While I do not condone providing less than accurate figures, either through oversight, inadvertence or neglect, it would be inappropriate to create unintended consequences by imposing the extent of this reduction. I have left intact the portion of Subsection (3) which expresses the Legislature's intent for intercollegiate sports becoming self-supporting to the greatest extent feasible by June 30, 1989. The Board has agreed to restrict spending to 90 percent of the actual current funding level for this activity, which is consistent with the approach for most four year institutions.

Section 603, Subsection (4) in part, Page 78 and Section 604, Subsection (5) in part, Page 80, University of Washington and Washington State University faculty salary increases.

I have vetoed the language "other than normal increments" from the first sentence in Subsection (4) of Section 603 and Subsection (5) of Section 604. I have done so because this language appears to have been included inadvertently and only serves to confuse the meaning of this section. The University of Washington and Washington State University do not have "normal increments" for faculty salaries. The vetoed language is standard in salary provisions in a number of other areas of state government where normal increments do occur.

Section 604, Subsection (6), Page 80, W.S.U. Southwest Joint Center for Education.

I have vetoed this section which places a maximum of \$7,500 per academic year for full-time equivalent enrollment average for the biennium to be spent at the Southwest Joint Center for Education for Washington State University. The Southwest Joint Center is intended to provide students in Southwest Washington access to first rate scientific and technical instruction provided by Washington State University. This is a worthwhile objective, but the current costs of this program are more than four times higher on a per student basis than any other similar program. The Legislature found the difference unacceptable and I agree. Reducing costs to a yearly average of \$7,500, however, is simply not practical. It would very likely result in the total failure of this program. While vetoing this provision, I expect the administrators of the

Southwest Joint Center program to take effective action beginning immediately to reduce per student costs to a level which is comparable to other similar programs.

Section 609, Subsection (1) in part, Page 84, Funding for Council for Postsecondary Education.

I have vetoed the first sentence in Subsection (1) of Section 609 which reads "16,824,000 from the fiscal year 1986 general fund - State Appropriation and \$16,824,000 from fiscal year 1987 general fund - State Appropriation are provided solely for student financial aid, including administrative costs." A technical error in this subsection resulted in \$300,000 of general operating funds for the agency being earmarked for financial aid. The result is an inadvertent \$300,000 reduction for other council programs which would severely impact this agency.

With the exception of Sections 1 (3), 2, 119 - The proviso, 121 (4) in part, 214 (2), (3) and (4), 311 (2), 601 (3) in part, 602 (4), 603 (4) in part, 604(5) in part, 604 (6), and 609 (1) in part, Second Substitute Senate Bill No. 3656 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

April 30, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to several sections, Engrossed Substitute Senate Bill No. 3678, entitled:

"AN ACT Relating to revenue and taxation."

The following sections of Engrossed Substitute Senate Bill No. 3678 are hereby vetoed: Sections 2, 3, 4, 5, 6, 7, and the part of Section 9 which refers to Sections 3 through 6.

This bill was a very narrow one which is a response to the recent U. S. Supreme Court decision in Armco relating to taxation. Due to the narrowness of my request and the need for passage of this legislation, I requested that no other measures regardless of merit be attached as amendments.

Although the sections I am vetoing may be meritorious, I believe it is important to maintain the legislation as a narrow bill as requested.

With the exceptions of those sections vetoed, Engrossed Substitute Senate Bill No. 3678 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to two portions Substitute Senate Bill No. 3684, entitled:

"AN ACT Relating to lotteries;"

Section 2(6) of this bill would require the lottery to competitively bid all contracts exceeding \$2,500 in value. The Lottery now competitively bids all contracts for goods. Contracts for services, however, are done on a negotiated basis when appropriate. The option of negotiating contracts in appropriate circumstance is available to all other departments, and should continue to be available to the Lottery.

Section 3 of the bill would forbid former lottery employees, (managers and rank and file alike), within two years of termination, to work for an employer that supplies or promotes lottery related goods or services. This section was apparently designed to prevent state employees from providing favored treatment to suppliers in hopes of receiving employment after termination. This concern is not without foundation, nor without countervailing concerns for the rights of individuals to use their skills and knowledge for their own benefit. Because the same potential for wrongdoing exists in several other areas of state government I believe that this situation should be treated in a comprehensive manner and more practical in scope as an amendment to the conflict of interest statutes, RCW 42.18.

With the exception of Sections 2(6) and 3, Substitute Senate Bill No. 3684 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to Section 1(e), Substitute Senate Bill No. 3799, entitled:

"AN ACT Relating to nuclear energy and materials;"

Section 1(e) is identical to Section 1(c) of Engrossed Second Substitute House Bill No. 3. Since I have previously signed E2SHB No. 3, Section 1(e) of this bill is unnecessary.

With the exception of Section 1(e), Substitute Senate Bill No. 3799 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee Energy and Utilities.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85, Senate Bill No. 3800, entitled:

"AN ACT Relating to publications."

Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85 conflict with provisions contained in Substitute House Bill No. 150 and House Bill No. 331. While the proposed amendatory language contained in these sections is consistent with the intent of Senate Bill No. 3800, they would no longer be applicable since Substitute House Bill No. 150 and House Bill No. 331 are approved. I have, therefore, determined to veto these sections in order to avoid difficulties in codification and future interpretation of these sections.

With the exception of Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85, which I have vetoed, Senate Bill No. 3800 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 8(18), Engrossed Second Substitute Senate Bill No. 3828, entitled:

"AN ACT Relating to Puget Sound water quality."

This is a significant bill which establishes a planning mechanism for improving and maintaining the water quality of Puget Sound. The Puget Sound Water Quality Authority is reestablished as a seven-member body and required to develop, with the participation of all interested citizens, a comprehensive Puget Sound water quality management plan by January 1, 1987.

Section 8 requires the plan to be a "positive document prescribing the needed actions for the maintenance and enhancement of Puget Sound water quality." This section also specifies twenty subjects which are to be studied by the Authority and included in the plan. With the exception of Subsection 18, these subjects are all positive actions that are likely to result in improved water quality for Puget Sound.

Subsection 18 of Section 8 calls for the Authority to make recommendations for "implementation of waivers from the uniform national requirements of secondary treatment." This language was added by amendment late in the legislative process and is not, in my opinion, consistent with the purposes of the act. Moreover, our Congressional delegation has indicated that the prospect for secondary treatment waivers under federal law appears remote and that "political and practical reality calls for secondary treatment compliance." The issue has the potential to consume too much of the limited time for the Authority to develop the plan. For these reasons, I am vetoing Section 8(18).

With the exception of Section 8(18), which is vetoed, Engrossed Second Substitute Senate Bill No. 3828 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 3, 5, 9 and Section 40 in part, Engrossed Substitute Senate Bill No. 3856, entitled:

"AN ACT Relating to fire protection."

This bill would create a ten-member Fire Protection Board to administer the fire protection services that are now under the Insurance Commissioner and the fire training services that are now under the Commission for Vocational Education.

I agree that the fire protection functions which are brought together in this measure ought to be located within a single agency. I do not believe that it is wise to create a separate, single-purpose state agency-governed by a new board for this purpose. The functions should properly be located within the executive branch in an agency responsible to the Governor.

Since I believe the purposes of this measure are worthwhile, I am approving it with several exceptions. I am vetoing the following:

Section 3: establishes the terms of the Board.

Section 5: says the Governor selects one member to serve as chairperson.

Section 9: authorizes the Board to employ an Executive Director.

Section 40: as to the portion requiring the Board and Director to be appointed by October 1, 1985.

By vetoing these sections, a board will be established which may later act in an advisory capacity to the fire protection unit. The board will not, however, be able to proceed to implement the substantive provisions of this act until the legislature passes new legislation.

I intend to ask the next regular session of the legislature to perfect this measure by placing the functions of the board in an existing executive agency and making the board advisory to that agency.

For these reasons, I have vetoed Sections 3, 5, 9 and a part of Section 40 of Engrossed Substitute Senate Bill No. 3856.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to several portions, Engrossed Substitute Senate Bill 3920, entitled:

"AN ACT Relating to transportation."

The provisions I have vetoed and the reasons therefore are as follows:

1. County Road Administration Board

The proviso language in Section 4 requires the County Road Administration Board to hire, contract or project personnel for the Implementation of the Pavement Management System and the completion of the road jurisdiction and revenue distribution study. While such an approach is probably desirable, the proviso places restrictive conditions on the Board's hiring procedures before the implementation planning has begun. The new positions require persons who have specific expertise in road engineering; the Board's ability to recruit qualified personnel is limited by the necessity to hire only those applicants who would be willing to take a temporary position.

The proviso also requires the Board to provide a detailed report to the Legislative Transportation Committee on the cost effectiveness of utilizing consultants or other non-agency personnel to undertake the implementation of the projects. My veto eliminates this requirement; however, I strongly urge the Board to undertake this evaluation and to keep the legislature fully informed of its implementation plans.

2. Department of Licensing

Language in Section 9 requires that no more than \$6,270,100 be spent for the County Auditor and Subagent Automation project. Although this figure represents the additional appropriation authority necessary to support the project, the total cost is \$7.8 million, offset by \$1.5 million in savings. Because of the misleading project cost reflected in the proviso amount, and the accounting problems which would result from keeping track of both expenditures and savings, I am vetoing the proviso. It is expected that the Department of Licensing will nevertheless comply with legislative intent by keeping net expenditures to the amount stipulated and by complying with all other requirements of the original proviso.

With the exception of the provisos in the aforementioned sections, which I have vetoed, Engrossed Substitute Senate Bill No. 3920 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 3981, entitled:

"AN ACT Relating to exemption from industrial insurance premiums for taxicab operators."

This bill would remove taxicab operators who work as independent contractors from mandatory coverage under the state's industrial insurance program. As a group, these operators appear to be treated like many other employees although technically they may be independent contractors. This bill would deprive them of the security provided by the worker's compensation system without establishing any workable system to insure they would pick up the cost on their own as self-employers.

It is likely that many drivers will not pay for their own insurance coverage, either because they view their work as temporary, feel the coverage is too expensive, believe they will never need coverage, and realize enforcement and collection will be difficult and expensive. The result of injuries without coverage will only serve to shift the cost to the State General Fund under social programs when the cost of adequate coverage should be borne by the business activity.

I realize the rates in this occupation are high. This is a problem to address along with other Labor and Industry issues. Other businesses have to bear the cost of this insurance, and it would

not be fair to shift this cost to taxicab drivers when it is likely that a high percentage will not participate and will not be covered for their injuries.

For these reasons, I have vetoed Substitute Senate Bill No. 3981.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

May 21, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 2 through 4 and Sections 13 through 15, Engrossed Substitute Senate Bill 4228, entitled:

"AN ACT Relating to revenue and taxation."

This measure contains several changes to business taxes. It includes important new revenue sources to meet the infrastructure financing needs of local government. It also includes adjustments in taxes for several industries which have clearly demonstrated that present taxes place them at a significant competitive disadvantage to similar businesses in other states. In each of these cases, Washington industries made convincing cases that continuing the current taxes would result in actual loss of existing business within the state with a resulting loss of jobs.

While approving the provisions of Sections 1, 5, 6, 7 and 16, I want to express once again my extreme distaste for piecemeal tax reform. I have approved these provisions only because I believe actual and irreparable losses of business and jobs would result before any general reform can occur. Substantial inequity continues to exist for many other industries in this state which must be addressed in a comprehensive manner in the very near future.

Sections 2 and 3 are essentially identical to Sections 1 and 2 of Engrossed House Bill 99, which I have already signed into law. They are vetoed to avoid double amendments. Section 4 is identical to Section 5 of Engrossed House Bill 99, which I have vetoed and which I am again vetoing.

Sections 13 through 15 create a fifty percent exemption from the B & O tax for new businesses which locate in distressed areas. These sections have an extremely laudable intent. I am firmly committed to bringing new jobs and industry to areas in which there is persistent unemployment resulting from long-term changes in the local economy. Given the state's limited resources, however, it is essential that such efforts are carefully targeted to reach areas with the greatest need. Unfortunately, I do not believe the exemption created in Section 13 through 15 meets this test.

These sections, taken as a whole, are likely to result in substantial loss of revenue to the state without necessarily benefitting truly distressed areas. For example, an existing business could dissolve and reincorporate under a new name or create a wholly owned subsidiary and become eligible for the exemption. Also, Section 15 does not specify how much of a qualifying business is eligible for the exemption. It is, therefore, possible that a new business would qualify for the entire exemption by locating an insignificant operation in a distressed area while the vast majority of its business was located elsewhere in the state in a non-distressed area.

In addition, the fact that a county is considered distressed at any time its unemployment rate exceeds the average, will result in benefits going to businesses in areas with temporary problems instead of being restricted to areas with persistent high joblessness.

For these reasons, I have vetoed Sections 2 through 4 and Sections 13 through 15 of Engrossed Substitute Senate Bill No. 4228.

With the exceptions of Sections 2 through 4 and Sections 13 through 15, which I have vetoed, Engrossed Substitute Senate Bill No. 4228 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 10 and 11, Substitute Senate Bill No. 4267, entitled:

"AN ACT Relating to abandoned rail rights of way."

Sections 10 and 11 of this bill seek to terminate and repeal, in 1991 and 1992, the rail right of way acquisition program and the rail right of way acquisition act, which are not defined. Signing these sections into law would raise difficult technical questions about the intent of Sections 10 and 11. I have, therefore, vetoed Sections 10 and 11 of Substitute Senate Bill No. 4267.

With the exception of Sections 10 and 11, which I have vetoed, Substitute Senate Bill No. 4267 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning herewith without my approval as to portions of Section 3(1)(a) through (h) of Engrossed Substitute Senate Bill No. 4399 entitled:

"AN ACT Relating to creating a local governance study commission."

I fully support the purpose of this legislation. I believe that it is now timely for the State, in cooperation with local government representatives, to undertake a comprehensive review of the State's assignment of various public service responsibilities, authorities and funding sources among counties, cities and special districts. Much of the rationale for the current allocation of responsibilities and authorities may now be outmoded due to the changes that have occurred over time in population growth and settlement patterns. The proposed Local Governance Study Commission represents a useful opportunity to recommend needed changes to State policies, statutes, and the constitution, which better serve current public service requirements, and which more appropriately define the roles and activities of cities, counties and special districts, as well as their interrelationship to one another.

However, language contained in Section 3(1)(a) through (h) of this bill directs the Governor to appoint to the Commission twenty-one persons who are nominated by certain specified organizations related to local governance. While I concur with the appropriateness of placing representatives of the named organizations on the Commission, I believe this language precludes gubernatorial discretion and negates the Governor's appointment authority.

Therefore, in order to preserve the Governor's appointment prerogatives, I have vetoed the language that requires the Governor to appoint the nominees of specified organizations. I will, of course, honor the spirit of the vetoed language when making my appointments.

With the exception of portions of Section 3(1)(a) through (h), Engrossed Substitute Senate Bill No. 4399 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

May 20, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Substitute Senate Bill No. 4424, entitled:

"AN ACT Relating to water rights."

This bill reopens the filing of water claims for water rights based on water use up to 1917 for surface water and up to 1945 for groundwater. All claims must be filed by September 1, 1985.

Section 3 of the bill is an emergency clause that would make the bill effective immediately. I believe it is in the best interest of all claimants to keep this period for filing claims as short as possible. By vetoing Section 3, this bill will become effective on July 28, 1985.

With the exception of Section 3, Substitute Senate Bill No. 4424 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

Referred to Committee on Agriculture.

There being no objection, the President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

January 20, 1986

SB 4540 Prime Sponsor, Senator Bender: Establishing procedures for canceling written agreements between insurance companies and agents. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

January 20, 1986

SB 4541 Prime Sponsor, Senator Granlund: Establishing procedures for canceling insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4541 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott, Newhouse, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

January 20, 1986

SB 4582 Prime Sponsor, Senator Moore: Prohibiting fraud in the acquisition of benefits or payments in health care coverage and insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

January 20, 1986

SB 4604 Prime Sponsor, Senator Granlund: Extending the time for certain community college tuition waivers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Goltz, Granlund, Kiskaddon, McManus, Saling, Stratton.

Passed to Committee on Rules for second reading.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3558, by Committee on Education (originally sponsored by Senators Thompson, Metcalf and Conner)

Authorizing state support of Washington students pursuing maritime studies out of state.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3558.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3558, and the bill passed the Senate by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 41.

Absent: Senators DeJarnatt, Halsan, Hayner, Patterson - 4.

Excused: Senators Fleming, McDermott, Pullen, Williams - 4.

SUBSTITUTE SENATE BILL NO. 3558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senator Patterson was excused.

THIRD READING

SENATE JOINT MEMORIAL NO. 112, by Senators Bauer, Gaspard, Benitz, Williams, Rasmussen, Granlund, Peterson, Warnke and Vognild (by request of the Temporary Committee on Educational Policies)

Petitioning Congress to provide financial assistance to help the public school system accommodate non-English speaking students.

The memorial was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 112.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 112, and the memorial passed the Senate by the following vote: Yeas, 41; nays, 2; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 41.

Voting nay: Senators Craswell, Guess - 2.

Absent: Senator Sellar - 1.

Excused: Senators Fleming, McDermott, Patterson, Pullen, Williams - 5.

SENATE JOINT MEMORIAL NO. 112, having received the constitutional majority, was declared passed.

MOTION

At 10:22 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:02 a.m. by President Cherberg.

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

SECOND READING

SENATE BILL NO. 3842, by Senators DeJarnatt, Goltz, Thompson, Owen and Gaspard

Removing A/B lines in Legislative Districts 19 and 39.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3842 was substituted for Senate Bill No. 3842 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, Substitute Senate Bill No. 3842 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a parliamentary inquiry, what will pass this bill?"

REPLY BY THE PRESIDENT

President Cherberg: "Twenty-five favorable votes."

Senator McDonald: "Thank you."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3842.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3842, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

SUBSTITUTE SENATE BILL NO. 3842, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SENATE BILL NO. 3140, by Senators Patterson, Gaspard, Rinehart, Goltz, Saling, Johnson, Warnke, Halsan, Bender, Conner, Garrett, DeJarnatt, Stratton, McManus and McDermott

Modifying charges for higher education students taking two or fewer credit hours or more than eighteen credit hours.

MOTIONS

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 3140 was returned to second reading and read the second time.

On motion of Senator Rinehart, the following amendment by Senators Rinehart, Gaspard and Patterson was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 67, chapter 370, Laws of 1985 and by section 18, chapter 390, Laws of 1985 and RCW 28B.15.100 are each reenacted and amended to read as follows:

(1) The board of regents or board of trustees at each of the state's regional and state universities and at The Evergreen State College shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such tuition fees and services and activities fees, and other fees as such board shall in its discretion determine, the total of all such fees, the tuition fee, and services and activities fee, to be rounded-out to the nearest whole dollar amount: PROVIDED, That such tuition fees for other than summer session quarters or semesters shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended.

(2) Part time students shall be charged tuition and services and activities fees proportionate to full time student rates established for residents and nonresidents: PROVIDED, ~~((That students registered for fewer than two credit hours shall be charged tuition and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER:))~~ That residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be allowed to enroll at resident tuition and fee rates upon a declaration by the higher education coordinating board that it finds Washington residents from such community college district are afforded substantially equivalent treatment by such other states.

~~((3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the established per credit hour tuition fee rate applicable to part-time students in the respective institutional tuition and fee rate categories set forth in this chapter: PROVIDED, That the boards of regents of the University of Washington and Washington State University may exempt students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine and law: PROVIDED FURTHER, That the state board for community college education may exempt students who are registered exclusively in required courses in vocational preparatory programs from the additional charge:))"~~

MOTION

On motion of Senator Rinehart, Engrossed Senate Bill No. 3140 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Rinehart, I notice in our information that a fiscal note was available and I don't see it in our floor books. Could you tell us what kind of fiscal impact is anticipated for the remainder of this biennium or does it take place just for the next biennium?"

Senator Rinehart: "Senator Lee, the fiscal note would be halved from the original fiscal note and I would call to the members' memory the fact that this, once again, is one of the traditional shot in the dark fiscal notes."

Senator Lee: "What does the shot in the dark tell us--that it would be for a full biennium because the following year would be a full biennium, of course, and we can divide it by half for this year?"

Senator Rinehart: "The fiscal note from the original bill gives a six-year total of seven million dollars."

Senator Lee: "So for a biennium you divide that by three?"

Senator Rinehart: "And then again in half."

Senator Lee: "For our fiscal year?"

Senator Rinehart: "That's correct."

Senator Lee: "Thank you very much. Seven million over a six-year period, as far as the fiscal note that was prepared?"

Senator Rinehart: "Right, and perhaps you will remember the committee's debate over the fiscal note."

Senator Lee: "Thank you very much, Senator Rinehart."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3140.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3140, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Benitz, Bluechel, Lee, McDonald - 4.

ENGROSSED SENATE BILL NO. 3140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Owen was excused.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3228, by Committee on Human Services and Corrections (originally sponsored by Senators Kreidler and McDermott)

Changing language in the natural death act.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3228.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3228, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 36.

Voting nay: Senators Benitz, Cantu, Craswell, Deccio, Johnson, McCaslin, McDonald, Metcalf, Pullen, Rasmussen, Seilar, Zimmerman - 12.

Excused: Senator Owen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3278, by Senators Gaspard, Patterson, Rinehart, Goltz and McDermott

Waiving higher education fees for students of foreign nations.

MOTIONS

Senator Gaspard moved that the rules be suspended and Senate Bill No. 3278 be returned to second reading.

POINT OF INQUIRY

Senator Pullen: "Senator Gaspard, has this amendment been reviewed with the ranking Republican member on the Education Committee?"

Senator Gaspard: "Senator Pullen, I have not directly talked with the membership of the committee. My understanding is that my staff has worked with your staff and it is a Code Reviser technical amendment that deals with the 1986 act rather than the 1985 act."

Senate Bill No. 3278 was returned to second reading and read the second time.

MOTION

On motion of Senator Gaspard, the following amendment was adopted:

Beginning on page 1, after line 24, strike all the material down to and including "section," on page 2, line 24, and insert the following:

"Sec. 2, Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 33, chapter 390, Laws of 1985 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsection (2).

(2) The total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under section 1 of this 1986 act are not subject to the limitation under this section."

MOTION

On motion of Senator Gaspard, Engrossed Senate Bill No. 3278 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Gaspard, there is a fiscal note connected with this bill and could you tell me what the fiscal impact is?"

Senator Gaspard: "Yes, I do have a fiscal note here before us, and again to refresh our memory. At the time when the Council for the Post Secondary Education staff reworked the fiscal note, they indicated that the exact impact could not be felt because it deals with tuition and fee waivers and they made some clarifying language to it, but the figures they came up with a possible summary of revenue lost--remember that this is a loss that would never occur--it's a bookkeeping figure more than a national loss, but they anticipate a biennial loss of all undergraduate resident fees of about 835,000 and nonresident tuition fees of about three million. Again to reemphasize--that if we don't use the program we don't get any benefit at all, so it's really a tuition and fee waiver."

Further debate ensued.

REMARKS BY SENATOR GASPARD - CLARIFICATION TO PREVIOUS POINT OF INQUIRY

Senator Gaspard: "Mr. President and members of the Senate. Just to clarify--in response to Senator Pullen's question about the fiscal impact; the two figures that I read were a range that was given by OFM in this case--actually the Council for Post Secondary Education and reviewed by OFM, but let me also read another statement that they make here in their memo dated March 24, 1985, when they did the fiscal note on this measure. They said, 'We would also like to emphasize that one of the primary benefits of such a program is the opportunity to study abroad and provides for Washington residents at no additional educational cost over what they pay at home.' I think we tend to overlook that benefit."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3278.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3278, and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McManus, Metcalf, Moore, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Barr, Benitz, Craswell, Lee, McCaslin, Newhouse, Pullen - 7.

Absent: Senator McDonald - 1.

Excused: Senator Owen - 1.

ENGROSSED SENATE BILL NO. 3278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President reverted the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 4694 by Senators Gaspard and Bender

AN ACT Relating to school employees' salaries; and amending RCW 28A.58.095.

Referred to Committee on Education.

SB 4695 by Senators Thompson and Zimmerman

AN ACT Relating to powers of flood control districts; and amending RCW 86.09.151.

Referred to Committee on Governmental Operations.

SB 4696 by Senators Granlund, Peterson, Conner, Kreidler and Vognild

AN ACT Relating to state ferry system revenues; and amending RCW 47.60.150.

Referred to Committee on Transportation.

SB 4697 by Senators Granlund and Bauer

AN ACT Relating to credit for military service under the teachers' retirement system; amending RCW 41.32.260; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4698 by Senators Thompson, Vognild, Hayner, DeJarnatt, Newhouse, Stratton, Sellar, Deccio, Kreidler, Owen, Bailey, McCaslin, Pullen, Guess, Zimmerman, Bluechel, Saling, McManus, Metcalf, Rasmussen, Patterson, Wojahn, McDonald, Benitz, Granlund, Barr, Peterson, Lee, Hansen, Cantu, Johnson, Kiskaddon, Craswell and Conner

AN ACT Relating to actions based on fault; amending RCW 4.22.030; adding a new chapter to Title 4 RCW; creating a new section; and repealing RCW 4.56.240 and 7.70.070.

Referred to Committee on Judiciary.

SB 4699 by Senators Goltz, Kiskaddon, Moore and Bauer

AN ACT Relating to providing prenatal and obstetrical care to uninsured pregnant women; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 4700 by Senators Lee, Bluechel, Zimmerman, Bailey, Saling, Hayner, Barr, Cantu, Kiskaddon, Metcalf, McDonald and Sellar

AN ACT Relating to the financing of water pollution control facilities and systems; amending RCW 43.99F.040; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 4701 by Senators Talmadge, Bluechel, Garrett and Bender

AN ACT Relating to criminal sentencing; and amending RCW 9.94A.390.

Referred to Committee on Judiciary.

SB 4702 by Senators Talmadge, Bluechel, Garrett, Bender, Vognild and Granlund

AN ACT Relating to witnesses of crimes; amending RCW 9.69.100; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4703 by Senators Talmadge, Bluechel, Garrett, Rasmussen and Bender

AN ACT Relating to the definition of nonhearsay statements; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

SB 4704 by Senators Talmadge, Bluechel, Gaspard, Bender, Wojahn and Granlund

AN ACT Relating to assault; amending RCW 9A.04.110, 10.99.020, and 9A.16.020; adding a new section to chapter 9A.16 RCW; adding new sections to chapter 9A.36 RCW; creating a new section; repealing RCW 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, and 28A.87.140; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 4705 by Senators Talmadge, Bluechel, Garrett, Gaspard, Rasmussen, Bender, Wojahn, Vognild, Peterson and Granlund

AN ACT Relating to communications with minors for immoral purposes; amending RCW 9.68A.090; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4706 by Senators Talmadge, Bluechel, Garrett, Gaspard, Bender and Granlund

AN ACT Relating to criminal mistreatment; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4707 by Senators Talmadge, Bluechel, Kreidler, Garrett, Bender, Vognild, Peterson and Granlund

AN ACT Relating to juvenile offenders; amending RCW 13.40.160; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4708 by Senators Talmadge, Bluechel, Garrett, Gaspard, Bender, Peterson and Granlund

AN ACT Relating to competency of witnesses; and amending RCW 5.60.020 and 5.60.050.

Referred to Committee on Judiciary.

SB 4709 by Senator Talmadge

AN ACT Relating to the department of justice; amending RCW 43.17.010, 43.17.020, 43.10.010, 9.94A.040, 9.94A.060, 43.43.010, 43.43.020, 43.101.020, 43.101.030, 43.101.040, 43.101.060, 72.09.140, and 72.09.150; and providing an effective date.

Referred to Committee on Judiciary.

SB 4710 by Senators Talmadge, Newhouse, Deccio, Moore, Hansen, Halsan, DeJarnatt, Conner, Granlund, McManus, Bauer, Gaspard, Garrett, Vognild, Bender, Warnke, Bailey, Rasmussen and Lee

AN ACT Relating to the automatic fingerprint information system; amending RCW 70.48.120; adding a new section to chapter 43.43 RCW; and making an appropriation.

Referred to Committee on Judiciary.

SB 4711 by Senators McDermott, and Rasmussen (by request of Department of Revenue)

AN ACT Relating to retail sales and use taxation; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4712 by Senators Thompson, Sellar, Zimmerman, Kreidler and Williams (by request of Secretary of State)

AN ACT Relating to public records; amending RCW 40.14.020; adding a new section to chapter 40.14 RCW; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 4713 by Senators Warnke and Newhouse (by request of Industrial Insurance Appeals)

AN ACT Relating to industrial insurance appeals; and amending RCW 51.52.095.

Referred to Committee on Commerce and Labor.

SB 4714 by Senators McDermott, Deccio and Wojahn (by request of Department of Social and Health Services)

AN ACT Relating to nursing home cost reimbursement; and amending RCW 74.46.360.

Referred to Committee on Ways and Means.

SB 4715 by Senators Owen, Bluechel and Thompson

AN ACT Relating to public lands; amending RCW 79.24.580; and adding a new section to chapter 43.79 RCW.

Referred to Committee on Natural Resources.

SB 4716 by Senators Kreidler and Bauer

AN ACT Relating to public assistance; adding a new section to chapter 74.12 RCW; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 4717 by Senators Talmadge, Vognild and Bluechel

AN ACT Relating to water quality services; amending RCW 35.42.080 and 56.08.070; reenacting and amending RCW 35.23.352; adding a new section to chapter 19.86 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35.94 RCW; adding a new section to chapter 36.34 RCW; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 4718 by Senators Bottiger, Johnson and Wojahn

AN ACT Relating to the tax on wines; and amending RCW 66.24.210.

Referred to Committee on Ways and Means.

SB 4719 by Senators Talmadge, McDermott and Rasmussen (by request of Office of Financial Management)

AN ACT Relating to community residential programs for the developmentally disabled; making appropriations and authorizing expenditures for the operations of community residential programs for the developmentally disabled for the fiscal biennium beginning July 1, 1985, and ending June 30, 1987; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4720 by Senators Warnke, Newhouse, Vognild and Bauer

AN ACT Relating to industrial insurance employer services; amending RCW 51.16.150, 51.16.170, 51.48.030, 51.48.040, 51.48.120, and 51.48.150; adding new sections to chapter 51.04 RCW; adding new sections to chapter 51.16 RCW; adding new sections to chapter 51.48 RCW; adding a new section to chapter 51.52 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4721 by Senators Warnke, Newhouse, Vognild and Bauer

AN ACT Relating to the Washington industrial safety and health act; amending RCW 49.17.140, 49.17.180, and 49.17.190; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4722 by Senators Warnke, Newhouse and Vognild

AN ACT Relating to registration of contractors; amending RCW 18.27.020, 18.27.210, 18.27.230, 18.27.240, 18.27.250, 18.27.270, 18.27.300, 18.27.310, 18.27.320, and 18.27.340; adding new sections to chapter 18.27 RCW; repealing RCW 18.27.330; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4723 by Senators Rinehart, Sellar and Kreidler (by request of State Library)

AN ACT Relating to the state library commission; and amending RCW 27.04.030.

Referred to Committee on Governmental Operations.

SB 4724 by Senators Gaspard, Bender, Saling, Bailey, Patterson, Granlund, DeJarnatt, Bauer, Johnson, McManus, Rinehart, von Reichbauer, Barr, Garrett, Vognild, Conner and Lee (by request of Superintendent of Public Instruction)

AN ACT Relating to excellence in education; adding new sections to chapter 28A.03 RCW; adding a new section to chapter 28B.15 RCW; and making an appropriation.

Referred to Committee on Education.

SB 4725 by Senators Warnke, Hayner and Bottiger (by request of Board of Accountancy)

AN ACT Relating to accountancy; amending RCW 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.065, 18.04.105, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.320, 18.04.335, 18.04.345, 18.04.350, 18.04.380, 18.04.390, 18.04.405, 18.04.901, and 18.04.920; decodifying RCW 18.04.930, 18.04.931, 18.04.932, 18.04.933, and 18.04.934; declaring an emergency; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 4726 by Senators Rasmussen, Wojahn and Conner

AN ACT Relating to curb ramps for handicapped; and amending RCW 35.68.075.

Referred to Committee on Governmental Operations.

SB 4727 by Senators Rasmussen, Wojahn and Conner

AN ACT Relating to motorcycle riders; and amending RCW 46.61.610.

Referred to Committee on Transportation.

SB 4728 by Senator Barr

AN ACT Relating to the state hospital commission; and amending RCW 70.39.020.

Referred to Committee on Human Services and Corrections.

SB 4729 by Senators Barr, Rinehart, Lee, Goltz and Craswell

AN ACT Relating to school districts with fewer than five kindergarten through eighth grade pupils; and adding a new section to chapter 28A.57 RCW.

Referred to Committee on Education.

SB 4730 by Senators Kiskaddon, Hayner, Zimmerman, McCaslin, Deccio, Bailey, Barr, Benitz and Saling

AN ACT Relating to expanding job opportunities for aid to families with dependent children applicants and recipients; creating new sections; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services and Corrections.

SB 4731 by Senators Kiskaddon, Zimmerman, Hayner, McCaslin, Deccio, Bailey, Barr, Benitz and Saling

AN ACT Relating to community work experience programs for aid to families with dependent children recipients; adding a new chapter to Title 74 RCW; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 4732 by Senators Kiskaddon, Zimmerman, Hayner, McCaslin, Deccio, Bailey, Barr, Benitz and Saling

AN ACT Relating to continuous job search requirements for aid to families with dependent children recipients; adding a new chapter to Title 74 RCW; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 4733 by Senators Granlund, Goltz, Saling, Bauer, Cantu, Bottiger, Lee, Warnke, Bender and Stratton

AN ACT Relating to sales and use tax deferrals for industrial energy conservation projects conducted by persons under valid agreement with the United States Bonneville Power Administration to participate in its industrial energy conservation-modernization program, which projects are commenced prior to December 31, 1988; adding a new chapter to Title 82 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4734 by Senators Owen, Zimmerman, Metcalf, McCaslin and Halsan

AN ACT Relating to firearm forfeiture and auctioning; and amending RCW 9.41.098.

Referred to Committee on Judiciary.

SB 4735 by Senators Pullen, Talmadge and Lee

AN ACT Relating to sexual abuse of children; and creating a new section.

Referred to Committee on Judiciary.

SB 4736 by Senators Talmadge, Johnson, Wojahn, Bauer and Rasmussen

AN ACT Relating to sexual offender treatment programs; amending RCW 9.94A.120 and 9.94A.122; creating new sections; providing effective dates; and declaring an emergency.

Referred to Committee on Judiciary.

SB 4737 by Senator Talmadge

AN ACT Relating to child abuse information; amending RCW 9.94A.230, 43.43.700, 43.43.705, 43.43.710, 43.43.735, 43.43.740, and 74.15.030; adding new sections to chapter 43.43 RCW; and repealing RCW 26.44.070.

Referred to Committee on Judiciary.

SB 4738 by Senators Talmadge and Halsan

AN ACT Relating to juveniles; and amending RCW 13.40.200 and 13.40.300.

Referred to Committee on Judiciary.

SB 4739 by Senators Talmadge and Kreidler

AN ACT Relating to the financing of water pollution control facilities and activities; reenacting and amending RCW 82.24.260; adding a new chapter to Title 70 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 35.94 RCW; adding a new section to chapter 36.34 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 56.08 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 90.70 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 4740 by Senator Williams

AN ACT Relating to valuation of public service property; adding a new section to chapter 80.04 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4741 by Senators Goltz, Metcalf and Rasmussen

AN ACT Relating to commercial fishing licenses; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Natural Resources.

SB 4742 by Senators McDermott and Deccio

AN ACT Relating to nursing home auditing and cost reimbursement; and amending RCW 74.46.360.

Referred to Committee on Ways and Means.

SB 4743 by Senator McDermott

AN ACT Relating to the Firland corrections center; and adding a new section to chapter 72.01 RCW.

Referred to Committee on Human Services and Corrections.

SB 4744 by Senators McDermott, Bottiger, Owen and McManus

AN ACT Relating to use tax collection; and amending RCW 82.12.040.

Referred to Committee on Ways and Means.

SB 4745 by Senators McDermott, Patterson and Goltz

AN ACT Relating to funding of higher education faculty salaries; amending RCW 82.04.4281, 82.04.300, and 82.04.390; adding a new chapter to Title 28B RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; creating new sections; making an appropriation; and providing effective dates.

Referred to Committee on Ways and Means.

SJM 132 by Senators Warnke, Bender, Owen, Newhouse, Deccio, Zimmerman, Bauer, Barr and Rasmussen

Urging Congress to take necessary steps toward a full accounting of United States servicemen missing in Indochina.

Referred to Committee on Governmental Operations.

SJR 139 by Senators Talmadge, Pullen, Rasmussen and Vognild

Authorizing denial of bail to defendants posing a danger to the community.

Referred to Committee on Judiciary.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 4479.

On motion of Senator Vognild, Senate Bill No. 4479 was referred to the Committee on Ways and Means.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 4655.

On motion of Senator Vognild, Senate Bill No. 4655 was referred to the Committee on Judiciary.

On motion of Senator Vognild, the Committee on Financial Institutions was relieved of further consideration of Senate Bill No. 4669.

On motion of Senator Vognild, Senate Bill No. 4669 was referred to the Committee on Governmental Operations.

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

MESSAGE FROM THE HOUSE

January 21, 1986

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 681,

HOUSE BILL NO. 764

HOUSE BILL NO. 1198,

ENGROSSED HOUSE BILL NO. 1353,

HOUSE JOINT MEMORIAL NO. 26, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

At 11:53 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Wednesday, January 22, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 22, 1986

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Kiskaddon. On motion of Senator von Reichbauer, Senator Kiskaddon was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jill Brown and Scott Stuart, presented the Colors. Reverend Judith McDaniel, associate rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 21, 1986

SB 3193 Prime Sponsor, Senator Talmadge: Providing for public employees retirement in case of total disability resulting from occupational disease. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman, Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Deccio, Goltz, Lee, Moore, Rasmussen, Rinehart, Talmadge, Warnke.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 3847 Prime Sponsor, Senator McDermott: Limiting the suspension of pension benefits to retired teachers teaching in public schools in this state. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3847 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Goltz, Hayner, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

January 17, 1986

SB 4465 Prime Sponsor, Senator Fleming: Modifying provisions relative to use of deadly force. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4465 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, McCaslin, Metcalf, Newhouse.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4481 Prime Sponsor, Senator Talmadge: Modifying provisions detailing reporting of abuse or neglect of children or adult dependents. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4507 Prime Sponsor, Senator McDermott: Eliminating state retirement contributions for months in which no service credit is earned. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Bottiger, Cantu, Craswell, Fleming, Goltz, Hayner, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4511 Prime Sponsor, Senator Peterson: Revising adult's and minor's driver's licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Owen, Vognild.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4537 Prime Sponsor, Senator Bauer: Eliminating mandatory court appearance on a charge of driving with an expired license. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Owen, Patterson, Vognild.

Passed to Committee on Rules for second reading.

January 20, 1986

SB 4539 Prime Sponsor, Senator Moore: Providing insurance coverage for applicants currently unable to obtain it. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4539 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4542 Prime Sponsor, Senator Moore: Authorizing fees for operating costs of insurance commissioner. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4542 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Granlund, McDermott, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4641 Prime Sponsor, Senator McDermott: Providing revenue for local government construction. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4641 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Deccio, Goltz, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

January 20, 1986

SB 4662 Prime Sponsor, Senator Kreidler: Authorizing the department of ecology to participate in certain hazardous waste programs. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Kiskaddon.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4701 Prime Sponsor, Senator Talmadge: Revising aggravating circumstances under the sentencing reform act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt; Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4705 Prime Sponsor, Senator Talmadge: Revising provisions relating to sexual offenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4708 Prime Sponsor, Senator Talmadge: Revising provisions relating to competence of witnesses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

INTRODUCTION OF SPECIAL GUESTS

The President introduced former Senators John Stender and Ted Peterson who were seated with him on the rostrum.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3587, by Committee on Education (originally sponsored by Senator Goltz)

Authorizing the selection of students to attend a compact-authorized program in osteopathic medicine.

MOTIONS

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3587 was returned to second reading and read the second time.

On motion of Senator Gaspard, the following amendment was adopted;

On page 1, beginning on line 4, strike everything through "programs," on line 22 and insert the following:

"Sec. 1. Section 4, chapter 4, Laws of 1974 ex. sess. as amended by section 18, chapter 370, Laws of 1985 and RCW 28B.80.160 are each amended to read as follows:

In the development of any such plans as called for within RCW 28B.80.150, the board shall use at least the following criteria:

(1) Students who are eligible to attend compact-authorized programs in other states shall meet the Washington residency requirements of chapter 28B.15 RCW prior to being awarded tuition assistance grants;

(2) If appropriations are insufficient to fund all students qualifying under subsection (1) of this section, then the plans shall include criteria for student selection that would be in the best interest in meeting the state's educational needs, as well as recognizing the financial needs of students;

(3) Beginning with the 1986-87 academic year, the board shall select students to attend a compact-authorized program in osteopathic medicine. These students shall be in addition to and not supplant the students supported under other compact-authorized programs."

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 3587 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3587.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3587 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McDonald - 1.

Excused: Senator Kiskaddon - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 4746 by Senators Gaspard and Saling

AN ACT Relating to regional universities' and The Evergreen State College's extension departments; and amending RCW 28B.35.380 and 28B.40.380.

Referred to Committee on Education.

SB 4747 by Senators Garrett and Stratton

AN ACT Relating to the Model Traffic Ordinance; amending RCW 46.90.300 and 46.90.406; and declaring an emergency.

Referred to Committee on Transportation.

SB 4748 by Senator Garrett

AN ACT Relating to school employee salaries; and creating a new section.

Referred to Committee on Education.

SB 4749 by Senators Bender and DeJarnatt

AN ACT Relating to insurance reporting; and amending RCW 48.05.380 and 48.05.390.

Referred to Committee on Financial Institutions.

SB 4750 by Senator Goltz

AN ACT Relating to the penalty for aggravated first degree murder; amending RCW 10.95.030; and repealing RCW 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.190, and 10.95.200.

Referred to Committee on Judiciary.

SB 4751 by Senator Kreidler

AN ACT Relating to eligibility determinations for medical care programs; adding a new section to chapter 74.09 RCW; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 4752 by Senator Kreidler

AN ACT Relating to school-based health clinics; adding a new chapter to Title 70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 4753 by Senator Kreidler

AN ACT Relating to child support in marriage dissolution proceedings; and amending RCW 26.09.050 and 26.09.100.

Referred to Committee on Human Services and Corrections.

SB 4754 by Senator Wojahn

AN ACT Relating to health care assistants; and amending RCW 18.135.060.

Referred to Committee on Human Services and Corrections.

SB 4755 by Senators Williams, Kreidler and Lee

AN ACT Relating to the valuation of archaeological sites for property tax purposes; and amending RCW 84.40.030.

Referred to Committee on Parks and Ecology.

SB 4756 by Senators Williams, Newhouse and DeJarnatt

AN ACT Relating to electronic weapons; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; adding a new section to chapter 43.101 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4757 by Senators Williams and Peterson

AN ACT Relating to motor vehicle licensing reciprocity; amending RCW 46.16.020 and 46.16.270; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 4758 by Senator Conner

AN ACT Relating to tax on special fuel dispensed from a keylock metered pump; and repealing RCW 82.38.145.

Referred to Committee on Transportation.

SB 4759 by Senator Conner

AN ACT Relating to superior courts; amending RCW 2.08.065; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

SB 4760 by Senator Conner

AN ACT Relating to the funding of county fire marshal's offices; amending RCW 41.16.050, 41.24.030, 48.14.020, and 82.02.030; adding a new section to chapter 19.27 RCW; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 4761 by Senator Conner

AN ACT Relating to terms of officials in noncharter code cities; and amending RCW 35A.12.040.

Referred to Committee on Governmental Operations.

SB 4762 by Senators McDermott and Rasmussen (by request of Governor Gardner)

AN ACT Relating to state fiscal matters; amending RCW 70.48.120 and 81.53.281; amending section 107, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 110, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 121, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 123, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 130, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 143, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 201, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 203, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 205, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 206, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 207, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 208, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 211, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 215, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 217, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 228, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section

303, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 312, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 314, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 315, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 401, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 402, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 503, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 506, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 509, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 510, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 605, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 607, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 609, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 707, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 711, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 256, chapter 373, Laws of 1985 (uncodified); amending section 432, chapter 373, Laws of 1985 (uncodified); amending section 591, chapter 373, Laws of 1985 (uncodified); amending section 374, chapter 373, Laws of 1985 (uncodified); amending section 716, chapter 373, Laws of 1985 (uncodified); reenacting and amending RCW 43.19.610; adding new sections to chapter 373, Laws of 1985; adding new sections to chapter 6, Laws of 1985 ex. sess.; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4763 by Senators McDermott, Gaspard, Bluechel and Moore

AN ACT Relating to property tax exemptions; and amending RCW 84.36.805.

Referred to Committee on Ways and Means.

SB 4764 by Senator Peterson

AN ACT Relating to the superior courts of San Juan and Island counties; and amending RCW 2.08.065.

Referred to Committee on Judiciary.

SB 4765 by Senator Williams

AN ACT Relating to low-income weatherization and energy assistance; adding a new chapter to Title 70 RCW; and providing an expiration date.

Referred to Committee on Energy and Utilities.

SB 4766 by Senators Williams, McDermott, Bailey, Kreidler, Bauer, Halsan, McManus and Rasmussen

AN ACT Relating to residential space heating; amending RCW 35.21.300, 35.21.301, 54.16.285, 54.16.286, 80.28.010, and 80.28.011; adding a new section to chapter 24.03 RCW; and adding a new section to chapter 24.06 RCW.

Referred to Committee on Energy and Utilities.

SB 4767 by Senator Benitz

AN ACT Relating to insurance coverage for adopted children; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions.

SB 4768 by Senator Benitz

AN ACT Relating to education; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

SB 4769 by Senators Hansen, Bailey, Barr, Goltz, Bauer, Gaspard and Benitz

AN ACT Relating to excise taxation of sales of feed; and amending RCW 82.04.050.

Referred to Committee on Agriculture.

SB 4770 by Senators Hansen, Goltz, Barr, Gaspard, Benitz and Bailey

AN ACT Relating to irrigation districts; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Agriculture.

SB 4771 by Senators Hansen, Goltz, Barr, Bauer, Gaspard, Benitz and Bailey

AN ACT Relating to the control of livestock disease; and making an appropriation.

Referred to Committee on Agriculture.

SB 4772 by Senator McDermott

AN ACT Relating to forest land taxation; and amending RCW 84.33.035.

Referred to Committee on Ways and Means.

SB 4773 by Senators Talmadge, Lee, Kreidler and Bluechel

AN ACT Relating to disposal of sanitary wastes at marinas; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 4774 by Senators Conner and Barr

AN ACT Relating to diesel fuel; amending RCW 82.38.150 and 46.85.120; and adding a new section to chapter 82.38 RCW.

Referred to Committee on Transportation.

SB 4775 by Senators Goltz, Newhouse, Guess, Peterson and Vogild

AN ACT Relating to tort liability; amending RCW 4.22.005; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 4776 by Senators Gaspard, Guess and Stratton

AN ACT Relating to model schools or training departments; and amending RCW 28B.35.315.

Referred to Committee on Education.

SB 4777 by Senators McDermott, Sellar, Wojahn, Deccio and Warnke

AN ACT Relating to health care; amending RCW 82.08.020 and 7.04.010; adding a new section to chapter 50.20 RCW; adding a new section to chapter 74.08 RCW; adding a new section to chapter 74.09 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 70 RCW; adding a new section to chapter 4.56 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4778 by Senators Hayner, Pullen, McDonald, Deccio, Cantu, Bluechel, Benitz, Kiskaddon, Johnson, Craswell, Barr, Newhouse, Metcalf, Lee, McCaslin, von Reichbauer, Bailey, Zimmerman, Guess and Sellar

AN ACT Relating to spending limitations; adding a new chapter to Title 44 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4779 by Senators Warnke, Barr, Boltiger and Rasmussen

AN ACT Relating to auctioneers and auction companies; amending RCW 18.11.050, 18.11.060, 18.11.070, 18.11.100, 18.11.130, 18.11.140, 18.11.150, 18.11.160, 18.11.170, 18.11.180, 18.11.190, 18.11.200, and 18.11.210; adding new sections to chapter 18.11 RCW; creating a new section; repealing RCW 18.11.080, 18.11.090, 18.11.110, 18.11.120, 18.11.900, 18.11.910, 18.12.010, 18.12.020, 18.12.030, 18.12.040, 18.12.050, 18.12.060, 18.12.070, 18.12.080, 18.12.090, 18.12.100, 18.12.110, 18.12.120, 18.12.130, 18.12.140, 18.12.150, 18.12.160, 18.12.170, 18.12.180, 18.12.190, 18.12.200, and 18.12.900; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 4780 by Senator McDermott

AN ACT Relating to acquired immune deficiency syndrome; and adding a new chapter to Title 70 RCW.

Referred to Committee on Commerce and Labor.

SB 4781 by Senators Moore and Goltz

AN ACT Relating to public disclosure; and amending RCW 42.17.080.

Referred to Committee on Governmental Operations.

SB 4782 by Senators Moore, Deccio, Goltz, Warnke and Rasmussen

AN ACT Relating to checks; adding a new section to chapter 30.04 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 32.04 RCW; adding a new section to chapter 33.04 RCW; and adding a new section to chapter 39.58 RCW.

Referred to Committee on Financial Institutions.

SB 4783 by Senators Thompson, Hayner and Newhouse

AN ACT Relating to controlled substances; and amending RCW 69.50.505.

Referred to Committee on Judiciary.

SB 4784 by Senator Talmadge

AN ACT Relating to public disclosure; amending RCW 42.17.180 and 42.17.360; and repealing RCW 43.131.269 and 43.131.270.

Referred to Committee on Governmental Operations.

SB 4785 by Senators Talmadge, Zimmerman and Barr (by request of Legislative Budget Committee)

AN ACT Relating to marine employment relations; adding new sections to chapter 43.131 RCW; and repealing RCW 47.64.005, 47.64.006, 47.64.011, 47.64.060, 47.64.070, 47.64.080, 47.64.090, 47.64.120, 47.64.130, 47.64.140, 47.64.150, 47.64.160, 47.64.170, 47.64.180, 47.64.190, 47.64.200, 47.64.210, 47.64.220, 47.64.230, 47.64.240, 47.64.250, 47.64.260, 47.64.270, 47.64.280, 47.64.290, 47.64.900, and 47.64.910.

Referred to Committee on Commerce and Labor.

SB 4786 by Senators Talmadge, Zimmerman, Wojahn and Gaspard (by request of Legislative Budget Committee)

AN ACT Relating to salary surveys for state marine employees; and amending RCW 47.64.220.

Referred to Committee on Commerce and Labor.

SB 4787 by Senators Talmadge, Zimmerman, Wojahn and Gaspard (by request of Legislative Budget Committee)

AN ACT Relating to the Puget Sound ferry system funding; amending RCW 47.60.505; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 4788 by Senators Talmadge, Warnke and Rasmussen (by request of Secretary of State)

AN ACT Relating to charitable solicitations; amending RCW 19.09.010, 19.09.010, 19.09.020, 19.09.065, 19.09.075, 19.09.079, 19.09.085, 19.09.095, 19.09.100, 19.09.200, 19.09.210, 19.09.230, 19.09.240, 19.09.190, and 19.09.275; adding new sections to chapter 19.09 RCW; repealing RCW 19.09.030, 19.09.045, 19.09.050, and 19.09.069; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Judiciary.

SB 4789 by Senators Warnke, Saling, Rinehart, Johnson, Kreidler, Lee, Benitz, Barr, Rasmussen, Garrett and Conner

AN ACT Relating to minimum retirement allowances under the teachers' retirement system; and amending RCW 41.32.485.

Referred to Committee on Ways and Means.

SB 4790 by Senators Kreidler, Bluechel and Talmadge

AN ACT Relating to sludge; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Parks and Ecology.

SB 4791 by Senators Warnke and Deccio

AN ACT Relating to retirement from public service; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways and Means.

SB 4792 by Senators Wojahn, Kiskaddon, Stratton, Deccio, Granlund, Barr, Zimmerman, Vognild and Peterson

AN ACT Relating to the department of public health and environment; amending RCW 43.17.010, 43.17.020, 17.21.230, 28B.20.456, 43.21A.010, 43.21A.020, 43.21A.030, 43.21A.040, 43.21A.050, 43.21A.060, 43.21A.070, 43.21A.080, 43.21A.100, 43.21A.200, 43.20A.010, 43.20A.030, 43.20A.060, 43.20A.140, 43.20A.360, 43.131.213, and 43.131.214; reenacting and amending RCW 43.20.030; adding new sections to chapter 43.21A RCW; creating a new section; repealing RCW 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.630, 43.20A.635, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, and 43.21A.140; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 4793 by Senators Wojahn, Talmadge, Johnson, Fleming and Guess

AN ACT Relating to motor vehicle and special fuel taxation by counties; adding new sections to chapter 82.39 RCW; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 4794 by Senators Wojahn, Talmadge, Johnson, Fleming, Guess and Vognild

AN ACT Relating to local sales and use taxation; adding a new section to chapter 82.14 RCW; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 4795 by Senators Hansen, Deccio, Peterson, Patterson, Stratton, McCaslin, Conner, Barr, Vognild, Benitz, Guess, von Reichbauer, Garrett, Johnson, Granlund, Sellar and Metcalf

AN ACT Relating to speed limits; and amending RCW 46.52.130, 46.61.400, 46.61.415, and 46.61.465.

Referred to Committee on Transportation.

SJM 133 by Senators Bottiger, Moore, Granlund and Metcalf

Requesting that U.S. Congress establish satellite remote sensing receiving station in Hawaii and allocate funds for purchase of oceanographic color display.

Referred to Committee on Natural Resources.

SJM 134 by Senators Bottiger, Moore, Granlund and Metcalf

Requesting that the National Oceanic and Atmosphere Administration restore weather satellite coverage to mid-Pacific.

Referred to Committee on Natural Resources.

SJM 135 by Senators Bottiger, Warnke, Goltz, Vognild and Lee

Requesting federal enactment of legislation to provide additional customs inspectors for the West Coast.

Referred to Committee on Commerce and Labor.

SJM 136 by Senators Conner, Peterson, Goltz, Hansen, Garrett and Rasmussen

Petitioning the Washington state congressional delegation to assist in obtaining a national veterans' cemetery within the state of Washington.

Referred to Committee on Governmental Operations.

SJM 137 by Senators Wojahn, Rasmussen, Goltz, Stratton and Guess

Seeking reauthorization of the national health planning program.

Referred to Committee on Human Services and Corrections.

SJM 138 by Senators Wojahn, Guess, Stratton and Rasmussen

Petitioning Congress to enlarge the swing-bed program to include urban hospitals and hospitals with more than fifty beds.

Referred to Committee on Human Services and Corrections.

SJR 140 by Senators Hayner, Pullen, McDonald, Deccio, Cantu, Bluechel, Benitz, Kiskaddon, Johnson, Craswell, Barr, Newhouse, Metcalf, Lee, McCaslin, Bailey, Zimmerman, Guess, Sellar and von Reichbauer

Adopting spending limits.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 681 by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Rust, Allen and Isaacson)

Establishing an annual "governor's award of excellence" for outstanding achievement in hazardous or solid waste management.

Referred to Committee on Parks and Ecology.

HB 764 by Representatives Belcher, Hankins, Walk and Taylor

Exempting applications for public employment from public disclosure requirement.

Referred to Committee on Governmental Operations.

HB 1198 by Representatives Schmidt, Zellinsky, S. Wilson, Haugen, Thomas, Lundquist, Smitherman, L. Smith, McMullen, J. Williams, Hastings, Sayan, Schoon and Brough

Requiring an appropriation for expenditures from state ferry revenues.

Referred to Committee on Transportation.

EHB 1353 by Representatives Rayburn, Vekich, Hastings and Tilly

Modifying requirements for approval of plats in irrigation districts.

Referred to Committee on Agriculture.

HJM 26 by Representatives D. Nelson, Belcher, Lux, Cole, Allen, Leonard, Valle, Brekke, P. King, Unsoeld, Jacobsen, Rust, Locke, Niemi, Wang, Wineberry, Armstrong, Ebersole, Todd, Fisher, Tanner and O'Brien

Urging Congress to negotiate a verifiable test ban treaty and to stop nuclear weapons testing.

Referred to Committee on Governmental Operations.

MOTION

At 11:26 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Thursday, January 23, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

ELEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 23, 1986

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Kiskaddon and Owen.

The Sergeant at Arms Color Guard, consisting of Pages Jeffrey Beazizo and Colleen Cox, presented the Colors. Reverend Judith McDaniel, associate rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 21, 1986

SB 4444 Prime Sponsor, Senator Benitz: Revising provisions relating to public employment of veterans. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4505 Prime Sponsor, Senator Thompson: Establishing bid limits for special purpose districts under chapter 85.38 RCW. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4546 Prime Sponsor, Senator Hansen: Revising the definition of manufacturing for the purposes of business and occupation taxation. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4552 Prime Sponsor, Senator Hansen: Modifying livestock range regulations. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4552 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4553 Prime Sponsor, Senator Hansen: Authorizing beef commission to levy assessments for promotion and research. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4553 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4584 Prime Sponsor, Senator Benitz: Revising provisions relating to library districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 22, 1986

GA 216 CHUCK COLLINS, to the position of Chairman of the Higher Education Coordinating Board, appointed by the Governor on October 3, 1985, for the term ending at the Governor's pleasure.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Fleming, Goltz, Granlund, Johnson, McDermott, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules.

January 22, 1986

GA 217 JOHN FLUKE, JR., to the position of member of the Higher Education Coordinating Board, appointed by the Governor on October 3, 1985, for the term ending June 30, 1988.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Fleming, Goltz, Granlund, Johnson, McDermott, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules.

January 22, 1986

GA 218 MARY JAMES, to the position of member of the Higher Education Coordinating Board, appointed by the Governor on October 3, 1985, for the term ending June 30, 1989.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, Johnson, McDermott, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules.

January 22, 1986

GA 219 PEARL McELHERAN, to the position of member of the Higher Education Coordinating Board, appointed by the Governor on October 3, 1985, for the term ending June 30, 1988.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, Johnson, McDermott, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules.

January 22, 1986

GA 221 LYLE JACOBSEN, to the position of member of the Higher Education Coordinating Board, appointed by the Governor on October 3, 1985, for the term ending June 30, 1989.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, Johnson, McDermott, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules.

January 22, 1986

GA 222 BILL BURNS, to the position of member of the Higher Education Coordinating Board, appointed by the Governor on October 3, 1985, for the term ending June 30, 1989.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Fleming, Goltz, Granlund, Johnson, McDermott, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules.

January 22, 1986

GA 224 WILLIAM WILEY, to the position of member of the Higher Education Coordinating Board, appointed by the Governor on October 3, 1985, for the term ending June 30, 1988.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Fleming, Goltz, Granlund, Johnson, McDermott, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules.

January 21, 1986

GA 284 BARBARA VANDERKOLK, to the position of member of the State Board of Pharmacy, reappointed by the Governor on January 10, 1986, for the term ending January 20, 1990.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson, Stratton.

Passed to Committee on Rules.

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Gaspard, the appointment of Herb Gelman as a member of the Board of Trustees for The Evergreen State College was confirmed.

APPOINTMENT OF HERB GELMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.
Absent: Senators Kiskaddon, Owen - 2.

MOTION

At 11:20 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:51 a.m. by President Cherberg.

There being no objection, the President returned the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

January 22, 1986

SB 3336 Prime Sponsor, Senator Moore: Authorizing hotels to sell liquor by the bottle to registered guests. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

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

INTRODUCTION AND FIRST READING

SB 4796 by Senators Craswell, Granlund, Stratton, Barr and Lee

AN ACT Relating to rape by counselors; amending RCW 9A.44.010 and 9A.44.060; defining crimes; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4797 by Senators Bender, Bluechel, Kreidler, Kiskaddon, Talmadge and Zimmerman

AN ACT Relating to underground storage tanks; and creating a new section.

Referred to Committee on Parks and Ecology.

SB 4798 by Senators Granlund, Zimmerman, Kreidler and Talmadge

AN ACT Relating to water pollution control; adding new sections to chapter 90.48 RCW; and creating new sections.

Referred to Committee on Parks and Ecology.

SB 4799 by Senators Barr, Hansen, Benitz and Bailey

AN ACT Relating to a state land bank; amending RCW 30.04.020; adding a new section to chapter 19.52 RCW; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Agriculture.

SB 4800 by Senator Bluechel

AN ACT Relating to environment.

Referred to Committee on Parks and Ecology.

SB 4801 by Senators Bluechel and Bottiger

AN ACT Relating to winter recreation.

Referred to Committee on Parks and Ecology.

SB 4802 by Senator Bluechel

AN ACT Relating to kindergarten through twelfth grade educational compensation.

Referred to Committee on Ways and Means.

SB 4803 by Senator Craswell

AN ACT Relating to education.

Referred to Committee on Education.

SB 4804 by Senator Craswell

AN ACT Relating to education.

Referred to Committee on Education.

SB 4805 by Senator Craswell

AN ACT Relating to employments covered under industrial insurance.

Referred to Committee on Commerce and Labor.

SB 4806 by Senator Hayner

AN ACT Relating to comparable worth.

Referred to Committee on Ways and Means.

SB 4807 by Senator Kreidler

AN ACT Relating to oil spills.

Referred to Committee on Parks and Ecology.

SB 4808 by Senator Kreidler

AN ACT Relating to smoking.

Referred to Committee on Parks and Ecology.

SB 4809 by Senator Kreidler

AN ACT Relating to park funding.

Referred to Committee on Parks and Ecology.

SB 4810 by Senator Kreidler

AN ACT Relating to water quality financing.

Referred to Committee on Parks and Ecology.

SB 4811 by Senator Kreidler

AN ACT Relating to adult correctional work release programs.

Referred to Committee on Human Services and Corrections.

SB 4812 by Senator McDermott

AN ACT Relating to the calculation of retirement benefits for members covered under either chapter 41.32 or 41.40 RCW who retire during calendar year 1986.

Referred to Committee on Ways and Means.

SB 4813 by Senator McDermott

AN ACT Relating to public stadium, convention, performing arts, and visual arts facilities.

Referred to Committee on Ways and Means.

SB 4814 by Senators McDermott and Bailey

AN ACT Relating to child abuse prevention.

Referred to Committee on Ways and Means.

SB 4815 by Senator McDermott

AN ACT Relating to appropriations for projects recommended by the public works board.

Referred to Committee on Ways and Means.

SB 4816 by Senator McManus

AN ACT Relating to mental health services.

Referred to Committee on Human Services and Corrections.

SB 4817 by Senator Metcalf

AN ACT Relating to natural resources.

Referred to Committee on Natural Resources.

SB 4818 by Senator Moore

AN ACT Relating to insurance premium tax.

Referred to Committee on Financial Institutions.

SB 4819 by Senator Moore

AN ACT Relating to revenue and taxation.

Referred to Committee on Financial Institutions.

SB 4820 by Senator Moore

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions.

SB 4821 by Senator Owen

AN ACT Relating to hydraulic works.

Referred to Committee on Natural Resources.

SB 4822 by Senator Owen

AN ACT Relating to access fees for private lands.

Referred to Committee on Natural Resources.

SB 4823 by Senator Owen

AN ACT Relating to forest fire advisory board.

Referred to Committee on Natural Resources.

SB 4824 by Senator Owen

AN ACT Relating to Christmas tree liens.

Referred to Committee on Natural Resources.

SB 4825 by Senator Owen

AN ACT Relating to fish habitat restoration.

Referred to Committee on Natural Resources.

SB 4826 by Senator Owen

AN ACT Relating to fire protection and suppression.

Referred to Committee on Natural Resources.

SB 4827 by Senator Owen

AN ACT Relating to forest fires.

Referred to Committee on Natural Resources.

SB 4828 by Senator Owen

AN ACT Relating to food fish and shellfish.

Referred to Committee on Natural Resources.

SB 4829 by Senator Owen

AN ACT Relating to game funding.

Referred to Committee on Natural Resources.

SB 4830 by Senator Owen

AN ACT Relating to oyster reserves.

Referred to Committee on Natural Resources.

SB 4831 by Senator Owen

AN ACT Relating to funding for wildlife.

Referred to Committee on Natural Resources.

SB 4832 by Senator Owen

AN ACT Relating to Christmas tree taxation.

Referred to Committee on Natural Resources.

SB 4833 by Senator Peterson

AN ACT Relating to motor freight carriers.

Referred to Committee on Transportation.

SB 4834 by Senator Peterson

AN ACT Relating to Northern State Hospital.

Referred to Committee on Human Services and Corrections.

SB 4835 by Senator Peterson

AN ACT Relating to motor freight carriers.

Referred to Committee on Transportation.

SB 4836 by Senator Williams

AN ACT Relating to telecommunications.

Referred to Committee on Energy and Utilities.

SB 4837 by Senator Owen

AN ACT Relating to Puget Sound commercial crab fishing license moratorium.

Referred to Committee on Natural Resources.

SB 4838 by Senator Sellar

AN ACT Relating to metropolitan park districts.

Referred to Committee on Parks and Ecology.

SB 4839 by Senator Williams

AN ACT Relating to telecommunications.

Referred to Committee on Energy and Utilities.

SB 4840 by Senator Warnke

AN ACT Relating to group self-insurance coverage of professional athletes.

Referred to Committee on Commerce and Labor.

SB 4841 by Senator Warnke

AN ACT Relating to labor relations.

Referred to Committee on Commerce and Labor.

SB 4842 by Senator Warnke

AN ACT Relating to labor.

Referred to Committee on Commerce and Labor.

SB 4843 by Senator Warnke

AN ACT Relating to consumer protection.

Referred to Committee on Commerce and Labor.

- SB 4844 by Senator Warnke
AN ACT Relating to small business.
Referred to Committee on Commerce and Labor.
- SB 4845 by Senator Warnke
AN ACT Relating to high technology coordinating board.
Referred to Committee on Commerce and Labor.
- SB 4846 by Senator Warnke
AN ACT Relating to industrial insurance.
Referred to Committee on Commerce and Labor.
- SB 4847 by Senator Warnke
AN ACT Relating to unemployment compensation.
Referred to Committee on Commerce and Labor.
- SB 4848 by Senator Warnke
AN ACT Relating to unemployment compensation.
Referred to Committee on Commerce and Labor.
- SB 4849 by Senator Warnke
AN ACT Relating to occupational safety.
Referred to Committee on Commerce and Labor.
- SB 4850 by Senator Wojahn
AN ACT Relating to the department of public health.
Referred to Committee on Human Services and Corrections.
- SB 4851 by Senator Wojahn
AN ACT Relating to adult corrections.
Referred to Committee on Human Services and Corrections.
- SB 4852 by Senator Wojahn
AN ACT Relating to medical assistance.
Referred to Committee on Human Services and Corrections.
- SB 4853 by Senator Wojahn
AN ACT Relating to certificate of need.
Referred to Committee on Human Services and Corrections.
- SB 4854 by Senator Wojahn
AN ACT Relating to nursing homes.
Referred to Committee on Human Services and Corrections.
- SB 4855 by Senator Wojahn
AN ACT Relating to adult sex offender treatment programs.
Referred to Committee on Human Services and Corrections.
- SB 4856 by Senator Wojahn
AN ACT Relating to children's mental health.
Referred to Committee on Human Services and Corrections.
- SB 4857 by Senator Wojahn
AN ACT Relating to social and health services.
Referred to Committee on Human Services and Corrections.
- SB 4858 by Senator Wojahn

AN ACT Relating to social and health services.

Referred to Committee on Human Services and Corrections.

SB 4859 by Senator Wojahn

AN ACT Relating to children and family services.

Referred to Committee on Human Services and Corrections.

SB 4860 by Senator Wojahn

AN ACT Relating to children and family services.

Referred to Committee on Human Services and Corrections.

SB 4861 by Senator Wojahn

AN ACT Relating to public assistance.

Referred to Committee on Human Services and Corrections.

SB 4862 by Senator Wojahn

AN ACT Relating to state board of health.

Referred to Committee on Human Services and Corrections.

SB 4863 by Senator Wojahn

AN ACT Relating to jails.

Referred to Committee on Human Services and Corrections.

SB 4864 by Senator Wojahn

AN ACT Relating to nursing homes.

Referred to Committee on Human Services and Corrections.

SB 4865 by Senator Wojahn

AN ACT Relating to juvenile offenders.

Referred to Committee on Human Services and Corrections.

SB 4866 by Senator Wojahn

AN ACT Relating to adult corrections.

Referred to Committee on Human Services and Corrections.

SB 4867 by Senators Vognild, Moore and Bottiger

AN ACT Relating to the use of in-state experience data in computing liability insurance rates.

Referred to Committee on Financial Institutions.

SB 4868 by Senator Vognild

AN ACT Relating to the duties and authority of the fire protection board.

Referred to Committee on Commerce and Labor.

SB 4869 by Senator Thompson

AN ACT Relating to appointment of agency chief executive officers.

Referred to Committee on Governmental Operations.

SB 4870 by Senator Thompson

AN ACT Relating to appointment of agency chief executive officers.

Referred to Committee on Governmental Operations.

SB 4871 by Senators Owen, Newhouse and DeJarnatt

AN ACT Relating to search and seizure; amending RCW 75.08.080, 75.10.020, and 75.28.035; adding a new section to chapter 75.08 RCW; adding a new section to chapter 75.25 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 4872 by Senators Gaspard, Talmadge and Conner (by request of Governor Gardner)

AN ACT Relating to governance of the common school system: amending RCW 28A.02.110, 28A.03.030, 28A.04.010, 28A.04.030, 28A.04.040, 28A.04.080, 28A.04.090, 28A.04.100, 28A.04.120, 28A.13.020, 28A.21.010, 28A.21.020, 28A.21.071, 28A.21.086, 28A.21.088, 28A.21.090, 28A.21.105, 28A.21.106, 28A.21.110, 28A.21.111, 28A.21.113, 28A.21.120, 28A.21.130, 28A.21.136, 28A.21.160, 28A.21.195, 28A.21.220, 28A.21.255, 28A.21.300, 28A.21.310, 28A.21.900, 28A.27.102, 28A.56.040, 28A.56.050, 28A.56.060, 28A.57.030, 28A.57.031, 28A.57.032, 28A.57.033, 28A.57.034, 28A.57.070, 28A.57.075, 28A.57.090, 28A.57.150, 28A.57.180, 28A.57.240, 28A.57.326, 28A.57.328, 28A.57.355, 28A.57.356, 28A.57.357, 28A.57.358, 28A.57.415, 28A.58.090, 28A.58.107, 28A.58.225, 28A.58.410, 28A.58.430, 28A.58.530, 28A.58.560, 28A.58.620, 28A.58.630, 28A.65.420, 28A.65.435, 28A.65.480, 28A.71.100, 28A.71.210, 28A.71.220, 28B.40.380, 28B.50.551, 39.33.070, 41.04.445, 48.62.030, 48.62.035, 48.62.040, 48.62.080, 51.14.150, 72.40.070, 72.41.020, and 72.42.020; reenacting and amending RCW 28A.58.099 and 28A.70.110; adding a new section to chapter 28A.24 RCW; creating new sections; and repealing RCW 28A.03.028, 28A.04.020, 28A.04.050, 28A.04.060, 28A.04.065, 28A.04.070, 28A.04.131, 28A.04.145, 28A.21.030, 28A.21.0303, 28A.21.0304, 28A.21.0305, 28A.21.0306, 28A.21.031, 28A.21.032, 28A.21.033, 28A.21.034, 28A.21.035, 28A.21.037, 28A.21.050, 28A.21.060, 28A.21.092, 28A.21.095, 28A.21.100, 28A.21.140, 28A.21.170, 28A.21.200, 28A.21.210, 28A.21.350, 28A.21.355, 28A.21.360, 28A.26.010, and 28A.48.030.

Referred to Committee on Education.

SB 4873 by Senators Conner, Talmadge, Garrett, Wojahn, Peterson, Bottiger, Fleming, Goltz, Gaspard, Bender and McManus (by request of Governor Gardner)

AN ACT Relating to consolidation of agencies into the department of community development: amending RCW 27.34.020, 27.34.210, 27.34.220, 27.34.230, 27.34.240, 27.34.270, 27.34.280, 27.53.020, 27.53.030, 27.53.060, 27.53.080, 27.53.090, 28A.24.172, 38.52.005, 38.52.010, 38.52.020, 38.52.030, 38.52.037, 38.52.050, 38.52.070, 38.52.090, 38.52.170, 38.52.207, 38.52.210, 38.52.240, 38.52.250, 38.52.300, 38.52.310, 38.52.320, 38.52.330, 38.52.340, 38.52.360, 38.52.370, 38.52.390, 38.52.400, 38.52.410, 40.10.020, 43.131.313, 43.131.314, 46.16.340, 70.136.030, 28C.50.010, 28C.50.050, 28C.51.010, 28C.51.050, 48.05.320, 48.48.030, 48.48.040, 48.48.045, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, 48.50.020, 19.27.070, 28C.04.040, 28C.04.142, 28C.04.144, and 43.63A.065; reenacting and amending RCW 43.220.070 and 80.50.030; adding new sections to chapter 41.06 RCW; adding new sections to chapter 43.63A RCW; creating new sections; decodifying RCW 27.34.905; repealing RCW 27.34.290, 48.48.001, 48.48.005, 48.48.011, 48.48.015, 48.48.021, 48.48.025, 48.48.028, 41.06.091; repealing section 28, chapter 470, Laws of 1985 (uncodified); repealing section 29, chapter 470, Laws of 1985 (uncodified); repealing section 30, chapter 470, Laws of 1985 (uncodified); repealing section 31, chapter 470, Laws of 1985 (uncodified); repealing section 32, chapter 470, Laws of 1985 (uncodified); repealing section 33, chapter 470, Laws of 1985 (uncodified); repealing section 34, chapter 470, Laws of 1985 (uncodified); repealing section 35, chapter 470, Laws of 1985 (uncodified), and repealing section 36, chapter 470, Laws of 1985 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 4874 by Senators Wojahn, Lee, Kreidler, von Reichbauer, Conner, Fleming, Peterson, Garrett, Halsan, DeJarnatt, Granlund and Talmadge (by request of Governor Gardner)

AN ACT Relating to day care for the children of state employees; and creating new sections.

Referred to Committee on Human Services and Corrections.

SB 4875 by Senators Granlund, Garrett, Conner, Wojahn, Peterson, DeJarnatt, Talmadge, Gaspard, Goltz, Williams, Vognlid and McManus (by request of Governor Gardner)

AN ACT Relating to appointments of agency chief executive officers: amending RCW 43.17.020, 47.01.041, 77.04.020, 77.04.060, 43.51.040, and 43.51.060; adding a new section to chapter 43.51 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 4876 by Senators Williams, Rasmussen, Bender, Peterson, Fleming, Bauer, Granlund and Halsan (by request of Governor Gardner)

AN ACT Relating to low-level radioactive waste disposal; amending RCW 43.200.080 and 70.98.085; adding new sections to chapter 43.200 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4877 by Senators Gaspard, Conner, Bottiger, Vognild and Peterson (by request of Governor Gardner)

AN ACT Relating to vocational education; amending RCW 28C.04.010, 28C.04.020, 28C.04.030, 28C.04.040, 28C.04.050, 28C.04.060, 28C.04.070, 28C.04.080, 28C.04.090, 28C.04.150, 28C.04.300, 28C.04.310, 28C.04.410, 28C.04.420, 28C.04.430, 28C.04.440, 28C.04.460, 28C.04.470, 28C.04.510, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.550, 18.106.040, 18.106-.070, 19.28.510, 19.28.530, 28B.04.080, 28B.05.030, 28B.05.050, 28B.05.130, 28B.80.320, 28B.80-.330, 28B.80.350, 28B.80.430, 43.03.028, 43.165.030, 43.165.100, 48.48.005, 49.04.010, 49.04.030, and 50.38.030; adding a new section to chapter 28C.04 RCW; creating new sections; and repealing RCW 28C.04.500, 43.131.287, and 43.131.288.

Referred to Committee on Education.

SB 4878 by Senators Kreidler, Peterson, Williams, Fleming, Garrett and Talmadge (by request of Governor Gardner)

AN ACT Relating to day care for state employees; adding a new section to chapter 41.04 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 4879 by Senators Rasmussen, Talmadge, Gaspard, Peterson, Vognild, Bauer, Bottiger and Fleming (by request of Governor Gardner)

AN ACT Relating to consolidating the administrative functions of state licensing programs; amending RCW 18.04.025, 18.04.045, 18.04.105, 18.04.195, 18.04.205, 18.04.215, 18.04-320, 18.04.335, 18.04.350, 18.04.005, 18.64.007, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.080, 18.64.140, 68.05.020, 68.05.070, 68.05.090, 68.05.100, 68.05.130, 68.05.140, 68.05.150, 68.05.160, 68.05.180, 68.05.190, 68.05.200, 68.05.210, 68.05.220, 68.05.230, 68.05.255, 68.05.257, and 68.05.270; adding new sections to chapter 18.04 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 68.05 RCW; creating new sections; and repealing RCW 18.04.065.

Referred to Committee on Governmental Operations.

SB 4880 by Senators Wojahn, Warnke, Sellar, Johnson, Goltz and Hayner

AN ACT Relating to excise taxation of warehouses; and amending RCW 82.16.010 and 82.04.280.

Referred to Committee on Ways and Means.

SB 4881 by Senator Warnke

AN ACT Relating to mobile homes, commercial coaches, recreational vehicles, and factory built housing and commercial structures; and amending RCW 43.22.480.

Referred to Committee on Commerce and Labor.

SB 4882 by Senator McDermott

AN ACT Relating to collective bargaining; and amending RCW 41.56.950.

Referred to Committee on Commerce and Labor.

SB 4883 by Senator Williams

AN ACT Relating to the approval of temporary and interim rate increases by the utilities and transportation commission; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Energy and Utilities.

SB 4884 by Senators Williams and Saling

AN ACT Relating to emergency information services; and adding a new section to chapter 43.17 RCW.

Referred to Committee on Energy and Utilities.

SB 4885 by Senators Williams and Bottiger

AN ACT Relating to consumer disclosures about long distance telecommunication services; adding new sections to chapter 19.130 RCW; and creating new sections.

Referred to Committee on Energy and Utilities.

SB 4886 by Senators Stratton, DeJarnatt, Patterson and Barr

AN ACT Relating to food fish and shellfish; amending RCW 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, and 75.25.160; adding new sections to chapter 75.25 RCW; and providing an effective date.

Referred to Committee on Natural Resources.

SB 4887 by Senators Goltz, Johnson, Warnke, Patterson and Rasmussen (by request of Office of Financial Management)

AN ACT Relating to state travel allowances; and amending RCW 43.03.050.

Referred to Committee on Ways and Means.

SB 4888 by Senators Owen and Warnke

AN ACT Relating to motor vehicle dealers; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Commerce and Labor.

SB 4889 by Senators Stratton, Kreidler, Deccio, Johnson, Conner and Moore

AN ACT Relating to children and family services; adding a new chapter to Title 26 RCW; creating new sections; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 4890 by Senators Gaspard, Benitz, McManus, McDermott and Saling

AN ACT Relating to environmental education; creating new sections; and providing an expiration date.

Referred to Committee on Education.

SB 4891 by Senators Vognild and Cantu

AN ACT Relating to motor vehicle dealers; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Commerce and Labor.

SB 4892 by Senators Bender, McManus, Vognild, Gaspard and Bluechel

AN ACT Relating to the high-technology coordinating board; amending RCW 28B-.65.060; reenacting and amending RCW 28B.65.050; reenacting RCW 28B.65.040; and making an appropriation.

Referred to Committee on Education.

SB 4893 by Senators Warnke, Bender, McManus, Gaspard, Newhouse, Zimmerman, Deccio, McCaslin, Garrett and Rasmussen

AN ACT Relating to retail sales and use taxation; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 4894 by Senators Conner, Granlund, Hayner, Bottiger and Bauer

AN ACT Relating to benefits for volunteer firemen; and amending RCW 41.24.150, 41.24.160, and 41.24.230.

Referred to Committee on Ways and Means.

SB 4895 by Senators Halsan and Newhouse

AN ACT Relating to judges pro tempore of the court of appeals; creating a new section; and providing an expiration date.

Referred to Committee on Judiciary.

SB 4896 by Senators Goltz, Lee and Halsan

AN ACT Relating to the licensing of home health agencies; amending RCW 70.126-.010, 70.126.020, 70.126.040, 48.21.220, 48.21A.090, and 48.44.320; adding new sections to

chapter 70.126 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 70.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 4897 by Senators Bender, Newhouse and Bottiger

AN ACT Relating to certification of process servers; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4898 by Senators Hansen, Deccio, Bottiger, Goltz, Gaspard, Bauer, Benitz, Bailey and Barr

AN ACT Relating to fire protection by fire protection districts, the department of natural resources, and the department of game on unprotected lands; amending RCW 52.12-.031, 52.12.111, 52.16.010, 77.12.210, and 77.12.230; and adding new sections to chapter 76.04 RCW.

Referred to Committee on Natural Resources.

SB 4899 by Senators Hansen, Deccio, Bottiger, Goltz, Gaspard, Bauer, Benitz, Bailey and Barr

AN ACT Relating to fire protection districts suppressing fires outside jurisdictional boundaries; and amending RCW 52.12.111 and 52.16.010.

Referred to Committee on Natural Resources.

SB 4900 by Senators Hansen, Deccio, Bottiger, Goltz, Gaspard, Benitz, Bailey and Barr

AN ACT Relating to fire protection and suppression on department of game lands; and amending RCW 77.12.210 and 77.12.230.

Referred to Committee on Natural Resources.

SB 4901 by Senators Goltz, Lee, Talmadge, Moore, McDonald and Bottiger

AN ACT Relating to apportionment of the value of ships and vessels for property tax purposes; and amending RCW 84.08.200.

Referred to Committee on Ways and Means.

SB 4902 by Senators Williams, Hayner, Stratton, von Reichbauer and Kreidler
(by request of 1989 Washington Centennial Commission, Department of Licensing)

AN ACT Relating to centennial commemorative license plates and centennial activity funding; reenacting and amending RCW 27.60.060; adding new sections to chapter 46.16 RCW; adding a new section to chapter 27.60 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 4903 by Senators Williams, Hayner, Stratton, von Reichbauer and Kreidler
(by request of 1989 Washington Centennial Commission)

AN ACT Relating to 1989 centennial logos; adding a new section to chapter 27.60 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 4904 by Senators McDermott, Lee and Rasmussen (by request of Code Reviser)

AN ACT Relating to the consolidation of the cigarette tax statutes; amending RCW 82.24.020, 82.24.070, 82.02.030, and 82.32.265; reenacting and amending RCW 82.24.260; and repealing RCW 28A.47.440 and 82.24.025.

Referred to Committee on Ways and Means.

SB 4905 by Senators Peterson and Patterson (by request of Governor Gardner)

AN ACT Relating to transportation; amending section 6, chapter 460, Laws of 1985 (uncodified); amending section 7, chapter 460, Laws of 1985 (uncodified); amending section 9, chapter 460, Laws of 1985 (uncodified); amending section 10, chapter 460, Laws of 1985 (uncodified); amending section 15, chapter 460, Laws of 1985 (uncodified); amending

section 16, chapter 460, Laws of 1985 (uncodified); amending section 17, chapter 460, Laws of 1985 (uncodified); amending section 18, chapter 460, Laws of 1985 (uncodified); amending section 19, chapter 460, Laws of 1985 (uncodified); amending section 20, chapter 460, Laws of 1985 (uncodified); amending section 21, chapter 460, Laws of 1985 (uncodified); amending section 25, chapter 460, Laws of 1985 (uncodified); amending section 27, chapter 460, Laws of 1985 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

SB 4906 by Senators Peterson and Patterson

AN ACT Relating to capital projects; and amending RCW 47.10.802, 47.10.803, 47.26.421, 47.26.422, and 47.26.423.

Referred to Committee on Transportation.

SB 4907 by Senators Peterson and Patterson

AN ACT Relating to the purchase of fuel for ferry vessels; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Transportation.

SB 4908 by Senators Owen, Hansen, Rasmussen, Zimmerman, Benitz, Conner, Bauer, Guess and Pullen

AN ACT Relating to protecting private property rights; adding a new chapter to Title 64 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 4909 by Senators Warnke, Rinehart, McDermott, Wojahn, Williams and Talmadge

AN ACT Relating to occupational safeguards for operators of video display terminals; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4910 by Senators Warnke, Newhouse and Vognild

AN ACT Relating to industrial insurance coverage; and amending RCW 51.12.020.

Referred to Committee on Commerce and Labor.

SB 4911 by Senators Peterson, Granlund, Conner and Moore

AN ACT Relating to the titling, registration, and licensing of vehicles and vessels; adding a new section to chapter 46.01 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 4912 by Senators Peterson, Granlund, Conner, Moore, Stratton and Garrett

AN ACT Relating to payments to the department of licensing; amending RCW 46.01-.230; and prescribing penalties.

Referred to Committee on Transportation.

SB 4913 by Senators Peterson and Granlund

AN ACT Relating to agents of the county auditor; amending RCW 46.01.140; reenacting and amending RCW 46.01.140; and providing a contingent effective date.

Referred to Committee on Transportation.

SB 4914 by Senators Peterson, Wojahn, Granlund and Talmadge

AN ACT Relating to the establishment of a demonstration project at Northern State for the neurologically impaired; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 4915 by Senators Peterson, McManus, Conner, Moore and Garrett

AN ACT Relating to certificates of delinquency; and reenacting and amending RCW 84.64.050.

Referred to Committee on Ways and Means.

SB 4916 by Senator Halsan

AN ACT Relating to awards of exemplary damages under certain circumstances; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 4917 by Senators Moore, Newhouse and Bender

AN ACT Relating to banks and trust companies; amending RCW 30.04.030, 30.04.075, 30.04.112, 30.04.120, 30.04.130, 30.04.140, 30.04.180, 30.04.200, 30.04.210, 30.04.215, 30.04.238, 30.04.380, 30.04.390, 30.04.405, 30.08.010, 30.08.020, 30.08.050, 30.08.060, 30.08.070, 30.08.082, 30.08.084, 30.08.086, 30.08.087, 30.08.088, 30.08.090, 30.08.140, 30.12.010, 30.12.020, 30.12.030, 30.12.050, 30.12.110, 30.20.060, 30.40.020, 30.04.550, 30.04.555, 30.04.560, 30.49.010, 30.43.010, and 30.49.040; adding new sections to chapter 30.04 RCW; adding new sections to chapter 30.08 RCW; adding new sections to chapter 30.12 RCW; creating a new section; and repealing RCW 30.04.040, 30.04.100, 30.04.110, 30.04.122, 30.04.124, 30.04.126, 30.04.128, 30.04.160, 30.04.170, 30.04.190, 30.04.340, 30.04.350, 30.04.360, 30.12.080, 30.12.140, 30.12.150, 30.12.160, 30.12.170, 30.12.200, 30.12.210, 30.20.070, 30.20.080, and 30.40.060.

Referred to Committee on Financial Institutions.

SB 4918 by Senators Zimmerman, Barr and Lee

AN ACT Relating to vocational education; amending RCW 28C.04.020; adding new sections to chapter 28C.04 RCW; creating new sections; repealing RCW 28C.04.030, 28C.04.040, 28C.04.050, 28C.04.090, 28C.04.150, 28C.04.300, 28C.04.310, and 43.131.288; and providing an effective date.

Referred to Committee on Education.

SB 4919 by Senators Peterson, Conner and Bottiger

AN ACT Relating to pilotage; amending RCW 88.16.090; and making an appropriation.

Referred to Committee on Transportation.

SB 4920 by Senators Peterson, Bottiger and Conner

AN ACT Relating to vessel pilots; amending RCW 88.16.090, 88.16.100, and 88.16.103; and prescribing penalties.

Referred to Committee on Transportation.

SB 4921 by Senators Bottiger, Craswell, Wojahn and Thompson

AN ACT Relating to nursing home auditing and cost reimbursement; and amending RCW 74.46.360.

Referred to Committee on Ways and Means.

SB 4922 by Senators Bluechel and Goltz

AN ACT Relating to water quality management; and amending RCW 90.70.060.

Referred to Committee on Parks and Ecology.

SB 4923 by Senators Warnke, Zimmerman and Thompson

AN ACT Relating to the allocation of the state ceiling on the issuance of certain tax exempt bonds under federal tax law; adding a new section to chapter 39.86 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4924 by Senators Warnke, Kreidler and Rasmussen

AN ACT Relating to motor vehicles; and amending RCW 46.37.500 and 46.61.655.

Referred to Committee on Parks and Ecology.

SB 4925 by Senators Warnke, Stratton, Thompson, Bender, Gaspard and Owen

AN ACT Relating to Mt. Frances; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Natural Resources.

SB 4926 by Senators Thompson, McDonald, Rinehart and Cantu

AN ACT Relating to state budgeting, accounting, and reporting; amending RCW 43.88.010, 43.88.020, 43.88.030, 43.88.110, 43.88.111, 43.88.160, and 43.88.210; and repealing RCW 43.88.112.

Referred to Committee on Governmental Operations.

SB 4927 by Senators Moore and Newhouse

AN ACT Relating to medical aid; amending RCW 51.04.030, 51.04.040, 51.52.050, and 51.52.060; adding new sections to chapter 51.36 RCW; adding new sections to chapter 51.48 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4928 by Senators Owen, DeJarnatt, Newhouse, Vognild, Hayner and Thompson

AN ACT Relating to negligence; and amending RCW 4.22.020.

Referred to Committee on Judiciary.

SB 4929 by Senator Moore

AN ACT Relating to state government reorganization; amending RCW 28A.24.172, 38.52.005, 38.52.010, 38.52.020, 38.52.030, 38.52.035, 38.52.037, 38.52.040, 38.52.050, 38.52.070, 38.52.090, 38.52.170, 38.52.207, 38.52.210, 38.52.240, 38.52.250, 38.52.300, 38.52.310, 38.52.320, 38.52.330, 38.52.340, 38.52.360, 38.52.370, 38.52.390, 38.52.400, 38.52.410, 40.10.020, 46.16.340, and 70.136.030; reenacting and amending RCW 43.220.070 and 80.50.030; adding a new section to chapter 38.52 RCW; creating new sections; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Governmental Operations.

SB 4930 by Senators Vognild, Peterson and Zimmerman

AN ACT Relating to combinations of vehicles; and amending RCW 46.44.037.

Referred to Committee on Transportation.

SB 4931 by Senators Talmadge, Sellar, Warnke, Bender, Bauer, Wojahn, Johnson, Benitz, Bailey and Newhouse

AN ACT Relating to the Washington state patrol; and amending RCW 43.43.130.

Referred to Committee on Ways and Means.

SB 4932 by Senators Bender, Moore, Bottiger, Talmadge, Rasmussen, Fleming, Johnson and Bauer

AN ACT Relating to retail sales; creating new sections; and prescribing penalties.

Referred to Committee on Financial Institutions.

SB 4933 by Senators Fleming, Zimmerman, Rinehart, Deccio and Garrett

AN ACT Relating to low-income housing; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.75 RCW.

Referred to Committee on Governmental Operations.

SB 4934 by Senators Goltz, Patterson, Thompson, Barr, DeJarnatt and Peterson

AN ACT Relating to electricians and electrical installations; amending RCW 19.28.005, 19.28.010, 19.28.015, 19.28.060, 19.28.070, 19.28.123, 19.28.190, 19.28.210, 19.28.250, 19.28.260, 19.28.300, 19.28.330, 19.28.340, 19.28.360, 19.28.540, and 36.32.125; adding a new section to chapter 19.28 RCW; creating a new section; repealing RCW 19.28.065; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 4935 by Senator Warnke (by request of Attorney General)

AN ACT Relating to charitable solicitations; amending RCW 19.09.075, 19.09.079, 19.09.085, 19.09.100, and 19.09.275; adding a new section to chapter 19.09 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4936 by Senators Granlund and Bottiger

AN ACT Relating to filing of insurance rates; and amending RCW 48.19.060 and 48.19.080.

Referred to Committee on Financial Institutions.

SJM 139 by Senators Peterson, Bottiger and Conner

Requesting concurrent state and federal jurisdiction over pilot discipline.

Referred to Committee on Transportation.

SJM 140 by Senators Warnke, Kreidler and Sellar

Requesting Congress to fund the sealing of open mines and shafts.

Referred to Committee on Commerce and Labor.

SJM 141 by Senators Kreidler and Moore

Requesting funding for research to study alternative means of long-term care for the elderly and disabled.

Referred to Committee on Human Services and Corrections.

SCR 128 by Senator Williams

Relating to the transportation of radioactive materials.

Referred to Committee on Energy and Utilities.

SCR 129 by Senator Conner

Establishing department of ecology advisory committee to study oil spills.

Referred to Committee on Parks and Ecology.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 4469.

On motion of Senator Vognild, Senate Bill No. 4469 was referred to the Committee on Ways and Means.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 4651.

On motion of Senator Vognild, Senate Bill No. 4651 was referred to the Committee on Ways and Means.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 4656.

On motion of Senator Vognild, Senate Bill No. 4656 was referred to the Committee on Judiciary.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 4597.

On motion of Senator Vognild, Senate Bill No. 4597 was referred to the Committee on Ways and Means.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Joint Memorial No. 132.

On motion of Senator Vognild, Senate Joint Memorial No. 132 was referred to the Committee on Commerce and Labor.

On motion of Senator Vognild, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 4642.

On motion of Senator Vognild, Senate Bill No. 4642 was referred to the Committee on Human Services and Corrections.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 3476.

On motion of Senator Vognild, Senate Bill No. 3476 was referred to the Committee on Commerce and Labor.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of House Bill No. 392.

On motion of Senator Vognild, House Bill No. 392 was referred to the Committee on Commerce and Labor.

MOTION

On motion of Senator Vognild, the Committee on Parks and Ecology was given permission to use the Senate Chambers for a committee meeting this afternoon.

MOTION

At 12:00 noon, on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Friday, January 24, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 24, 1986

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Johnson, Lee, Owen, Saling, Sellar and Williams. On motion of Senator Bender, Senator Owen was excused. On motion of Senator Zimmerman, Senators Lee and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Christopher Anderson and Brande Morgan, presented the Colors. Reverend Judith McDaniel, associate rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

On motion of Senator Rasmussen, the reading of the journal of the previous day was dispensed with and it was approved.

INTRODUCTION OF SPECIAL GUEST

The President introduced Mr. Willis D. Tucker, Snohomish County Executive and co-founder of the Washington Generals Organization, who was seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Mr. Tucker to address the Senate.

REPORTS OF STANDING COMMITTEES

January 22, 1986

SB 4464 Prime Sponsor, Senator Wojahn: Increasing odometer regulation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended and be referred to Committee on Transportation. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams.

Referred to Committee on Transportation.

January 23, 1986

SB 4470 Prime Sponsor, Senator Thompson: Prohibiting use of public facilities to influence initiatives to the legislature. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4521 Prime Sponsor, Senator Thompson: Establishing a fellowship program in forensic pathology. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 21, 1986

SB 4536 Prime Sponsor, Senator Bauer: Prescribing a penalty for initial nonregistration of a vehicle. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4536 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Owen, Patterson, Vognild.

Passed to Committee on Rules for second reading.

January 22, 1986

SB 4538 Prime Sponsor, Senator Warnke: Establishing a wine grower's license for sale of wine. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4547 Prime Sponsor, Senator Hansen: Providing for crop liens. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4547 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4561 Prime Sponsor, Senator Hansen: Repealing the sunset of the fairs commission. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4593 Prime Sponsor, Senator Moore: Establishing provisions relating to the deposit of public funds. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Granlund, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 22, 1986

SB 4644 Prime Sponsor, Senator Vognild: Including tips as wages for unemployment compensation purposes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, McDonald, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

January 22, 1986

SB 4645 Prime Sponsor, Senator Warnke: Modifying provisions on unemployment coverage of corporate officers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams.

Pass to Committee on Rules for second reading.

January 22, 1986

SB 4647 Prime Sponsor, Senator Warnke: Modifying employer experience rating definitions. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4680 Prime Sponsor, Senator Rasmussen: Revising provisions relating to institutional industries. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson, Stratton.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4681 Prime Sponsor, Senator Kreidler: Revising provisions relating to inmates assigned to work/training release facilities. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson, Stratton.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4683 Prime Sponsor, Senator Rasmussen: Revising provisions relating to the death penalty. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4683 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4684 Prime Sponsor, Senator Wojahn: Providing for restitution by inmates. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4684 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson, Stratton.

Passed to Committee on Rules for second reading.

January 22, 1986

SB 4703 Prime Sponsor, Senator Talmadge: Defining nonhearsay evidence. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Hayner, Metcalf, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 22, 1986

SB 4710 Prime Sponsor, Senator Talmadge: Establishing the automatic fingerprint information system. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Hayner, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

January 21, 1986

SJR 136 Prime Sponsor, Senator Talmadge: Revising the membership of the judicial qualifications commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Hayner, McCaslin, Metcalf, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

January 21, 1986

SJR 137 Prime Sponsor, Senator Talmadge: Revising provisions relating to judges pro tempore. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Metcalf, Moore, Newhouse.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 22, 1986

GA 135 PHYLLIS KENNEY, to the position of member of the Corrections Standards Board, reappointed by the Governor on April 10, 1985, for the term ending September 24, 1988.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules.

January 22, 1986

GA 167 DR. LLOYD YOUNG, to the position of member of the State Board of Pharmacy, appointed by the Governor on May 9, 1985, for the term ending January 21, 1989, succeeding Joseph J. Thompson.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules.

January 22, 1986

GA 183 TERRY BROSSETT, to the position of member of the Hospital Commission, appointed by the Governor on July 5, 1985, for the term ending July 16, 1989, succeeding Norman E. Ramsey.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules.

January 23, 1986

GA 186 WILLIAM WILKERSON, to the position of Director of the Department of Fisheries, appointed by the Governor on October 14, 1985, for the term ending coextensive with the Governor, succeeding Rolland Schmitt.

Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Conner, Halsan, Johnson, Lee, Patterson, Peterson.

MINORITY recommendation: That said appointment not be confirmed. Signed by Senators Metcalf, Rasmussen.

Passed to Committee on Rules.

January 22, 1986

GA 261 SAMUEL JOHNSTON, to the position of member of the Clemency and Pardons Board, reappointed by the Governor on October 16, 1985, for the term ending September 25, 1987.
Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 23, 1986

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1348,

HOUSE BILL NO. 1377,

HOUSE BILL NO. 1378, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Wojahn, the appointment of Douglas W. Beeman as a member of the State Board of Pharmacy was confirmed.

APPOINTMENT OF DOUGLAS W. BEEMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Wojahn, Zimmerman - 43.

Absent: Senators McDermott, Saling, Williams - 3.

Excused: Senators Lee, Owen, Sellar - 3.

MOTION

On motion of Senator Bender, Senator Williams was excused.

MOTION

On motion of Senator Wojahn, the appointment of Joseph M. Honda as a member of the State Board of Pharmacy was confirmed.

APPOINTMENT OF JOSEPH M. HONDA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Wojahn, Zimmerman - 45.

Excused: Senators McDermott, Owen, Sellar, Williams - 4.

MOTION

On motion of Senator Wojahn, the appointment of Larry W. Erickson as a member of the Corrections Standards Board was confirmed.

APPOINTMENT OF LARRY W. ERICKSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 46.

Excused: Senators Owen, Sellar, Williams - 3.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

January 24, 1986

The Honorable John A. Cherberg
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Dear Mr. President:

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully transmit the certification of the sufficiency of Initiative to the Legislature 90, a copy of the full, true and complete text of which was certified to you on January 13, 1986.

Ralph Munro, Secretary of State

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE 90

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29.79-.200, and WAC 434-79-010, the Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 90 to be examined in the following manner:

1) It was determined that 211,299 signatures were submitted by the sponsors thereof. A random sample of 21,238 signatures was taken from those submitted;

2) Each sampled signature was examined to determine the following: a) if the signer was a registered voter of the state at the address indicated on the petition; b) if the signature was reasonably similar to the one appearing on the record of that voter; c) if the same signature appeared more than once in the sample. We found 17,682 valid signatures, 3,494 signatures invalid due to non-registration or improper form, and 62 pairs of duplicated signatures in the sample;

3) We calculated an allowance for the chance error of sampling (89) by multiplying the square root of the number of invalid signatures by 1.5;

4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (35,652) by dividing the sum of the number of invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio;

5) We determined the maximum allowable number of pairs of signatures on the petition (9,400) by subtracting the sum of 110% of the number of signatures required by Article II, section 1 of the Washington State Constitution (166,247) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

6) We determined the expected value of the maximum number of pairs of signatures in the sample (95) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

7) We determined the acceptable number of pairs of signatures in the sample (78) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and

8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 90 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the Seal of the state of Washington to be affixed this 24th day of January, 1986.

(Seal)

Ralph Munro, Secretary of State

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

INTRODUCTION AND FIRST READING

SB 4937 by Senators Thompson, Zimmerman and Rasmussen (by request of Attorney General)

AN ACT Relating to state employees' conflicts of interest; amending RCW 42.18.290; adding a new section to chapter 42.18 RCW; and repealing RCW 42.18.220.

Referred to Committee on Governmental Operations.

SB 4938 by Senators Thompson, Goltz, Conner, Rinehart, Garrett, DeJarnatt, Owen and Kreidler (by request of Governor Gardner)

AN ACT Relating to state boards and commissions; amending RCW 19.28.005, 19.28.015, 19.28.060, 19.28.065, 19.28.120, 19.28.123, 19.28.125, 19.28.210, 19.28.260, 19.28.300, 19.28.310, 19.28.330, 19.28.530, 19.28.540, 19.28.580, 19.28.590, 28B.12.050, 28B.12.060, 27.04.030, 36.28.025, 43.101.010, 43.101.080, 43.101.170, 43.101.200, 43.101.220, 43.131.310, 43.22.420, 46.04.040, 46.04.304, 46.04.710, 46.16.240, 46.32.060, 46.37.005, 46.37.010, 46.37.160, 46.37.185, 46.37.190, 46.37.194, 46.37.210, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.330, 46.37.365, 46.37.380, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.470, 46.37.490, 46.37.505, 46.37.510, 46.37.520, 46.37.529, 46.37.530, 46.37.535, 46.37.610, 46.38.020, 46.38.030, 46.38.040, 46.38.060, 46.55.010, 46.55.050, 46.55.170, 46.55.180, 46.61.563, 46.61.567, 46.61.687, 46.61.780, 47.36.250, 47.52.120, 70.107.070, 70.95B.070, 70.95B.100, 70.95B.130, 43.17.070, 43.34.040, 79.24.030, 79.24.300, 79.24.310, 79.24.410, 79.24.450, 79.24.500, 79.24.520, 79.24.530, 79.24.540, 79.24.550, 79.24.630, 79.24.632, 79.24.634, 79.24.638, 79.24.642, 79.24.6421, 79.24.650, 79.24.652, 79.24.654, 79.24.658, 79.24.662, and 79.24.666; reenacting and amending RCW 46.37.320; creating a new section; recodifying RCW 43.34.040; and repealing RCW 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050, 1.30.060, 41.06.083, 27.08.010, 27.08.045, 43.22.475, 76.09.200, 43.30.090, 43.34.010, 43.34.015, 43.82.020, and 79.24.320.

Referred to Committee on Governmental Operations.

SB 4939 by Senators Bottiger, Goltz, Barr, Peterson, Granlund, Conner, Halsan, Warnke, Garrett, McManus, Bauer, Gaspard and Newhouse (by request of Governor Gardner)

AN ACT Relating to sales and use tax deferrals for manufacturing or research and development investment projects for persons not on June 14, 1985, engaged in manufacturing or research and development in Washington state and upon which construction is commenced prior to December 31, 1987; and amending RCW 82.61.010, 82.61.040, and 82.61.070.

Referred to Committee on Ways and Means.

SB 4940 by Senators Vognild, Warnke, Bender, Peterson, Gaspard, Granlund and Garrett (by request of Governor Gardner)

AN ACT Relating to the liquor control board; and amending RCW 66.08.014.

Referred to Committee on Commerce and Labor.

SB 4941 by Senators Granlund, DeJarnatt, Bender, Fleming, Kreidler, Wojahn and Rinehart (by request of Governor Gardner)

AN ACT Relating to child care programs; amending RCW 74.15.020; adding new sections to chapter 28A.34 RCW; repealing RCW 28A.34.020, 28A.34.040, and 28A.34.050; and making appropriations.

Referred to Committee on Education.

SB 4942 by Senators Granlund, DeJarnatt, Bender, Fleming, Wojahn, Kreidler, Rinehart and Rasmussen (by request of Governor Gardner)

AN ACT Relating to insurance coverage for injuries and illnesses at day care centers; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions.

SB 4943 by Senators Kreidler and Rasmussen (by request of Department of Ecology)

AN ACT Relating to hazardous waste fees; and amending RCW 70.105A.020, 70.105A.030, and 70.105A.040.

Referred to Committee on Parks and Ecology.

SB 4944 by Senators Bauer, Zimmerman and Gaspard (by request of Governor Gardner)

AN ACT Relating to the department of services for the blind and the deaf; amending RCW 74.18.010, 74.18.020, 74.18.030, 74.18.040, 74.18.060, 74.18.090, 74.18.110, 74.18.190, 74.18.900, and 74.09.720; creating new sections; repealing RCW 72.40.115; and providing an effective date.

Referred to Committee on Education.

SB 4945 by Senators Thompson and McDonald

AN ACT Relating to the taxation of telecommunications services by cities; amending RCW 35.21.714 and 35A.82.060; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 4946 by Senators Peterson and Vognild

AN ACT Relating to claims involving the design of highways, roads, streets, and sidewalks.

Referred to Committee on Transportation.

SB 4947 by Senators Wojahn, Bottiger and Lee

AN ACT Relating to legend drug providers; adding a new section to chapter 18.64 RCW; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 4948 by Senators Talmadge, Halsan and Newhouse

AN ACT Relating to liens; amending RCW 60.04.060; and creating a new section.

Referred to Committee on Judiciary.

SB 4949 by Senators Wojahn, Johnson, Deccio, Kreidler, Bender and Zimmerman

AN ACT Relating to health care assistants; amending RCW 18.135.030 and 18.135.060; and adding new sections to chapter 18.135 RCW.

Referred to Committee on Human Services and Corrections.

SB 4950 by Senators Bluechel and Zimmerman

AN ACT Relating to roadway lane usage; and amending RCW 46.61.100.

Referred to Committee on Transportation.

SB 4951 by Senators McManus and DeJarnatt

AN ACT Relating to entrepreneurial education; and creating new sections.

Referred to Committee on Governmental Operations.

SB 4952 by Senators McManus and Zimmerman

AN ACT Relating to unlawful issuance of checks; amending RCW 9A.56.060, 62A.3-515, and 62A.3-520; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 4953 by Senators McManus, Zimmerman, Lee and Rasmussen

AN ACT Relating to obligations of state agencies and institutions; adding a new section to chapter 28B.10 RCW; and adding a new section to chapter 43.17 RCW.

Referred to Committee on Governmental Operations.

SB 4954 by Senators Zimmerman and Bluechel

AN ACT Relating to unemployment compensation; and adding a new section to chapter 50.04 RCW.

Referred to Committee on Commerce and Labor.

SB 4955 by Senators Kreidler, Zimmerman, Wojahn, Stratton, Warnke and Goltz

AN ACT Relating to property taxes for outdoor recreation areas and facilities; amending RCW 84.52.043; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Parks and Ecology.

SB 4956 by Senators Granlund, Bottiger, Peterson, Owen and Lee

AN ACT Relating to a department of marine transportation; amending RCW 43.17-.010, 43.17.020, 47.60.013, 47.60.130, 47.60.145, 47.60.250, 47.60.326, 47.60.330, 47.60.503, 47.60.504, 47.60.505, 47.60.544, 47.60.680, 47.60.690, 47.60.720, 47.60.760, 47.64.011, 47.64.090, 47.64.140, 47.64.170, 47.64.180, 47.64.190, 47.64.240, 47.64.250, 47.64.270, 47.64.280, and 47.72.050; adding a new chapter to Title 43 RCW; adding a new section to chapter 47.60 RCW; adding a new section to chapter 47.61 RCW; adding a new section to chapter 47.64 RCW; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

SB 4957 by Senators Vognild and Peterson

AN ACT Relating to tort liability of police agencies; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 4958 by Senators Vognild and Peterson

AN ACT Relating to directional signs; and adding a new section to chapter 47.42 RCW.

Referred to Committee on Transportation.

SB 4959 by Senators Lee, Metcalf, Bluechel, McDonald, Rasmussen, Benitz, Hayner, Zimmerman, Sellar and Stratton

AN ACT Relating to criminal profiteering from promoting pornography; and amending RCW 9A.82.010.

Referred to Committee on Judiciary.

SB 4960 by Senator Moore

AN ACT Relating to gambling; and reenacting and amending RCW 9.46.020.

Referred to Committee on Commerce and Labor.

SB 4961 by Senator Moore

AN ACT Relating to pets; adding a new section to chapter 16.08 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4962 by Senator Moore

AN ACT Relating to surgeons' assistants; amending RCW 18.71A.010, 18.71A.020, 18.71A.030, and 18.71A.070; and adding a new section to chapter 18.71A RCW.

Referred to Committee on Human Services and Corrections.

SB 4963 by Senator Moore

AN ACT Relating to food donation and distribution; amending RCW 69.80.010 and 69.80.040; and adding a new section to chapter 69.80 RCW.

Referred to Committee on Agriculture.

SB 4964 by Senator DeJarnatt

AN ACT Relating to minimum retirement allowances under the teachers' retirement system; and amending RCW 41.32.485.

Referred to Committee on Ways and Means.

SB 4965 by Senators Moore, Granlund, Vognild and Peterson

AN ACT Relating to insurance; and amending RCW 48.30.300.

Referred to Committee on Financial Institutions.

SB 4966 by Senators Cantu, Gaspard, Craswell, Stratton, Lee, Warnke, Johnson and Granlund

AN ACT Relating to the application of the sales and use tax on school district capital projects; adding a new section to chapter 28A.58 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4967 by Senators Lee, Metcalf, Bailey, Hayner, Bluechel, Zimmerman, McDonald, Rasmussen and Stratton

AN ACT Relating to sexual exploitation of children; and amending RCW 9.68A.011, 9.68A.040, 9.68A.050, 9.68A.060, 9.68A.070, 9.68A.080, 9.68A.090, and 9.68A.110.

Referred to Committee on Judiciary.

SB 4968 by Senators Warnke and Rasmussen (by request of Employment Security Department)

AN ACT Relating to administrative funding of the unemployment insurance program; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4969 by Senators Vognild, Warnke and Rasmussen (by request of Employment Security Department)

AN ACT Relating to marginal labor force attachment; amending RCW 50.20.015; creating a new section; repealing RCW 50.20.016 and 50.20.017; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4970 by Senators Warnke and Sellar

AN ACT Relating to contractor payments; and amending RCW 74.46.180.

Referred to Committee on Commerce and Labor.

SB 4971 by Senators McDermott, Lee and Thompson (by request of Finance Committee)

AN ACT Relating to state bonds, notes, and other evidences of indebtedness; and amending RCW 39.42.030.

Referred to Committee on Ways and Means.

SB 4972 by Senators Warnke, McManus, Pullen and Wojahn

AN ACT Relating to collective bargaining; amending RCW 41.56.020 and 41.56.030; adding a new section to chapter 41.56 RCW; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 4973 by Senator Williams

AN ACT Relating to health care; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions.

SB 4974 by Senator Williams

AN ACT Relating to archaeological sites and resources; amending RCW 27.53.020, 27.53.030, 27.53.060, and 27.53.080; adding new sections to chapter 27.53 RCW; and repealing RCW 27.53.040 and 27.53.090.

Referred to Committee on Parks and Ecology.

SB 4975 by Senator Kreidler

AN ACT Relating to worker and community right to know; adding new sections to chapter 49.70 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 4976 by Senators Williams and Kreidler

AN ACT Relating to the preservation of endangered landmarks; and adding a new chapter to Title 27 RCW.

Referred to Committee on Parks and Ecology.

SB 4977 by Senators Gaspard, Warnke and Vognild

AN ACT Relating to industrial health and safety; and adding new sections to chapter 49.17 RCW.

Referred to Committee on Commerce and Labor.

SB 4978 by Senators Thompson, Barr, Bauer, Zimmerman, Sellar, Stratton, Bender and Moore

AN ACT Relating to excise taxation of ingredients, components, and chemicals used in processing; and amending RCW 82.04.050 and 82.04.190.

Referred to Committee on Ways and Means.

SB 4979 by Senators Metcalf and McManus

AN ACT Relating to adult entertainment materials and services; amending RCW 82.08.020, 82.08.010, 82.12.020, 82.12.0252, 82.12.035, 82.12.040, 82.12.060, and 82.14.020; reenacting and amending RCW 82.12.010; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 4980 by Senator McDermott (by request of Office of Financial Management)

AN ACT Relating to general obligation bonds for capital projects; and creating new sections.

Referred to Committee on Ways and Means.

SB 4981 by Senators Wojahn, Stratton, Bender, Peterson, McDonald, Sellar, Vognild, Goltz, Bauer and Kreidler

AN ACT Relating to county drug abuse programs; and amending RCW 69.54.100.

Referred to Committee on Human Services and Corrections.

SB 4982 by Senators Owen, Craswell, Metcalf, McCaslin, Thompson and Hayner

AN ACT Relating to child victims of sexual abuse; and amending RCW 9A.44.100.

Referred to Committee on Judiciary.

SB 4983 by Senators Metcalf, Rasmussen, Craswell and Johnson

AN ACT Relating to discrimination and affirmative action; creating a new section; and providing for submission of this act to a vote of the people.

Referred to Committee on Governmental Operations.

SB 4984 by Senator Metcalf

AN ACT Relating to the operation of a motor vehicle by a person with a positive blood alcohol level; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4985 by Senator Metcalf

AN ACT Relating to the Washington centennial celebration; creating new sections; and making an appropriation.

Referred to Committee on Parks and Ecology.

SB 4986 by Senator Moore

AN ACT Relating to surety bonds; and adding a new section to chapter 18.27 RCW.

Referred to Committee on Financial Institutions.

SB 4987 by Senators Guess, Stratton, Hayner, Bottiger, Sellar, Vognild, Wojahn, Goltz, Metcalf, Patterson, Benitz, Granlund, Kiskaddon, Kreidler, Bluechel, McManus, Barr, Moore, Deccio, Gaspard, Zimmerman,

Rasmussen, Conner, DeJarnatt, Bauer, Hansen, Craswell, Owen, Warnke, Bender, Garrett and Thompson

AN ACT Relating to the Washington waste recovery authority; adding a new chapter to Title 43 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 80.50 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4988 by Senators Guess, Stratton, Sellar, Garrett, Newhouse and Lee

AN ACT Relating to the publication of ordinances by small cities and towns; and amending RCW 35.24.220, 35.27.300, and 35A.12.160.

Referred to Committee on Governmental Operations.

SB 4989 by Senators Guess, Hansen, Peterson, Stratton, Benitz and Garrett

AN ACT Relating to the Washington toll bridge authority; amending RCW 47.01.021, 47.56.030, 47.56.032, 47.56.040, 47.56.042, 47.56.050, 47.56.070, 47.56.080, 47.56.090, 47.56.120, 47.56.250, 47.56.254, and 47.60.326; adding new sections to chapter 47.56 RCW; and creating new sections.

Referred to Committee on Transportation.

SB 4990 by Senator Goltz

AN ACT Relating to river running; adding a new chapter to Title 91 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 4991 by Senator Goltz

AN ACT Relating to the tuition endowment fund; authorizing the sale of bonds; and adding new sections to chapter 28B.80 RCW.

Referred to Committee on Education.

SB 4992 by Senators Zimmerman and McDermott

AN ACT Relating to medical practice; amending RCW 18.72.040 and 18.72.155; adding new sections to chapter 18.72 RCW; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Human Services and Corrections.

SB 4993 by Senator Guess

AN ACT Relating to limitations on actions against health care providers; amending RCW 4.16.350; and creating a new section.

Referred to Committee on Judiciary.

SB 4994 by Senator Zimmerman

AN ACT Relating to privileged communications between a physician and a patient; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

SB 4995 by Senator Williams

AN ACT Relating to radioactive materials; and adding a new chapter to Title 43 RCW.

Referred to Committee on Energy and Utilities.

SB 4996 by Senators Stratton, Kreidler, Craswell, Johnson and McCaslin

AN ACT Relating to birth certificates; and amending RCW 70.58.080.

Referred to Committee on Human Services and Corrections.

SB 4997 by Senators Stratton, Saling and McCaslin

AN ACT Relating to public utility districts; amending RCW 54.16.030 and 54.16.040; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Energy and Utilities.

SB 4998 by Senator Peterson

AN ACT Relating to motor freight carriers; amending RCW 81.80.330; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

SB 4999 by Senators Bender and Peterson

AN ACT Relating to liability and property damage insurance for motor freight carriers; and amending RCW 81.80.190.

Referred to Committee on Transportation.

SB 5000 by Senators McDermott and Peterson

AN ACT Relating to the taxation of motor carriers of freight for hire; and amending RCW 35.21.850.

Referred to Committee on Ways and Means.

SB 5001 by Senators Zimmerman, McDermott, Bluechel, Stratton, Hayner, Rasmussen, Kiskaddon, Bauer, Metcalf, Wojahn, Lee, Sellar and Thompson

AN ACT Relating to the state lottery; creating a new section; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Ways and Means.

SB 5002 by Senators McDonald and Thompson

AN ACT Relating to motor vehicle safety; amending RCW 46.61.687; and adding a new section to chapter 5.64 RCW.

Referred to Committee on Transportation.

SB 5003 by Senators McDonald, Thompson, Cantu, Saling, Stratton, Hayner, Lee and Patterson

AN ACT Relating to higher education faculty salaries; adding a new chapter to Title 28B RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 5004 by Senators Talmadge and Moore

AN ACT Relating to lights on motor vehicles; and amending RCW 46.37.020.

Referred to Committee on Transportation.

SB 5005 by Senators Talmadge and Moore

AN ACT Relating to credit service organizations; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions.

SB 5006 by Senator Talmadge

AN ACT Relating to the ferry system; amending RCW 47.64.240; adding new sections to chapter 43.131 RCW; adding new sections to chapter 47.64 RCW; and repealing RCW 47.64.005, 47.64.006, 47.64.011, 47.64.060, 47.64.070, 47.64.080, 47.64.090, 47.64.120, 47.64.130, 47.64.140, 47.64.150, 47.64.160, 47.64.170, 47.64.180, 47.64.190, 47.64.200, 47.64.210, 47.64.220, 47.64.230, 47.64.240, 47.64.250, 47.64.260, 47.64.270, 47.64.280, 47.64.290, 47.64.900, and 47.64.910.

Referred to Committee on Commerce and Labor.

SB 5007 by Senators McDonald, Vognild, Hayner, Stratton, Cantu, Thompson, Rasmussen and Bailey

AN ACT Relating to an emergency reserve fund; amending RCW 82.08.020; adding a new chapter to Title 43 RCW; repealing RCW 43.88.520, 43.88.525, 43.88.530, 43.88.535, and 43.88.540; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5008 by Senators Warnke, Cantu, Moore, Halsan, McDonald, Newhouse, Wojahn and Williams

AN ACT Relating to engineers and land surveyors; amending RCW 18.43.030, 18.43-035, 18.43.110, and 18.43.120; and repealing RCW 18.43.090.

Referred to Committee on Commerce and Labor.

SB 5009 by Senator McDermott (by request of Governor Gardner)

AN ACT Relating to increasing insurance tax rates for the purpose of equalization; amending RCW 48.14.020 and 48.14.025; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5010 by Senators Newhouse and Vognild

AN ACT Relating to the federal interest payment fund; amending RCW 50.16.070; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5011 by Senator Kreidler

AN ACT Relating to public utility districts; providing for the financing of sewage treatment; amending RCW 54.04.030 and 54.16.230; adding a new section to chapter 54.08 RCW; and adding new sections to chapter 54.24 RCW.

Referred to Committee on Parks and Ecology.

SB 5012 by Senator Talmadge

AN ACT Relating to condominiums; adding a new chapter to Title 64 RCW; adding a new section to chapter 64.32 RCW; and adding a new section to chapter 58.17 RCW.

Referred to Committee on Judiciary.

SB 5013 by Senator Warnke

AN ACT Relating to workers' compensation payments; amending RCW 51.32.050, 51.32.060, and 51.32.090; and amending section 9, chapter 462, Laws of 1985 (uncodified).

Referred to Committee on Commerce and Labor.

SB 5014 by Senators Vognild, Newhouse and Warnke

AN ACT Relating to pension offsets under industrial insurance; and amending RCW 51.32.220.

Referred to Committee on Commerce and Labor.

SB 5015 by Senators Vognild, Newhouse and Warnke

AN ACT Relating to medical aid to injured workers; and amending RCW 51.36.010.

Referred to Committee on Commerce and Labor.

SB 5016 by Senators Vognild, Newhouse and Warnke

AN ACT Relating to total disability under industrial insurance; and amending RCW 51.32.160.

Referred to Committee on Commerce and Labor.

SB 5017 by Senators Vognild, Newhouse and Warnke

AN ACT Relating to benefits for surviving dependents of injured workers; amending RCW 51.32.050 and 51.32.060; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce and Labor.

SB 5018 by Senators Vognild, Newhouse and Warnke

AN ACT Relating to reimbursement of industrial insurance payments; and amending RCW 51.32.240.

Referred to Committee on Commerce and Labor.

SB 5019 by Senators Vognild, Newhouse and Warnke

AN ACT Relating to the self-insurance insolvency fund; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Commerce and Labor.

SB 5020 by Senators Vognild, Newhouse and Warnke

AN ACT Relating to workers' compensation for voluntarily retired workers; amending RCW 51.32.060 and 51.32.090; reenacting and amending RCW 51.32.090; providing an expiration date; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 5021 by Senators Vognild, Newhouse and Warnke

AN ACT Relating to security requirements for self-insured governmental entities; and amending RCW 51.14.020.

Referred to Committee on Commerce and Labor.

SB 5022 by Senators Vognild, Newhouse and Warnke

AN ACT Relating to default by self-insured employers; amending RCW 51.14.060 and 51.14.070; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Commerce and Labor.

SB 5023 by Senators Vognild, Newhouse and Warnke

AN ACT Relating to industrial insurance injuries; and amending RCW 51.08.100 and 51.32.080.

Referred to Committee on Commerce and Labor.

SB 5024 by Senators Williams, Owen and McManus

AN ACT Relating to the official state "rock-n-roll" song; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Governmental Operations.

SB 5025 by Senators Guess, Benitz, Barr and Stratton

AN ACT Relating to motor freight carriers; amending RCW 81.80.060, 81.80.070, 81.80.130, 81.80.150, 81.80.211, 81.80.260, 81.80.355, 81.80.371, 81.04.010, 81.04.110, 81.04.130, 81.04.150, 81.04.250, and 81.04.450; adding new sections to chapter 81.80 RCW; repealing RCW 81.80.020, 81.80.140, and 81.80.175; and prescribing penalties.

Referred to Committee on Transportation.

SB 5026 by Senator Kreidler

AN ACT Relating to hazardous waste; adding a new chapter to Title 70 RCW; adding a new section to chapter 82.04 RCW; and making an appropriation.

Referred to Committee on Parks and Ecology.

SB 5027 by Senators Kreidler and Talmadge

AN ACT Relating to hazardous substances; adding a new section to chapter 43.21C RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 90 RCW; creating new sections; repealing RCW 70.105A.090; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 5028 by Senator Kreidler

AN ACT Relating to ground waters; adding a new section to chapter 90.44 RCW; and creating a new section.

Referred to Committee on Parks and Ecology.

SB 5029 by Senators Kreidler, Talmadge and Lee

AN ACT Relating to water pollution control; amending RCW 90.48.460 and 90.48.190; adding a new section to chapter 90.48 RCW; and creating new sections.

Referred to Committee on Parks and Ecology.

SB 5030 by Senator Newhouse

AN ACT Relating to underground storage of hazardous substances; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 5031 by Senators Gaspard, Granlund, Bender, Bauer, Johnson and Saling
(by request of Superintendent of Public Instruction)

AN ACT Relating to the study of teacher evaluation standards and models; and amending RCW 28A.67.225.

Referred to Committee on Education.

SB 5032 by Senators Gaspard, Granlund, Bauer and Bender (by request of Superintendent of Public Instruction)

AN ACT Relating to common school capital projects; authorizing the issuance of general obligation bonds; adding new sections to chapter 28A.47 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5033 by Senators Gaspard and Saling (by request of Superintendent of Public Instruction)

AN ACT Relating to preschools; adding new sections to chapter 28A.34 RCW; and prescribing penalties.

Referred to Committee on Education.

SB 5034 by Senators Gaspard, Bauer, Granlund, Johnson, Saling and Bender (by request of Superintendent of Public Instruction)

AN ACT Relating to the study of categorical instructional services for students with special needs; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 5035 by Senators Gaspard, Granlund and Bailey (by request of Board for Community College Education, Superintendent of Public Instruction)

AN ACT Relating to vocational education; amending RCW 28C.04.020, 28C.04.030, 28C.04.040, 28C.04.050, 28C.04.060, 28C.04.150, 28C.04.200, 28C.04.410, 28C.04.420, 28C.04.430, 28C.04.440, 28C.04.460, 28C.04.470, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.550, 28B.05.030, 28B.05.050, and 28B.05.130; adding new sections to chapter 28C.04 RCW; creating a new section; repealing RCW 28C.04.080, 28C.04.230, 28C.04.300, 28C.04.310, 28C.04.500, 28C.04.510, 43.131.287, and 43.131.288; and providing an effective date.

Referred to Committee on Education.

SB 5036 by Senators Craswell, Owen, Conner and Bauer

AN ACT Relating to child abuse; amending RCW 26.44.060; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5037 by Senators Gaspard and Bauer

AN ACT Relating to studying school dropout statistics; and creating a new section.

Referred to Committee on Education.

SB 5038 by Senators Gaspard and Bauer

AN ACT Relating to primary block education; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Education.

SB 5039 by Senators Moore, Owen, Cantu, Kreidler and Newhouse

AN ACT Relating to excise taxation of returnable containers; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5040 by Senators Moore, Bender, Deccio and Sellar

AN ACT Relating to commercial paper; and amending RCW 62A.3-515.

Referred to Committee on Financial Institutions.

SB 5041 by Senators Moore, Sellar and Wojahn

AN ACT Relating to the unfair cigarette sales below cost act; amending RCW 19.91-.010, 19.91.020, 19.91.040, and 19.91.050; adding new sections to chapter 19.91 RCW; creating a new section; repealing RCW 19.91.030, 19.91.060, 19.91.080, 19.91.090, 19.91.100, and 19.91.911; and providing an expiration date.

Referred to Committee on Commerce and Labor.

SB 5042 by Senators Stratton, McDonald and Bluechel

AN ACT Relating to hospitals; amending RCW 70.38.105, 70.39.140, 43.131.050, 43.131-.253, and 43.131.254; creating a new section; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5043 by Senators Vognild, Bluechel, Bender, Sellar and McManus

AN ACT Relating to the registration of securities; and amending RCW 21.20.280.

Referred to Committee on Financial Institutions.

SB 5044 by Senators Hansen and Barr

AN ACT Relating to the department of agriculture; amending RCW 15.04.100, 15.17-.230, 15.24.070, 15.58.220, 15.58.240, 16.38.060, 17.21.090, 17.21.120, 17.21.128, 17.21.130, 17.21.220, 17.21.305, 22.09.050, 22.09.055, 15.04.200, and 15.66.010; reenacting and amending RCW 15.65.020; adding a new section to chapter 15.65 RCW; and adding a new section to chapter 15.66 RCW.

Referred to Committee on Agriculture.

SB 5045 by Senators Moore, Deccio, Sellar, Garrett and Bender

AN ACT Relating to surety bonds or insurance for public construction contracts; and amending RCW 48.30.270.

Referred to Committee on Governmental Operations.

SB 5046 by Senators Goltz and Kreidler

AN ACT Relating to the study of switching costs for local telephone service; creating new sections; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 5047 by Senators Vognild, Johnson, Hansen and Moore

AN ACT Relating to unfair business practices; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5048 by Senators McDermott, McDonald, Fleming, Sellar and Lee (by request of Governor Gardner)

AN ACT Relating to the use of the local tax on lodging for capital improvements for which the debt has been incurred prior to January 1, 1986; and amending RCW 67.28.180.

Referred to Committee on Ways and Means.

SB 5049 by Senators Rasmussen and Owen

AN ACT Relating to AIDS; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 5050 by Senators Vognild and Peterson

AN ACT Relating to evidence of intoxication or drug use based on chemical tests; and amending RCW 46.61.506.

Referred to Committee on Judiciary.

SB 5051 by Senator Deccio

AN ACT Relating to buyer protection; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 5052 by Senator Peterson

AN ACT Relating to transportation regulation.

Referred to Committee on Transportation.

SB 5053 by Senators Peterson and Patterson

AN ACT Relating to the state ferry system.

Referred to Committee on Transportation.

SB 5054 by Senator Peterson

AN ACT Relating to secondary sewage treatment.

Referred to Committee on Parks and Ecology.

SB 5055 by Senator Peterson

AN ACT Relating to pilotage.

Referred to Committee on Transportation.

SB 5056 by Senator Owen

AN ACT Relating to leasehold excise taxation.

Referred to Committee on Ways and Means.

SB 5057 by Senators Peterson and Patterson

AN ACT Relating to transportation regulation.

Referred to Committee on Transportation.

SB 5058 by Senator Warnke

AN ACT Relating to labor.

Referred to Committee on Commerce and Labor.

SB 5059 by Senator Warnke

AN ACT Relating to consumer protection.

Referred to Committee on Commerce and Labor.

SB 5060 by Senator McDermott

AN ACT Relating to the financing of water pollution control facilities and activities.

Referred to Committee on Ways and Means.

SB 5061 by Senator Zimmerman

AN ACT Relating to comparable worth.

Referred to Committee on Ways and Means.

SB 5062 by Senator Barr

AN ACT Relating to public assistance.

Referred to Committee on Ways and Means.

SB 5063 by Senator Williams

AN ACT Relating to the approval of banded rate tariffs by the utilities and transportation commission.

Referred to Committee on Energy and Utilities.

SB 5064 by Senator Warnke (by request of Employment Security Department)

AN ACT Relating to percentage rate of savings for employer experience rating of unemployment insurance contributions.

Referred to Committee on Commerce and Labor.

SB 5065 by Senator Bender

AN ACT Relating to indigent funeral provisions.

Referred to Committee on Human Services and Corrections.

SB 5066 by Senator Lee

AN ACT Relating to regulation of drug samples.

Referred to Committee on Human Services and Corrections.

SB 5067 by Senators Peterson and Vognild

AN ACT Relating to minimum safety standards for highways.

Referred to Committee on Transportation.

SB 5068 by Senator Moore

AN ACT Relating to the state actuary; amending RCW 44.44.010, 44.44.030, and 44.44-.040; and repealing RCW 44.44.020.

Referred to Committee on Governmental Operations.

SJM 142 by Senators McManus, Talmadge, Garrett and Metcalf

Petitioning Congress to study and make recommendations regarding violence on television.

Referred to Committee on Judiciary.

SJM 143 by Senator Williams

Petitioning for a regional approach to regulation of the transportation of radioactive materials.

Referred to Committee on Energy and Utilities.

SJM 144 by Senator Moore

Requesting support for an independent social security administration.

Referred to Committee on Financial Institutions.

SJM 145 by Senator Williams

Petitioning Congress to protect against problems from the transportation of radioactive materials.

Referred to Committee on Energy and Utilities.

SJR 141 by Senators Zimmerman and Bluechel

Providing for reorganization of the executive branch.

Referred to Committee on Governmental Operations.

SJR 142 by Senators McDonald, Vognild, Hayner, Stratton, Cantu, Thompson, Rasmussen and Bailey

Providing for a reserve fund.

Referred to Committee on Governmental Operations.

SJR 143 by Senators McDermott, Hayner, Craswell, Stratton and Bottiger

Revising common school funds.

Referred to Committee on Ways and Means.

SCR 130 by Senators Wojahn and Kiskaddon (by request of Governor's Committee on Employment of the Handicapped)

Creating a joint select committee on disability employment and economic participation.

Referred to Committee on Human Services and Corrections.

SCR 131 by Senators Goltz, Conner, Kiskaddon, Stratton, Saling, Bailey, Hayner, Cantu, McManus, McDonald and Craswell

Creating a temporary commission to study unapproved church schools.

Referred to Committee on Education.

SCR 132 by Senators Guess, Stratton and Benitz

Adopting Taiwan as a sister state.

Referred to Committee on Governmental Operations.

SCR 133 by Senator Williams

Requesting the Governor to initiate discussions about the transportation of radioactive waste.

Referred to Committee on Energy and Utilities.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1348 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, P. King and Unsoeld)

Altering procedures for applying for and casting certain ballots.

Referred to Committee on Governmental Operations.

HB 1377 by Representatives Wang, Cole, O'Brien, Ebersole, Patrick, Sayan, Fisher, Fisch, R. King and Belcher

Modifying the employments covered by workers compensation.

Referred to Committee on Commerce and Labor.

HB 1378 by Representatives Wang, Patrick, R. King, Cole, O'Brien, Chandler, Ebersole, Sayan, Fisher, J. Williams, Fisch and P. King

Prohibiting specified control of language by liquor control board.

Referred to Committee on Commerce and Labor.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Education was relieved of further consideration of Senate Bill No. 4748.

On motion of Senator Vognild, Senate Bill No. 4748 was referred to the Committee on Ways and Means.

On motion of Senator Vognild, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 4780.

On motion of Senator Vognild, Senate Bill No. 4780 was referred to the Committee on Financial Institutions.

On motion of Senator Vognild, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 4654.

On motion of Senator Vognild, Senate Bill No. 4654 was referred to the Committee on Human Services and Corrections.

MOTION

At 11:35 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Monday, January 27, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 27, 1986

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer and Benitz.

The Sergeant at Arms Color Guard, consisting of Pages Roman Brown and Natasha Farrow, presented the Colors. Reverend F. Dean Hackett, senior pastor of the Cathedral of Praise of Lacey, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 23, 1986

SSB 3110 Prime Sponsor, Senator Wojahn: Modifying the business and occupation taxation of the income from amusement devices. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3110 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Cantu, Fleming, Lee, Moore, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 3487 Prime Sponsor, Senator Goltz: Returning energy conservation savings to state agencies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Second Substitute Senate Bill No. 3487 be substituted therefor, and the second substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler.

Passed to Committee on Rules for second reading.

January 23, 1986

SSB 3574 Prime Sponsor, Committee on Ways and Means: Modifying provisions on leasehold excise taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill 3574 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Cantu, Fleming, Goltz, Moore, Talmadge, Thompson, Zimmerman.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4452 Prime Sponsor, Senator McDermott: Modifying LBC oversight assignments. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Cantu, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4453 Prime Sponsor, Senator McDermott: Modifying the termination and repeal of various state agencies and programs. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Goltz, Hayner, Lee, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4486 Prime Sponsor, Senator Thompson: Authorizing county legislative authorities to designate certain violations as civil. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4486 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, Gaspard, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 24, 1986

SB 4504 Prime Sponsor, Senator Warnke: Providing that sales tax need not be stated separately from the selling price on vending machine sales. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4557 Prime Sponsor, Senator Thompson: Modifying rule-making authority of state building code council. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4557 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, Gaspard, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4559 Prime Sponsor, Senator McDermott: Authorizing limits on voter approved increases to the 106%-levy lid. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4559 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Zimmerman.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4572 Prime Sponsor, Senator Kreidler: Modifying shoreline management provisions. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4572 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon.

Passed to Committee on Rules for second reading.

January 23, 1986

SB 4601 Prime Sponsor, Senator Williams: Revising provisions of historic property regulations. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

January 22, 1986

SB 4704 Prime Sponsor, Senator Talmadge: Revising provisions relating to assault. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4704 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Fleming, Hayner, Moore, Newhouse, Williams.

MINORITY recommendation: That the bill not be substituted. Signed by Senator Pullen.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

January 24, 1986

Mr. President:

The House has passed:

HOUSE BILL NO. 1419,

HOUSE BILL NO. 1472,

HOUSE BILL NO. 1486, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

January 24, 1986

Mr. President:

The House has passed:

HOUSE BILL NO. 1380, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

January 24, 1986

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 18, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1380 by Representatives Rayburn, Brekke, Nutley, Leonard, Wineberry, Tilly, Holland, R. King, P. King, Wang, Smitherman, Tanner, Belcher, Cole, K. Wilson, Sayan, Valle, Scott, Peery, Haugen, Hine, Unsoeld and Fisher

Revising appropriations for prenatal care for low-income women.

Referred to Committee on Ways and Means.

HB 1419 by Representatives Locke, May, Hine, Sommers, Niemi, Tilly, Prince, Belcher, Sanders, Allen, Long, Lux and Jacobsen

Authorizing limits on voter-approved increases to the 106% levy lid.

Referred to Committee on Ways and Means.

HB 1472 by Representatives Vekich, Madsen, Chandler, Kremen, Nealey, Baugher, Peery, McMullen, Miller, C. Smith, Rayburn, Padden, Isaacson, Doty and P. King

Promoting the marketing of agricultural products.

Referred to Committee on Agriculture.

HB 1486 by Representatives Peery, Nealey, Brooks, Baugher, Ballard, Chandler, Vekich, Doty, Madsen, Bristow, Rayburn, Jacobsen, Kremen, Tilly, Lux, Smitherman, Tanner, Prince, Sutherland, Dellwo, Vander Stoep, Sayan, Lewis, S. Wilson and Fisch

Repealing the sunset termination of the fairs commission.

Referred to Committee on Agriculture.

HCR 18 by Representatives Basich, K. Wilson, Lundquist, Sayan, Fisch, Vekich, Hargrove, Braddock, Haugen, Sanders, Leonard, J. Williams, Cole, van Dyke and Jacobsen

Establishing Pacific fisheries task force.

Referred to Committee on Natural Resources.

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Lady Willie Forbus, one of the first women to practice law in the state of Washington. The President appointed Senators Craswell, Deccio, Moore and Rasmussen to escort the honored guest to the Senate Rostrum.

After introducing Lady Willie Forbus to the Senate, the President introduced former Governor Al Rosellini and friends and family accompanying her to the Senate Chamber.

With permission of the Senate, business was suspended to permit Governor Rosellini to address the Senate.

MOTION

On motion of Senator Moore, the following resolution was adopted:

SENATE RESOLUTION 1986-133

by Senators Moore, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms

WHEREAS, The pioneering spirit of Lady Willie Forbus has been an inspiration to all Washington citizens; and

WHEREAS, Lady Willie was one of the first women to practice law in the State of Washington; and

WHEREAS, As a woman of character, intelligence, courage, initiative and compassion, Lady Willie has made significant contributions to the growth and development of this great state; and

WHEREAS, Lady Willie served as a member of the Washington State Senate from 1942-1946, representing the 44th Legislative District; and

WHEREAS, Lady Willie has overcome many obstacles to serve her community in a variety of roles, including: an attorney, legislator, precinct committeewoman, champion of the less fortunate, advocate for equal rights for women and minorities, a member of several business and service clubs; and

WHEREAS, The talents of Lady Willie remain in use as she helps her friends through her knowledge of the law and helps us all through the gift of her lifelong commitment to justice and equality;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, assembled in session, recognize and honor Lady Willie Forbus for her contributions to the legal profession, government, community and state; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be ordered to immediately transmit a copy of this resolution to Lady Willie Forbus.

With permission of the Senate, business was suspended to permit Lady Willie Forbus to address the Senate.

The honored guest was escorted from the Senate Chamber and the committee was discharged.

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President and members of the Senate, a point of personal privilege. For about the last ten years that I can remember, Senator Bluechel and I have been challenging each other to a ski race and I must humbly admit that I was shocked--just absolutely devastated by the skill and ability of Senator Bluechel--compared to my out-of-shape, uncoordinated, absolute disaster in blowing out two gates and disqualifying myself.

"From now on, I publicly say that Senator Bluechel is a much better skier and in much better condition. The only fun that I had all weekend was at a brunch when he couldn't eat any of the food."

MOTION

At 11:31 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Tuesday, January 28, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SIXTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 28, 1986

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Neil White and Anna Knudson, presented the Colors. Reverend F. Dean Hackett, senior pastor of the Cathedral of Praise of Lacey, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 27, 1986

SB 3433 Prime Sponsor, Senator Kreidler: Creating the twenty-fourth community college district. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3433 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Goltz, Granlund, Guess, Kiskaddon, McManus, Saling.

Passed to Committee on Rules for second reading.

January 27, 1986

ESSB 3517 Prime Sponsor, Committee on Education: Providing an adult literacy program. Reported by Committee on Education

MAJORITY recommendation: That Second Substitute Senate Bill No. 3517 be substituted therefor, and the second substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Johnson, Kiskaddon, McManus, Saling.

Referred to Committee on Ways and Means.

January 27, 1986

SB 4221 Prime Sponsor, Senator Rinehart: Funding the state toxicological laboratory. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4221 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Goltz, Hayner, Lee, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 22, 1986

SB 4472 Prime Sponsor, Senator Warnke: Relating to industrial insurance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, McDonald, Moore, Williams.

Passed to the Committee on Rules for second reading.

January 24, 1986

SB 4556 Prime Sponsor, Senator Vognild: Requiring spas, hot tubs, swimming pools, and hydromassage bathtubs to be certified by an electrical

products testing laboratory before sale or exchange. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognil, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

January 24, 1986

SB 4569 Prime Sponsor, Senator Owen: Requiring a study of consolidating food fish and game fish recreational licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Conner, Halsan, Johnson, Peterson.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 4595 Prime Sponsor, Senator McDermott: Revising implementation of comparable worth. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4595 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Lee, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 4628 Prime Sponsor, Senator Gaspard: Specifying the number of members constituting a quorum for the college board. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 4637 Prime Sponsor, Senator Williams: Modifying certain practices in proceedings of the utilities and transportation commission. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, McCaslin, Saling, Stratton.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 4719 Prime Sponsor, Senator Talmadge: Appropriating funds for the developmentally disabled. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4719 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Goltz, Hayner, Lee, McDonald, Moore, Rinehart, Talmadge, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 4724 Prime Sponsor, Senator Gaspard: Adopting the Washington award for excellence in education program act. Reported by Committee on Education

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Fleming, Goltz, Granlund, Johnson, McManus, Patterson, Saling, Stratton.

Referred to Committee on Ways and Means.

January 27, 1986

SB 4798 Prime Sponsor, Senator Granlund: Providing for enforcement of water quality. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4798 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 5009 Prime Sponsor, Senator McDermott: Revising insurance premium tax provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5009 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 5034 Prime Sponsor, Senator Gaspard: Requiring a study of categorical educational services. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, Kiskaddon, Saling.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 24, 1986

GA 140 HIRAM H. WHITE, to the position of member of the Oil and Gas Conservation Committee, reappointed by the Governor on April 10, 1985, for the term ending April 16, 1988.
Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Conner, Halsan, Johnson, Peterson.

Passed to Committee on Rules.

January 24, 1986

GA 141 DONALD M. FORD, to the position of member of the Oil and Gas Conservation Committee, appointed by the Governor on April 10, 1985, for the term ending April 16, 1986, succeeding Herb Streuli.
Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Conner, Halsan, Johnson, Peterson.

Passed to Committee on Rules.

January 24, 1986

GA 143 SIMON MARTINEZ, to the position of member of the Oil and Gas Conservation Committee, appointed by the Governor on April 10, 1985, for the term ending April 16, 1987, succeeding Stephen M. Ringhoffer.
Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Conner, Halsan, Johnson, Peterson.

Passed to Committee on Rules.

January 24, 1986

GA 155 JIM BROOKS, to the position of member of the Oil and Gas Conservation Committee, appointed by the Governor on April 17, 1985, for the term ending April 16, 1989, succeeding Dorothy Alice Parker.
Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Conner, Halsan, Johnson, Peterson.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 27, 1986

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 160,

SUBSTITUTE HOUSE BILL NO. 557,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 573,

SUBSTITUTE HOUSE BILL NO. 686,

SUBSTITUTE HOUSE BILL NO. 1335,

HOUSE BILL NO. 1371,

SUBSTITUTE HOUSE BILL NO. 1388, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 3444, by Senators Fleming, Wojahn and Talmadge

Establishing the higher education opportunities program.

MOTIONS

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3444 was returned to second reading and read the second time.

On motion of Senator Gaspard, the following amendments were considered and adopted simultaneously:

On page 1, at the beginning of line 13, strike "council for post secondary education, or its successor agency", and insert "higher education coordinating board"

On page 1, line 19, after "The", strike "council for post secondary education or its successor agency", and insert "higher education coordinating board"

On page 1, line 25, after "the", strike "council for post secondary education or its successor agency", and insert "higher education coordinating board"

On page 2, line 13, after "the", strike "council for post secondary education's staff or the staff of its successor agency", and insert "higher education coordinating board's staff"

On page 2, line 15, after "The", strike "council for post secondary education or its successor agency", and insert "higher education coordinating board"

On page 2, line 20, after "the" strike "council for post secondary education or its successor agency", and insert "higher education coordinating board"

On page 2, line 23, after "the" strike "council for post secondary education or its successor agency", and insert "higher education coordinating board"

On page 3, at the beginning of line 5, strike "council for post secondary education or its successor agency", and insert "higher education coordinating board"

On page 3, line 14, after "July 1.", strike "1986, the council for post secondary education or its successor agency", and insert "1987, the higher education coordinating board"

On page 3, line 20, after "the", strike "council for post secondary education or its successor agency", and insert "higher education coordinating board"

On page 3, beginning on line 23, strike "council for postsecondary education or its successor agency. The council or its successor agency", and insert "higher education coordinating board. The board"

On page 5, line 8, after "the", strike "council for post secondary education, or its successor agency.", and insert "higher education coordinating board"

On page 5, line 15, after "The", strike "council for post secondary education or its successor agency", and insert "higher education coordinating board"

On page 5, line 28, after "The", strike "council for post secondary education or its successor agency", and insert "higher education coordinating board"

On page 5, line 31, after "January", strike "1988", and insert "1989"

On page 6, line 5, after "the", strike "council for post secondary education or its successor agency", and insert "higher education coordinating board"

On page 6, line 14, after "expire", strike "September 30, 1988", and insert "June 30, 1989"

MOTION

On motion of Senator Gaspard, the rules were suspended, Reengrossed Senate Bill No. 3444 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 3444.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 3444, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Cantu, Craswell, McCaslin, Pullen - 4.

Absent: Senator Garrett - 1.

REENGROSSED SENATE BILL NO. 3444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Bender, Senator Garrett was excused.

SECOND READING

SENATE BILL NO. 4443, by Senators Rinehart, Pullen, Garrett, Rasmussen and Lee

Providing for ongoing absentee voter status for blind persons.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 4443 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4443.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4443, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Guess, Kreidler - 2.

Excused: Senator Garrett - 1.

SENATE BILL NO. 4443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3541, by Committee on Financial Institutions (originally sponsored by Senators Moore, Deccio, Sellar, Newhouse, Bender, Wojahn and Rasmussen) (by Insurance Commissioner request)

Revising health care services provisions.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3541.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3541, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Garrett - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 4262, by Senators Owen, Benitz, Stratton and McManus

Changing date for expiration of joint operating agencies' contracting authority.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4262.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4262, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Garrett - 1.

SENATE BILL NO. 4262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Granlund was excused.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 4305, by Committee on Judiciary (originally sponsored by Senators Halsan and Talmadge)

Revising provisions governing bail bonds.

MOTIONS

On motion of Senator Talmadge, the rules were suspended. Engrossed Substitute Senate Bill No. 4305 was returned to second reading and read the second time.

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Halsan was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 10.19 RCW to read as follows:

The surety on the appearance bond shall be released from liability when the case against the person is dismissed, the case is deferred, the person is acquitted, or the person is found guilty of the charges made the basis for the appearance bond.

Sec. 2. Section 1, page 103, Laws of 1867 as last amended by section 1137, Code of 1881 and RCW 10.19.090 are each amended to read as follows:

In criminal cases where a recognizance for the appearance of any person, either as a witness or to appear and answer, shall have been taken and a default entered, the recognizance shall be declared forfeited by the court(~~(-and)~~). At the time of adjudging such forfeiture said court shall enter judgment against the principal and sureties named in such recognizance for the sum therein mentioned or an amount less than that stated in the bond if recommended by the prosecuting attorney and approved by the court or approved by the court on its own motion, and execution may issue thereon the same as upon other judgments. If the surety is not notified by the court in writing of the unexplained failure of the defendant to appear within thirty days of the date for appearance, then the forfeiture shall be null and void and the recognizance exonerated.

NEW SECTION. Sec. 3. A new section is added to chapter 10.19 RCW to read as follows:

If a forfeiture has been entered against a person in a criminal case, and the person is incarcerated within three years from the forfeiture, at least ninety-five percent of the amount of the bond shall be remitted to the surety.

NEW SECTION. Sec. 4. A new section is added to chapter 10.19 RCW to read as follows:

The liability of the surety is limited to the amount of the bond when acting within the scope of the surety's duties in issuing the bond.

NEW SECTION. Sec. 5. A new section is added to chapter 10.19 RCW to read as follows:

The surety on the bond may return to custody a person in a criminal case under the surety's bond if the surrender is accompanied by a notice of forfeiture or a notarized affidavit specifying the reasons for the surrender. The surrender shall be made to the facility in which the person was originally held in custody or the county or city jail affiliated with the court issuing the warrant resulting in bail.

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

MOTION

On motion of Senator Talmadge, the rules were suspended, Reengrossed Substitute Senate Bill No. 4305 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 4305.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 4305, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Garrett, Granlund - 2.

REENGROSSED SUBSTITUTE SENATE BILL NO. 4305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Bottiger, the following resolution was adopted:

SENATE RESOLUTION 1986-135

by Senators Bottiger, Fleming, Hayner, Sellar, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn and Zimmerman; Lieutenant

Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms

WHEREAS, On convening today, the Senate was met with the tragic news of the explosion of the space shuttle challenger; and

WHEREAS, The shuttle orbiter exploded one minute into the flight; and

WHEREAS, All members of the seven-member crew are presumed lost; and

WHEREAS, The mission commander, Dick Scobee, attended the Terminal Park Elementary School in Auburn and graduated from Auburn high school in 1957, and whose parents presently reside in Yakima; Mike Smith, pilot, who was born in Beauford, North Carolina; Ronald E. McNair, laser expert, from Lake City, South Dakota; Air Force Lt. Col. Ellison S. Onizuka; Judy Rosnik, from Akron, Ohio; Gregory Jarvis, from Detroit, Michigan; and Christa McAuliffe, a teacher from New Hampshire; comprised the entire crew; and

WHEREAS, Christa McAuliffe was selected as a member of the crew to represent all of what is good about education in the United States; and

WHEREAS, This tenth flight of a space shuttle looked perfect from launch, had reached some 18 miles into the sky, and appeared to be routine in nature -- but struck by tragedy;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That our heartfelt sympathy be extended to the families of the members of the space shuttle, and that our prayers are with them in this difficult time; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be directed to provide a copy of this resolution to the families of the members of the crew of the space shuttle Challenger.

MOMENT OF SILENCE

At the request of the President, members of the Senate stood in silence in memory of the seven-member crew of the space shuttle Challenger.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 4654.

On motion of Senator Vognild, Senate Bill No. 4654 was referred to the Committee on Commerce and Labor.

On motion of Senator Vognild, the Committee on Natural Resources was relieved of further consideration of Senate Bill No. 4871.

On motion of Senator Vognild, Senate Bill No. 4871 was referred to the Committee on Judiciary.

On motion of Senator Vognild, the Committee on Rules was relieved of further consideration of Senate Bill No. 4710.

On motion of Senator Vognild, Senate Bill No. 4710 was referred to the Committee on Ways and Means.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of House Joint Memorial No. 26.

On motion of Senator Vognild, House Joint Memorial No. 26 was referred to the Committee on Energy and Utilities.

MOTION

At 11:52 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, January 29, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 29, 1986

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Deccio, Granlund and Owen.

The Sergeant at Arms Color Guard, consisting of Pages Jason Volker and Minda Rose, presented the Colors. Senator Hal Zimmerman offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 28, 1986

SB 4425 Prime Sponsor, Senator Hansen: Relating to livestock. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4425 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 4482 Prime Sponsor, Senator McManus: Regulating smoking in the workplace. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4482 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

January 28, 1986

SB 4884 Prime Sponsor, Senator Williams: Expanding access to state emergency information telephone lines. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Kreidler, McCaslin, Saling, Stratton.

Passed to Committee on Rules for second reading.

January 13, 1986

SB 4516 Prime Sponsor, Senator Warnke: Authorizing the use of lottery proceeds for urban area parks. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1986

SB 4554 Prime Sponsor, Senator Hansen: Establishing reporting and licensing requirements for water well contractors. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4554 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz.

Passed to Committee on Rules for second reading.

January 28, 1986

SB 4563 Prime Sponsor, Senator Bauer: Authorizing leases of agricultural fair property by first class or larger counties. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4563 'be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz.

Passed to Committee on Rules for second reading.

January 28, 1986

SB 4574 Prime Sponsor, Senator Wojahn: Revising provisions on chore services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4574 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Craswell, Deccio, Granlund, Johnson, Kiskaddon, Stratton.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 4712 Prime Sponsor, Senator Thompson: Creating state archivist oral history program. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 28, 1986

SB 4723 Prime Sponsor, Senator Rinehart: Modifying the authority of the state library commission with regard to the acceptance and allocation of certain grants. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 28, 1986

SB 4769 Prime Sponsor, Senator Hansen: Revising the excise taxation of feed. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4769 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 28, 1986

Mr. President:

The House has passed:

HOUSE BILL NO. 1397,

HOUSE BILL NO. 1407,

SUBSTITUTE HOUSE BILL NO. 1458,

HOUSE BILL NO. 1520,

HOUSE BILL NO. 1602, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Wojahn, the appointment of Henry Beauchamp as a member of the Corrections Standards Board was confirmed.

APPOINTMENT OF HENRY BEAUCHAMP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Deccio, Granlund, Owen - 3.

MOTIONS

On motion of Senator Bender, Senator Owen was excused.

On motion of Senator Zimmerman, Senator Deccio was excused.

MOTION

On motion of Senator Wojahn, the appointment of David S. McEachran as a member of the Corrections Standards Board was confirmed.

APPOINTMENT OF DAVID S. MCEACHRAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Deccio, Owen - 2.

There being no objection, the President Pro Tempore reverted the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 160 by Committee on Education (originally sponsored by Representative P. King)

Authorizing fees for certain preadmission screening processes.

Referred to Committee on Education.

SHB 557 by Committee on Local Government (originally sponsored by Representative Haugen)

Specifying powers of certain special districts.

Referred to Committee on Governmental Operations.

ESHB 573 by Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, Wang, G. Nelson, Baugher and West)

Revising provisions relating to claims arising from improvements upon real property.

Referred to Committee on Judiciary.

SHB 686 by Committee on Commerce and Labor (originally sponsored by Representatives Sayan and Lux)

Reducing compensation for disability by the amount of unemployment benefits.

Referred to Committee on Commerce and Labor.

SHB 1335 by Committee on State Government (originally sponsored by Representatives Belcher, Jacobsen, Niemi, G. Nelson and Unsoeld)

Modifying requirements for personal services contracts.

Referred to Committee on Governmental Operations.

HB 1371 by Representatives Ebersole, Taylor, Grimm, Fuhrman, P. King, Winsley and C. Smith

Permitting school districts to use school buses and drivers hired without prior authorization from the state board of education.

Referred to Committee on Education.

SHB 1388 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick, Ebersole, West, Scott, Basich, Gallagher, Vekich, Madsen, Hargrove, R. King, Fisch, Day, Cole, Fisher, Sayan, Winsley and Schoon)

Regulating fire protection agencies in annexation and consolidation actions.

Referred to Committee on Commerce and Labor.

HB 1397 by Representatives Walk, Schmidt, Zellinsky, Haugen and Lundquist

Authorizing deposit of fees for accident report information in state patrol account.

Referred to Committee on Transportation.

HB 1407 by Representatives Haugen, Barnes, Todd, Brough, K. Wilson, Belcher, Allen, Madsen, Peery, Valle and P. King

Authorizing sewer or water districts to expend funds for information for residents of areas proposed for annexation.

Referred to Committee on Governmental Operations.

SHB 1458 by Committee on Local Government (originally sponsored by Representatives Zellinsky, Haugen, Fisch, Hargrove, Schmidt, Bristow, P. King and Unsoeld)

Providing penalties for violations of laws relating to public water supply systems.

Referred to Committee on Governmental Operations.

HB 1520 by Representatives Sommers, Prince, Silver, Holland and Ebersole

Removing the requirement that the regional universities and TESC's extension departments be assigned territories.

Referred to Committee on Education.

HB 1602 by Representatives Sayan and Lundquist

Requiring advisement in notice of sale or prospectus that timber sold separate from public land is subject to property tax.

Referred to Committee on Natural Resources.

MOTION

At 10:23 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:30 a.m. by President Pro Tempore Goltz. There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Wojahn, the appointment of Beverly Archambeault as a member of the State Board of Pharmacy was confirmed.

APPOINTMENT OF BEVERLY ARCHAMBEAULT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Johnson, Kiskaddon - 2.

Excused: Senator Owen - 1.

MOTION

On motion of Senator von Reichbauer, Senators Kiskaddon and Sellar were excused.

MOTION

On motion of Senator Wojahn, the appointment of Ken Eikenberry as a member of the Correction Standards Board was confirmed.

APPOINTMENT OF KEN EIKENBERRY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Kiskaddon, Owen, Sellar - 3.

MOTION

On motion of Senator Vognild, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Fleming, the following resolution was adopted.

SENATE RESOLUTION 1986-136

by Senators Fleming, Bluechel, Rasmussen, Zimmerman, von Reichbauer, Goltz, Vognild, Stratton, Garrett, Gaspard, Bender, Pullen, Lee and Bailey

WHEREAS, The death of Denney Givens, an organizer and a state leader in economic development, is a great loss to people all across the State of Washington who seek to enhance economic strength; and

WHEREAS, Denney Givens was known to many as "Mr. Economic Development" for his untiring effort to diversify the state's economy and to attract new business and industry into the state and played a key roll in the establishment of the Washington State Department of Commerce; and

WHEREAS, Denney Givens, a leader of the Bremerton Chamber of Commerce, helped start the former Seattle Area Industrial Council in the 1960's, setting a precedent for the private sector to play an important role in improving Washington's economic climate; and

WHEREAS, In 1972 Denney Givens joined the then Economic Development Council for Puget Sound, and served for 10 years in management and consulting, working to diversify the state's economic base by helping existing businesses in capital improvement and encouraging new businesses to locate in Washington State; and

WHEREAS, Denney Givens was a founder of the Pacific Northwest Industrial Development Council and a founder of the Economic Development Executives of Washington in the mid-1970's, working with other economic development leaders across the state to establish a program to share information about existing efforts to improve the state's business climate; and

WHEREAS, Denney Givens was a life-time member of the Pacific Northwest Industrial Development Council, Economic Development Executives of Washington and the national organization of the American Economic Development Council and served on its board;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the members of the Senate on behalf of the people of the State of Washington express their sorrow for the loss of a man who has dedicated his life to making Washington State a better place to live and do business, but also express their gratitude for the impact this outstanding man has made to his fellow Washingtonians; and

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Denney Givens' wife, Kathleen, and to the Economic Development Executives of Washington.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

January 28, 1986

SB 4640 Prime Sponsor, Senator McDermott: Revising business and occupation taxation of health and social welfare services. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4640 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Hayner, McDonald, Rasmussen, Rinehart, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

January 28, 1986

SB 4773 Prime Sponsor, Senator Talmadge: Providing for pumpout facilities at certain marinas. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4773 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Hansen, Williams.

Passed to Committee on Rules for second reading.

January 28, 1986

SB 4790 Prime Sponsor, Senator Kreidler: Regulating the use and disposal of sludge. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4790 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

January 28, 1986

SB 4797 Prime Sponsor, Senator Bender: Requiring a report on the underground storage tank problem in Washington state. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4797 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

January 27, 1986

SJM 132 Prime Sponsor, Senator Warnke: Urging Congress to take necessary steps toward a full accounting of United States servicemen missing in Indochina. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 132 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Warnke, Chairman; Cantu, Halsan, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 11:50 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Thursday, January 30, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

EIGHTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 30, 1986

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, Deccio, Johnson, Lee, McCaslin, Stratton and Wojahn. On motion of Senator von Reichbauer, Senator Lee was excused.

The Sergeant at Arms Color Guard, consisting of Pages Matthew Gossage and Jenny Harris, presented the Colors. Reverend F. Dean Hackett, senior pastor of the the Cathedral of Praise of Lacey, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 27, 1986

SB 4512 Prime Sponsor, Senator Peterson: Allowing identicards to expire on the holder's birthdate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 4513 Prime Sponsor, Senator Peterson: Authorizing voluntary fingerprinting of juveniles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 4615 Prime Sponsor, Senator Peterson: Transferring tax revenues paid on motor vehicle fuel used in aircraft to the aeronautics account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Patterson, Vognild.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 4616 Prime Sponsor, Senator Peterson: Increasing fees for aircraft pilot registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Patterson, Vognild.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 4617 Prime Sponsor, Senator Peterson: Permitting waiver of the drivers' examination for an instruction permit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

January 27, 1986

SB 4618 Prime Sponsor, Senator Guess: Revising the International Registration Plan. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4618 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

January 28, 1986

SB 4706 Prime Sponsor, Senator Talmadge: Prescribing penalties for criminal mistreatment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Metcalf, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

January 29, 1986

SB 4711 Prime Sponsor, Senator McDermott: Exempting eligible foods purchased with food stamps from sales and use tax. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4711 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Craswell, Deccio, Hayner, Lee, McDonald, Moore, Rinehart, Talmadge, Warnke.

Passed to Committee on Rules for second reading.

January 29, 1986

SB 4713 Prime Sponsor, Senator Warnke: Modifying industrial insurance appeal procedures. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1986

SB 4724 Prime Sponsor, Senator Gaspard: Adopting the Washington award for excellence in education program act. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4724 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Hold.

January 28, 1986

SB 4737 Prime Sponsor, Senator Talmadge: Revising provisions relating to child abuse information. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4737 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Moore, Newhouse, Owen.

Passed to Committee on Rules for second reading.

January 29, 1986

SB 4890 Prime Sponsor, Senator Gaspard: Establishing a coordinating committee on environmental education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Granlund, Johnson, Kiskaddon, McManus, Saling, Stratton.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4724 was advanced to second reading and placed on the second reading calendar.

MESSAGE FROM THE HOUSE

January 29, 1986

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 134, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

There being no objection, the President reverted the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 21, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Chris Wilson, appointed January 21, 1986, for a term ending September 30, 1990, as a member of Walla Walla Community College District 20 Board of Trustees, succeeding Patricia Richardson.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

January 21, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Harlan D. Douglass, appointed January 21, 1986, for a term ending June 30, 1989, as a member of the Washington State Housing Finance Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 134 by Representatives Jacobsen, Long, Unsoeld, Allen, Todd, Niemi, Appelwick, Tilly, Winsley, Tanner, Lux, May and Belcher

Regulating the use of automatic dialing and announcing devices.

Referred to Committee on Energy and Utilities.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rinehart, the appointment of Chuck Collins as Chairman of the Higher Education Coordinating Board was confirmed.

APPOINTMENT OF CHUCK COLLINS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Absent: Senators Craswell, Deccio, Johnson, McCaslin, Stratton, Wojahn - 6.

Excused: Senator Lee - 1.

MOTIONS

On motion of Senator von Reichbauer, Senators Barr and Johnson were excused.

On motion of Senator Bender, Senators Stratton and Wojahn were excused.

MOTION

On motion of Senator Rinehart, the appointment of Helen Radke as a member of the State Board for Community College Education was confirmed.

APPOINTMENT OF HELEN RADKE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 43.

Absent: Senators Craswell, Deccio - 2.

Excused: Senators Barr, Johnson, Stratton, Wojahn - 4.

MOTION

On motion of Senator von Reichbauer, Senator Craswell was excused.

MOTION

On motion of Senator Rinehart, the appointment of Scott B. Lukins as a member of the Board of Regents for Washington State University was confirmed.

APPOINTMENT OF SCOTT B. LUKINS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Excused: Senators Barr, Craswell, Johnson, Wojahn - 4.

MOTION

On motion of Senator Rinehart, the appointment of Sterling Munro as a member of the Board of Trustees for Central Washington University was confirmed.

APPOINTMENT OF STERLING MUNRO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore,

Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Deccio - 1.

Excused: Senators Barr, Craswell, Johnson - 3.

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 4724.

SECOND READING

SENATE BILL NO. 4724, by Senators Gaspard, Bender, Saling, Bailey, Patterson, Granlund, DeJarnatt, Bauer, Johnson, McManus, Rinehart, von Reichbauer, Barr, Garrett, Vognild, Conner and Lee (by request of Superintendent of Public Instruction)

Adopting the Washington award for excellence in education program act.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 4724 was substituted for Senate Bill No. 4724 and the substitute was advanced to second reading and read the second time.

On motion of Senator Gaspard, the following amendment by Senators Gaspard, McDermott, Bluechel, Zimmerman, Wojahn, Moore, Bauer, Garrett, Talmadge, Bender, Bottiger, Conner, DeJarnatt, Fleming, Goltz, Granlund, Halsan, Hansen, Kreidler, McManus, Owen, Peterson, Rasmussen, Rinehart, Stratton, Thompson, Vognild, Warnke and Williams was adopted:

On page 2, line 23, strike all of "NEW SECTION, Sec. 3." and insert the following:

"NEW SECTION, Sec. 3. The award for teachers under the Washington award for excellence in education program shall be named the "Christa McAuliffe Award, in honor and memory of Sharon Christa Corrigan McAuliffe." As the first teacher and private citizen selected nationally to voyage into space, Christa McAuliffe exemplified what is exciting and positive about the teaching profession. Her contributions within the scope of the nation's education system helped to show that education can and should be a vital and dynamic experience for all participants. Christa McAuliffe's chosen profession encompasses learning by discovery and her desire to make new discoveries was reflected by her participation in the nation's space program.

The selection of Christa McAuliffe as the first teacher in space was directly linked to Washington state in that superintendent of public instruction Dr. Frank Brouillet both appointed and served as a member of the national panel which selected Christa McAuliffe.

The tragic loss of the life of Christa McAuliffe on the flight of the space shuttle Challenger on January 28, 1986, will be remembered through the legacy she gave to her family, friends, relatives, students, colleagues, the education profession, and the nation: a model example of striving toward excellence."

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 4724 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Senators Gaspard, McDonald and Zimmerman spoke to the tragic loss of Christa McAuliffe and the crew of the space shuttle Challenger.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4724.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4724 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Barr, Johnson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:47 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, January 31, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 31, 1986

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, McCaslin and McDermott. On motion of Senator von Reichbauer, Senator McCaslin was excused.

The Sergeant at Arms Color Guard, consisting of Pages Todd Buskirk and Elinor Busch, presented the Colors. Reverend F. Dean Hackett, senior pastor of the Cathedral of Praise of Lacey, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 30, 1986

SB 4242 Prime Sponsor, Senator McDermott: Implementing procedures to control and monitor health care costs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 4242 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Deccio, Fleming, Goltz, Rinehart, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4456 Prime Sponsor, Senator Rasmussen: Removing the age requirement for veterans' disability passes to state parks. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4528 Prime Sponsor, Senator Talmadge: Consolidating public disclosure reporting exemptions for small political subdivisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 29, 1986

SB 4529 Prime Sponsor, Senator Talmadge: Revising registered nurse privileged communications provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4531 Prime Sponsor, Senator Talmadge: Modifying provisions relating to mental health insurance coverage. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4531 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Granlund, McDermott, Newhouse.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4619 Prime Sponsor, Senator Bender: Authorizing exchange of land for institutional purposes and declaring an emergency. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Lee, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

January 29, 1986

SB 4633 Prime Sponsor, Senator Talmadge: Relating to fees under the uniform commercial code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

January 29, 1986

SB 4636 Prime Sponsor, Senator Williams: Increasing penalties of the utilities and transportation commission. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Saling, Stratton.

Passed to Committee on Rules for second reading.

January 29, 1986

SB 4657 Prime Sponsor, Senator Talmadge: Authorizing prosecution of class C felonies under chapter 74.04 RCW within five years of their commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4677 Prime Sponsor, Senator Kreidler: Changing provisions relating to winter recreational facilities. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Bluechel, Cantu, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4715 Prime Sponsor, Senator Owen: Revising aquatic lands enhancement account receipts. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Lee, Patterson, Peterson.

MINORITY recommendation: Do not pass. Signed by Senator Rasmussen.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4717 Prime Sponsor, Senator Talmadge: Adopting the water quality joint development act. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4717 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

January 29, 1986

SB 4742 Prime Sponsor, Senator McDermott: Establishing auditing procedures for asset transfers by nursing homes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Fleming, Moore, Rasmussen, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4770 Prime Sponsor, Senator Hansen: Authorizing an irrigation district to defend employees, officers or agents in suits filed against them. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4771 Prime Sponsor, Senator Hansen: Providing an appropriation for the control of livestock diseases. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard, Newhouse.

Referred to the Committee on Ways and Means.

January 30, 1986

SCR 127 Prime Sponsor, Senator Kreidler: Establishing a joint select legislative committee on natural heritage resources. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

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

SECOND READING

SENATE BILL NO. 3453, by Senators Talmadge, Newhouse and Hayner
Identifying the scope of common law liens.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3453 was substituted for Senate Bill No. 3453 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3453 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3453.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3453 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senators Conner, McDermott - 2.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 3453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:14 a.m., on motion of Senator Vognild, the Senate recessed until 10:30 a.m.

SECOND MORNING SESSION

The Senate was called to order at 10:33 a.m. by President Cherberg.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

Senator Owen moved that the appointment of William Wilkerson as Director of the Department of Fisheries be confirmed.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Owen, when I come from Eastern Washington to fish and I can only get two fish as my limit, it makes that fish a very dear and expensive commodity that I can't afford to eat. Can you tell me why we went from three fish to two fish as a limit, if Mr. Wilkerson is such a great manager and such a great producer of fish?"

Senator Owen: "Statistics on fish production speak for themselves. Obviously, we went from three fish to two fish because of conservation. That's why we have limitations on the number of fish that we can take. We went to that in order to comply with federal court orders which a lot of people seem to want to disregard. They don't want to accept the fact that Bill Wilkerson is under court orders to provide a fair and equal allocation to the tribes that the court has ordered. That's all part of the scheme."

MOTION

Senators Peterson, Bottiger and Conner demanded the previous question.

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

The President declared the question before the Senate to be the roll call on confirmation of William Wilkerson as Director of the Department of Fisheries.

APPOINTMENT OF WILLIAM WILKERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn - 39.

Voting nay: Senators Benitz, Craswell, Guess, McCaslin, Metcalf, Moore, Pullen, Rasmussen, Vognild, Zimmerman - 10.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 3084.

On motion of Senator Vognild, Senate Bill No. 3084 was referred to the Committee on Commerce and Labor.

On motion of Senator Vognild, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 4503.

On motion of Senator Vognild, Senate Bill No. 4503 was referred to the Committee on Commerce and Labor.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 4945.

On motion of Senator Vognild, Senate Bill No. 4945 was referred to the Committee on Ways and Means.

MOTION

On motion of Senator Vognild, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 4539, by Senators Moore, Bender, Deccio, von Reichbauer, Zimmerman, Johnson, Bauer, Williams, Vognild, Fleming, Conner, Rasmussen and Talmadge (by request of Joint Study Committee on Insurance Availability and Affordability)

Providing insurance coverage for applicants currently unable to obtain it.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill was substituted for Senate Bill No. 4539 and the substitute bill was placed on second reading and read the second time.

Senator Lee moved that the following amendment be adopted:

On page 1, line 5, after "apportionment" insert "on an assigned risk basis"

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Moore, I was under the impression that with the original bill, while the coverage may be mandated, there is no cap on the coverage. In other words, the rates could be set at whatever level the insurance company so wished and I fail to see the benefits of that. Is there a definite cap which this coverage will be made if this bill should pass?"

Senator Moore: "The only cap, as I understand it, is the negotiation between them and the Insurance Commissioner. As to affordability, you know, Senator Hayner and others are absolutely right. It does not totally address that. We're trying to cure a problem with a few band aids and believe me, it isn't easy."

Senator Bluechel: "Thank you, Senator Moore."

Further debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendment was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Newhouse, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Boltiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn - 26.

MOTION

Senator Deccio moved that the following amendment be adopted:

On page 1, after line 18, insert a new section to read as follows:

"NEW SECTION, Sec. 2. The insurance commissioner shall make a full report to the January 1987 session of the legislature as to the effectiveness of this act."

Renumber the remaining section accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Cantu: "Senator Deccio, your amendment requires a report from the Commissioner on the effectiveness of the rate. Is it your intent that that report would also address the issue of affordability of this plan, if this act is enacted?"

Senator Deccio: "Senator Cantu, the purpose of my amendment would address not only the affordability but all aspects of what the bill purports and directs to do, whether it's successful, whether insurance truly was obtainable and whether it was affordable and whether or not we ought to scrap the bill in 1987 or continue this program."

Senator Cantu: "Thank you, Senator Deccio."

The President declared the question before the Senate to be adoption of the amendment by Senator Deccio.

The motion by Senator Deccio carried and the amendment was adopted.

MOTIONS

On motion of Senator von Reichbauer, Senator Pullen was excused.

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 4539 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Moore, during the meetings of the Joint Select Committee, which both of us served on, the Insurance Commissioner indicated that the companies were forming the MAPs plan, which is marketing assistance plan, which means the companies would make recommendations to companies that might write certain types of insurance.

"Is it your understanding, as it is mine, that the Insurance Commissioner would work in conjunction with that program--that this plan would not necessarily be the only one that would be put into effect to try and solve the problem but that he would also pursue the MAPs program as well?"

Senator Moore: "Senator Deccio, at all of the hearings that the Senate Financial Institutions Committee held and the ones that were under the so-called Marquardt committee, when that question came up, it was clearly defined by the insurance company that he was going to pursue both and I was sure that a voluntary plan was going to work like MAPs, but I think we need to try both because we won't be back here for a while, hopefully, and I want something in place this session. Thank you."

Senator Deccio: "Ray, you said insurance company. I think you meant Insurance Commissioner."

Senator Moore: "Excuse me, correct that--Insurance Commissioner."

Senator Deccio: "Thank you, Senator Moore."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4539.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4539 and the bill passed the Senate by the following vote: Yeas, 31; nays, 17; excused, 1.

Voting yeas: Senators Barr, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn - 31.

Voting nays: Senators Bailey, Benitz, Bluechel, Cantu, Craswell, Garrett, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Newhouse, Owen, Sellar, Stratton, Zimmerman - 17.

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognilid, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

January 31, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 126 with the following amendment:

On page 1, line 27 after "1985" insert ", as interpreted by the letters of the parties dated January 27, 1986 and January 28, 1986."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator McDermott moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Concurrent Resolution No. 126.

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator McDermott, of course I'm concerned that here we were told that an agreement had to be enforced by December 31, 1986, and here we have an addendum that must be part of the agreement that's dated January 27th, which I don't think statutorily conforms, but my question to you really is on the second page of this letter. It says, 'The overall cost of the contract to the state is not more than 482.4 million.' My question is, does that include fringe benefits, pension costs and that type of thing?"

Senator McDermott: "Senator Newhouse, the question that you're asking, ordinarily when you figure salaries you figure about fifteen percent for those things that are directly connected to increases in salaries, and that's the way this 482 million dollars was calculated--including pension benefits--including the additional social security that would have to be paid and so forth. That is the cost. It does not include health benefits or any of that sort of thing."

Senator Newhouse: "But that's an overall cost, health benefits are just as much of a cost to the employer--the state--as any of those other costs."

Senator McDermott: "The health benefits issue is always decided by a separate part of the appropriations bill and that is not included in the 482 million."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Concurrent Resolution No. 126, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Concurrent Resolution No. 126, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Zimmerman - 18.

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 126, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator McDermott, the following letters, which were addressed in the House amendment, were made a part of the record:

January 27, 1986

The Honorable Daniel K. Grimm, Chairman
House Ways and Means Committee
Legislative Building
Olympia, Washington 98504

RE: Comparable Worth Agreement

Dear Representative Grimm:

Thank you for your letter of January 21st in which you request an interpretation of certain of the agreement's language to better understand the intent of the parties. We provide the following in answer to your questions.

Initially we note that underlying each of your questions is how the agreement will, in fact, be administered. Let us indicate at the outset that the overriding intent of the parties is that the agreement be administered in as fair, equitable and consistent a manner as possible by the state and, in particular, the two personnel systems. With this principle in mind, we address each of the questions.

As you may know, the two personnel systems have, using the Willis methodology, evaluated almost all job classifications which have a large number of employees that can be expected to qualify for a comparable worth adjustment. In the Department of Personnel system, approximately seventy-eight percent of the employees are in job classifications which have been evaluated, and the corresponding number for the Higher Education Personnel system is approximately eighty-two percent. We recognize that all remaining jobs could not, with a high degree of accuracy, be evaluated by the implementation date of April 1, 1986. Therefore, we intended that the two personnel systems would use the best data available to them on the effective date of April 1. In other words, to determine which job classifications qualify for a comparable worth adjustment and to determine their range entitlements after April 1, 1986, the personnel boards would use the evaluated worth of the job classes where available. Because all benchmark jobs have been evaluated, determination for the remaining classes would be through benchmark-indexing. It is expected that the two personnel systems will do a limited number of additional evaluations prior to the effective date of the agreement to make necessary adjustments and provide direction for certain job classes. It was the intent of the parties that no job classification at or above the comparable worth line would receive any increase pursuant to the agreement.

You next address paragraph 2(B) of the agreement. Because all jobs have not been studied, the current actual average comparable worth line is drawn based on the evaluated worth and actual salaries of benchmark jobs only. Should the personnel boards, during the term of the agreement, complete evaluations on all jobs, it would be up to the two personnel boards to adopt a new line. At that point, the all jobs line would be used for continued implementation under the agreement. Please note that an all jobs line, by the agreement must, like the benchmark line,

be based on January 1, 1985 actual salaries. The parties did not necessarily expect a new line to be drawn but intended in paragraph 2(B) to address such a possibility. In any event, the overall cost of the contract to the state is not more than \$482.4 million. This figure does not include monies that are a part of any general salary increase used to maintain comparable worth pursuant to paragraph 4 of this agreement. By referencing the "Willis" points in the agreement, the parties simply were referring to the current methodology used in calculating comparable worth but did not intend to require the personnel boards to be locked into any particular methodology.

In answer to your third question, the parties did not intend to restrict or enhance the work of jurisdiction of the personnel boards. It is expected that there may be classes established or abolished and class series restructured during the term of the agreement. As a result of such board actions, comparable worth classification entitlement reflecting the new classification should be addressed in the normal course of the boards' actions.

We hope this sufficiently addresses the matters you have raised. Thank you for allowing us to answer your questions.

Sincerely,

SUSAN R. AGID, Attorney
Chief Negotiator,
Office of the Governor

GEORGE D. MASTEN, AFSCME
International Vice President and
Chief Negotiator

REBECCA L. BOGARD, Governor's
Legislative Counsel

GARY MOORE, WFSE
Executive Director

Approved:

CHRISTINE O. GREGOIRE
Deputy Attorney General
Attorney for Defendants

EDWARD E. YOUNGLOVE, III
Attorney for Plaintiffs

January 28, 1986

The Honorable Daniel K. Grimm, Chairman
House Ways and Means Committee
House Office Building
Olympia, Washington 98504

RE: Comparable Worth Agreement

Dear Representative Grimm:

In a letter dated January 28, 1986, you requested an interpretive letter regarding the Agreement dated December 31, 1985, and, in specific, the parties' intent with respect to the use of the term "appropriated" in paragraph 3(G).

The parties intended the term "appropriate" to mean "pay", "allocate", "provide", or "expend" monies necessary to achieve comparable worth as set forth in the Agreement. Thus, the parties did not intend to identify or to limit the sources of these funds, nor to adopt a definition of "appropriated" in the technical sense as used in legislative budget actions. The necessary monies, i.e. \$10 million annually as set forth in paragraph 3(G), are to be comprised of all funds whether technically appropriated or non-appropriated, budgeted or non-budgeted, or any combination of these funds. This intent of the parties is illustrated by the fact that following the term "appropriated" the parties made specific reference to both general and special fund monies, i.e. all monies, from whatever source.

We hope this clarifies the language of the Agreement and answers the question as set forth in your letter.

Sincerely,

REBECCA L. BOGARD,
Governor's
Legislative Counsel

GEORGE D. MASTEN, AFSCME
International Vice President and
Chief Negotiator

GARY MOORE, WFSE
Executive Director

Approved:

CHRISTINE O. GREGOIRE
Deputy Attorney General
Attorney for Defendants

EDWARD E. YOUNGLOVE, III
Attorney for Plaintiffs

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, you understand that this letter is binding on you? Is that why you want it included in the record, and is it clear to you that you're going to get off as Chairman of Ways and Means because of that letter? Do you understand the letter?"

Senator McDermott: "Senator Rasmussen, I think I understand the letter and there are some days I'd be glad to let you be the Chairman of the Ways and Means Committee and let me ask the questions."

There being no objection, the President returned the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

January 30, 1986

SB 4876 Prime Sponsor, Senator Williams: Revising provisions relating to the low-level radioactive waste management program. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4876 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, Saling, Stratton.

Passed to Committee on Rules for second reading.

MOTION

At 12:58 p.m., on motion of Senator Vognild, the Senate adjourned until 10:30 a.m., Monday, February 3, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 3, 1986

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Hansen, Sellar, Stratton and Thompson. On motion of Senator von Reichbauer, Senator Sellar was excused. On motion of Senator Vognild, Senators Bender, Stratton and Thompson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Eric Isaacs and Janae Hodge, presented the Colors. Reverend Arla Elston, minister of the First Christian Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

January 30, 1986

SB 4455 Prime Sponsor, Senator Rasmussen: Authorizing organ donation advisement procedures in state hospitals. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4455 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Stratton.

Passed to Committee on Rules for second reading.

January 29, 1986

SB 4497 Prime Sponsor, Senator Bottiger: Regulating vehicle dealers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4497 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4596 Prime Sponsor, Senator Granlund: Revising provisions relating to community mental health services for children. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4596 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson, Stratton.

Passed to Committee on Rules for second reading.

January 29, 1986

SB 4613 Prime Sponsor, Senator Wojahn: Providing purchasing authority to state hospitals for mentally ill. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4613 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4629 Prime Sponsor, Senator Talmadge: Reauthorizing the examining board of psychology. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4629 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson, Stratton.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4682 Prime Sponsor, Senator Kreidler: Revising provisions relating to offenders performing community services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4682 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson, Stratton.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4685 Prime Sponsor, Senator Wojahn: Revising provisions relating to the issuance of death warrants in capital cases. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4685 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson, Stratton.

Passed to Committee on Rules for second reading.

January 31, 1986

SB 4721 Prime Sponsor, Senator Warnke: Modifying provisions relating to appeals and penalties under the Washington industrial safety and health act. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1986

SB 4729 Prime Sponsor, Senator Barr: Permitting certain school districts to average their enrollments over two school years to avoid dissolution of the district. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Benitz, Craswell, Fleming, Goltz, Granlund, Johnson, McDermott, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

January 29, 1986

SB 4754 Prime Sponsor, Senator Wojahn: Prescribing authorized procedures for health care assistants. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4754 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4949 Prime Sponsor, Senator Wojahn: Requiring an approved list for inspections by health care assistants. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4949 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Granlund, Johnson, Peterson, Stratton.

Passed to Committee on Rules for second reading.

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

SECOND READING

SENATE BILL NO. 3193, by Senators Talmadge, Wojahn, Kreidler, Halsan and Gaspard

Providing for public employees retirement in case of total disability resulting from occupational disease.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3193 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, in the summary it says, 'This must be certified'--and that's all right--'and the claim for disability must be made within two years of incurring the disease.' Is that still in the bill?"

Senator Talmadge: "I believe that is in the bill, Senator. It's on lines twenty through twenty-three of page 1 of the bill--'No application shall be valid, or a claim thereunder enforceable unless filed within two years after the date upon which injury occurred, or disease was diagnosed.' That is exactly the same standard that exists under the Washington Industrial Insurance Act for industrial injuries."

Senator Rasmussen: "This is not a two-year limitation?. It's only after the disease is diagnosed?"

Senator Talmadge: "That's correct."

Senator Rasmussen: "So a person could still claim if they had poisoning from asbestos or from any other chemicals?"

Senator Talmadge: "That is my understanding, Senator. It's designed to deal with the problem where the latency period for the disease is a relatively long one. The disease is not diagnosable by a physician. Once the physician diagnoses the existence of the disease or problem, then the individual has to present the claim within two years of that period in order to be able to qualify under this law."

Senator Rasmussen: "Thank you, Senator Talmadge."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3193.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3193 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Hansen - 1.

Excused: Senators Bender, Sellar, Stratton, Thompson - 4.

SENATE BILL NO. 3193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4601, by Senators Williams, Kreidler and Zimmerman

Revising provisions of historic property regulations.

The bill was read the second time.

MOTIONS

On motion of Senator Williams, the following Committee on Parks and Ecology amendment was adopted:

On page 4, line 1, after "property" strike all material through "application" on line 3 and insert ((~~excluding the actual cost of the substantial improvement completed within the twenty-four months prior to the application~~))

On motion of Senator Williams, the rules were suspended, Engrossed Senate Bill No. 4601 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4601.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4601 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Sellar, Stratton, Thompson - 3.

ENGROSSED SENATE BILL NO. 4601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4540, by Senators Bender, Deccio, Moore, von Reichbauer, Bauer, Zimmerman, Johnson, Newhouse, Hansen, McManus, Conner and Rasmussen (by request of Joint Study Committee on Insurance Availability and Affordability)

Establishing procedures for canceling written agreements between insurance companies and agents.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 4540 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Moore, let me give you a little background on the question. Several years ago my son, who is a diabetic was cancelled and the reason he was cancelled, the insurance company received a notice from his doctor. Apparently, they had written him and the doctor had told the insurance company that he was not following a strict diet, so out of the blue one day we received a letter stating that our insurance on the son was cancelled. Now, under that type of circumstance, does this bill address that?"

Senator Moore: "Very, very indirectly. This bill addresses willy, nilly cancellations by insurers of agents for no apparent reason, other than something very serious, like fraud."

Senator McCaslin: "Thank you very much, Senator Moore, the problem we had, and all of you would have--or any citizen might have is that it was arbitrarily cancelled without contacting the parents and all they did was receive a notice that

your son's not following the doctor's orders--you're cancelled. It puts a parent in a very precarious position, having a son under twenty-one without insurance."

Senator Moore: "Senator McCaslin, the bill is coming up that will address that, and secondly, this particular bill addresses casualty liability. Thank you."

Senator McCaslin: "Thank you, very much."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4540.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4540 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Garrett - 1.

Excused: Senators Sellar, Stratton, Thompson - 3.

SENATE BILL NO. 4540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4541, by Senators Granlund, Deccio, Moore, von Reichbauer, Zimmerman, Johnson, Hansen, Vognild, Bauer, Fleming, Williams, Newhouse, McManus and Conner (by request of Joint Study Committee on Insurance Availability and Affordability)

Establishing procedures for canceling insurance.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 4541 was substituted for Senate Bill No. 4541 and the substitute bill was read the second time.

Senator Moore moved that the following amendment be adopted:

On page 3, on line 3, after "policy," strike everything through "made," on line 6 and insert *"(including the amount by which the premium or deductibles have changed from the previous policy period, and the date by which such payment must be made.)"*

POINT OF INQUIRY

Senator Deccio: "Senator Moore, on line 19, does this in any way affect--to my recollection it doesn't--but I need to ask the question anyway. This in no way diminishes the responsibility of insurance companies to give forty-five days notice in the event of cancellation or nonrenewal?"

Senator Moore: "No."

The President declared the question before the Senate to be adoption of the amendment by Senator Moore.

The motion by Senator Moore carried and the amendment was adopted.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 4541 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator Moore, I'm sorry I asked that question in the middle of the debate on the amendment, but again in order to clarify--on line 19, page 1, where it says, 'Ten days notice of cancellation is sufficient, if cancellation occurs within thirty days after the effective date.' I guess my question is, you do agree that this does not affect the forty-five day cancellation notice for nonrenewal and cancellation?"

Senator Moore: "I do."

Senator Deccio: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Mr. President, would Senator Moore or Senator Granlund yield--one who is familiar with this bill? There's a question I have that hasn't really been answered yet. Who else is on Insurance that knows this bill readily? Senator Granlund, would you want to tackle it?"

"The question that Senator Deccio had asked regarding the matter of surplus funds and whether the exemptions listed in there whether that covers that particular exemption--yes, under the RCW 48.15.160, the exemption from surplus line requirements are listed in the RCW here and it would look to me like we've got an exemption of an exemption. I wonder if that turns it around into a positive matter, because see, we've got several subsections here and all of those refer to surplus lines and yet this is an exemption to 48.15. In other words, the way the bill was written, it takes the entire section of the RCW it's talking about--48.15 Uninsured Insurers--yet under one part of that is an exception to that section and I'm concerned whether it's doing what you want it to do?"

Senator Granlund: "I would have to yield to Senator Moore to respond to your question because it relates back to that. The amendment came on the floor."

Senator Zimmerman: "It's just simply that I'm wondering the way the language is written--it's all inclusive of RCW 48.15 when you have a subsection 48.15.160 that lists exemptions from surplus line requirements."

Senator Granlund: "I don't believe that's the intent, Senator Zimmerman. That's the committee amendment as I know it, but I don't want to say that specifically."

MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute Senate Bill No. 4541 was deferred.

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

MOTION

On motion of Senator Vognild, the following resolution was adopted:

SENATE RESOLUTION 1986-138

by Senators Bauer and Zimmerman

WHEREAS, The Washington State School for the Deaf is the only public residential school for the hearing impaired children residing in the state of Washington; and

WHEREAS, On February 3, 1886, Governor Watson C. Squire approved the school established by the Tenth Biennial Session of the Washington Territory Legislative Assembly; and

WHEREAS, The school began with seven deaf students in Vancouver, Washington, in Clark County, in an abandoned hotel in downtown Vancouver, and has grown to as many as three hundred fifty students, occupying sixteen buildings on the original site of Fort Vancouver; and

WHEREAS, The school is fully accredited by the Northwest Association of Schools and Colleges and the state Superintendent of Public Instruction--and brings together students from grades one through twelve with a staff trained in the use of "sign language" and other special communication techniques; and

WHEREAS, Most deaf children are born of hearing parents and are isolated by their deafness from a hearing world, this school provides an environment in which the students can not only develop physically and intellectually but can acquire the "native" language and culture of their community; and

WHEREAS, Over two thousand eight hundred students have attended Washington State School for the Deaf with over eighty percent entering post-graduate schools and maintaining successful careers while contributing to the quality of life throughout our state and this Nation; and

WHEREAS, This day, the 3rd day of February 1986, marks the one-hundredth anniversary of the Washington State School for the Deaf;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Washington State Senate, That we pause to mark the one-hundredth anniversary of the Washington State School for the Deaf and acknowledge its accomplishments since 1886 in providing a century of excellence and growth in education for the deaf. We continue to support its educational concepts and sincerely wish the school a very "Happy Birthday"; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Secretary of the Senate to Archie Stack, Superintendent of the Washington State School for the Deaf; Elaine Sutter, Principal of Northrop Elementary and Junior High School; Robert Devereaux, Principal of Divine High School; Marlyn Minkin, Chairperson of the Board of Trustees for the Washington State School for the Deaf; Larry Peterson, the President of the Washington State Association for the Deaf; and Leon Curtis, Coordinator of State Services for the Deaf.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 126.

MOTION

At 11:19 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:50 a.m. by President Cherberg.

MOTION

At 11:50 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Tuesday, February 4, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 4, 1986

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Sellar, Stratton, Vognild and Wojahn. On motion of Senator von Reichbauer, Senator Sellar was excused. On motion of Senator Bender, Senator Stratton was excused.

The Sergeant at Arms Color Guard, consisting of Pages Mark LaVack and Michele Hawkins, presented the Colors. Reverend Arla Elston, minister of the First Christian Church of Olympia, offered the prayer.

MOTION

On motion of Senator Bender, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

February 3, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

January 31, 1986

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1703, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Owen, the appointment of Dennis Barci as a member of the Game Commission was confirmed.

APPOINTMENT OF DENNIS BARCI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Absent: Senators Craswell, Vognild, Wojahn - 3.

Excused: Senators Sellar, Stratton - 2.

MOTION

On motion of Senator Owen, the appointment of Terry L. Karro as a member of the Game Commission was confirmed.

APPOINTMENT OF TERRY L. KARRO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Sellar, Stratton - 2.

MOTION

On motion of Senator Owen, the appointment of Dr. James Walton as a member of the Game Commission was confirmed.

APPOINTMENT OF DR. JAMES WALTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Barr - 1.

Excused: Senators Sellar, Stratton - 2.

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

MOTION

On motion of Senator Bluechel, the following resolution was adopted:

SENATE RESOLUTION 1986-139

by Senator Bluechel

WHEREAS, Juanita High School Rebels have captured the state high school class AAA football championship for the second consecutive year; and

WHEREAS, Juanita becomes the second team to successfully defend its championship title after a 41 to 27 victory in Kingbowl VIII in 1984; and

WHEREAS, Team members have combined academic excellence with athletic success with special recognition to team members Kurt Steck and Brian Sherestad; and

WHEREAS, The Juanita High School Rebels have won twenty-six consecutive games giving them the rank of number 4 high school football team in the nation; and

WHEREAS, This championship team had six players named to the All-State Football Team: Dean Pyzik, Ricky Matthews, Shawn Rainwater, Todd Williams, Mike Allman, and Kurt Steck; and

WHEREAS, head football coach Chuck Tarbox and his staff should be applauded for their dedication and hard work in guiding this outstanding team to their second state title; and

WHEREAS, The discipline, character, and sportsmanship developed by the individual members of this team will carry with them as they face the challenge of life as young adults; and

WHEREAS, Those friends and family members who provided support to the team and the coaching staff are recognized as an integral part of this championship effort;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Senate congratulates the members of the Juanita High School Rebels and coach Chuck Tarbox and his staff for successfully defending their state class AAA high school football title; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this resolution to coach Chuck Tarbox of Juanita High School for communication to the school and community.

INTRODUCTION OF SPECIAL GUESTS

The President introduced members of the Juanita High School Rebels and Coach Chuck Tarbox who were seated in the gallery.

MOTION

On motion of Senator Bottiger, the following resolution was adopted:

SENATE RESOLUTION 1986-140

by Senator Bottiger

WHEREAS, The spirit of competition is an integral part of growing up in America; and

WHEREAS, Competition for the state high school football championships is the highlight of the school sports season; and

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Eatonville High School Cruisers rose to the highest level of excellence in its state football competition by winning the 1985 Class A Division Football Championships; and

WHEREAS, The Eatonville Cruisers won their championship game at the Kingdome on December 7, 1985, against the Cashmere Bulldogs; and

WHEREAS, The Cruisers' football team won their Nisqually League with a 13-0 season record; and

WHEREAS, This is the first state football championship won by Eatonville High School;

WHEREAS, The Cruisers' football coach Steve Gervais, along with assistant coaches Bill Jacobs, Bud Roberts, Jerry King, Mike Voie, and principal Randy Dorn have proven their dedication to the sport and their enthusiasm in inspiring outstanding young men; and

WHEREAS, Three team members were chosen for the all-state football team, sophomore Brandon Jumper, senior Jim Cox, and junior Matt Dunning, who also maintains a grade point average of 3.85; and

WHEREAS, The entire community of Eatonville showed their support and civic pride in their high school football team;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate congratulate the Eatonville Cruisers football team and their coaching staff on their great success; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Steve Gervais, head coach of the Eatonville Cruisers, and the members of the Cruiser football team.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Eatonville Cruisers and their coaching staff who were seated in the gallery.

MOTION

On motion of Senator Bottiger, the following resolution was adopted:

SENATE RESOLUTION 1986-141

by Senator Sellar

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Coulee-Hartline High School and Mansfield High School rose to the highest level of excellence in state football competition in the 1985 school year; and

WHEREAS, The Coulee-Hartline/Mansfield Rams on December 7, 1985, won the State Class B Football Championship by defeating Rosalia High School with a score of 24-20; and

WHEREAS, This is the Rams' first State B eight-man football crown; and

WHEREAS, The team's 10-0 record is a great credit to the extraordinary ability of Ram coach Bill Penrose and his staff to train, motivate and guide these student athletes into the great champions that they are; and

WHEREAS, This accomplishment of team effort and excellence of play could only be attained by the generous and united support of the students, faculty, administration, parents and community members, and is to be shared by all;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Washington State Senate, That the Coulee-Hartline/Mansfield Rams, their coach and his staff be commended on their great success; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Mr. Bill Penrose, head coach of the Coulee-Hartline High School/Mansfield High School team.

INTRODUCTION OF SPECIAL GUESTS

President Cherberg introduced the members of the Coulee-Hartline High School and Mansfield High School Rams and coach Bill Penrose who were seated in the gallery.

MOTION

On motion of Senator Owen, the following resolution was adopted:

SENATE RESOLUTION 1986-142

by Senators Owen and Conner

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Shelton High School Highclimbers on December 7, 1985, were named the State Class AA Football Champions; and

WHEREAS, The football team played its championship game in the Kingdome against Lake Stevens High School; and

WHEREAS, The Shelton High School team won the Black Hills League with an 11 and 2 season record; and

WHEREAS, Shelton Highclimbers football coach, Jack Stark, has proven himself an outstanding football coach in his years of coaching at Shelton High School; and

WHEREAS, All the senior members of the Shelton Highclimbers have combined athletic and academic excellence maintaining above a 3.0 grade point average; and

WHEREAS, The Shelton High School football team set its goal to win the state AA championship in the summer of 1985; and

WHEREAS, The players lived up to their team watch words of commitment, trust and determination;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington commends the Shelton Highclimbers football team and its coaching staff on their great success; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Jack Stark, head coach of the Shelton Highclimbers.

POINT OF INQUIRY

Senator Deccio: "Senator McDermott, when we fix the Kingdome can we also put in a proviso to furnish enough money to furnish anybody with opera glasses so they can see the show?"

Senator McDermott: "All things are possible, Senator."

INTRODUCTION OF SPECIAL GUESTS

President Cherberg introduced the members of the Shelton High School Highclimbers and their coaches who were seated in the gallery.

MOTION

On motion of Senator Metcalf, the following resolution was adopted:

SENATE RESOLUTION 1986-143

by Senator Metcalf

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The South Whidbey High School football team won the Cascade A League Title and the Northwest District A Title; and

WHEREAS, The Falcons football team, coached by Mick Heggenes, made it to the Class A state semifinal football playoffs, and ended with an 11-1 season; and

WHEREAS, High school team members, Dusty Nelson, Mike Smith, Darren Anderson, Craig Alexander, Jeff Hanson, Jeff Kohlwes, Jeff Alexander, Brent Hezel, Dave Quinton, and Phil Baker were selected to the Cascade All-League team for their excellence displayed on the field; and

WHEREAS, Two members of the Falcons' football team, Jeff Alexander and Dave Gottschalk, excelled in the classroom as well as on the football field by being selected as nominees for the National Football Foundation and Hall of Fame Football Scholarship award;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognizes and congratulates the South Whidbey High School Falcons' football team for their great football accomplishments in 1985; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to coach Mick Heggenes and the principal of South Whidbey High School.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the South Whidbey Falcons and their coaches who were seated in the gallery.

MOTION

On motion of Senator Peterson, the following resolution was adopted:

SENATE RESOLUTION 1986-144

by Senators Metcalf and Peterson

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Concrete High School football team won the State Class B Championship in football; and

WHEREAS, The Concrete Lions have won the State Class B Football Championship the last two years; and

WHEREAS, The state champion Lions graduated half their players after the first year and the team continued to win all their games this year to end the championship season at 13-0; and

WHEREAS, The Concrete Lions football coach, Ron Rood, has proven himself an outstanding football coach and was selected as the Northwest League Coach of the Year; and

WHEREAS, Senior quarterback/defensive back, Don Beazizo, exhibited outstanding football skills in the state championship game in which he was picked Player of the Day at the Kingbowl IX State Championship;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognizes and congratulates the Concrete High School Lions football team for their great football accomplishments in 1985; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to coach Ron Rood and the principal of Concrete High School.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Concrete Lions and their coach, Ron Rood, who were seated in the gallery.

There being no objection, the President reverted the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 4541, deferred on third reading February 3, 1986.

MOTIONS

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute Senate Bill No. 4541 was returned to second reading and read the second time.

Senator Deccio moved that the following amendment be adopted:

On page 1, line 19, after "date" strike all the material through "cancellation:))

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Deccio.

The motion by Senator Deccio carried and the amendment was adopted.

MOTION

On motion of Senator Moore, the rules were suspended. Reengrossed Substitute Senate Bill No. 4541 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 4541.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 4541 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Garrett - 1.

Absent: Senator Guess - 1.

Excused: Senators Sellar, Stratton - 2.

REENGROSSED SUBSTITUTE SENATE BILL NO. 4541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:47 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 12:22 p.m. by President Cherberg.

MOTION

At 12:22 p.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Wednesday, February 5, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 5, 1986

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Hayner, McManus, Stratton, Talmadge and Williams. On motion of Senator von Reichbauer, Senator Hayner was excused. On motion of Senator Vognild, Senators Stratton and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tommy Minium and Lisa Willingham, presented the Colors. Senator Sam Guess offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

February 4, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 126, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 4, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 905,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331,

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

SECOND READING

SENATE BILL NO. 4547, by Senators Hansen, Newhouse, Goltz, Barr, Bauer, Gaspard, Benitz and Bailey

Providing for crop liens.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 4547 was substituted for Senate Bill No. 4547 and the substitute bill was read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 4547 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4547.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4547 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalfe, Moore,

Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 44.

Absent: Senators McManus, Williams - 2.

Excused: Senators Hayner, Stratton, Talmadge - 3.

SUBSTITUTE SENATE BILL NO. 4547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

January 31, 1986

SB 3334 Prime Sponsor, Senator McManus: Authorizing joint purchase agreements for private school bus maintenance. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bailey, Bender, Benitz, Craswell, Fleming, Goltz, Granlund, Johnson, McDermott, McManus, Patterson, Stratton.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 3523 Prime Sponsor, Senator Guess: Modifying provisions relating to passenger charter carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 3718 Prime Sponsor, Senator McDermott: Relating to retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3718 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Goltz, Hayner, Lee, Moore, Rasmussen, Talmadge, Warnke, Wojahn, Zimmerman.

Hold.

February 4, 1986

SB 3878 Prime Sponsor, Senator Stratton: Exempting military installations on the national register of historic places from property taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bottiger, Cantu, Craswell, Fleming, Goltz, Hayner, Lee, Rasmussen, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4458 Prime Sponsor, Senator Thompson: Modifying provisions on forest land taxations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4458 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, Moore, Rasmussen, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4462 Prime Sponsor, Senator Bailey: Requiring child abuse education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4462 be substituted therefor, and the substitute bill do pass and be referred to Committee on Way and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McDermott, McManus, Saling, Warnke.

Referred to Committee on Ways and Means.

February 4, 1986

SB 4490 Prime Sponsor, Senator Talmadge: Revising the business corporations act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

January 31, 1986

SB 4503 Prime Sponsor, Senator Warnke: Revising provisions on the taxation of mobile homes, travel trailers, and campers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4503 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Williams.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4516 Prime Sponsor, Senator Warnke: Authorizing the use of lottery proceeds for urban area parks. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators H. A. "Barney" Goltz, Vice Chairman; Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Guess, Hayner, McDonald, Rasmussen, Rinehart, Vognild, von Reichbauer, Zimmerman.

Referred to the Committee on Ways and Means.

January 30, 1986

SB 4519 Prime Sponsor, Senator McDermott: Adopting provisions on water quality. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4519 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4525 Prime Sponsor, Senator Bottiger: Enacting provisions relating to legal representation of the legislature. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4525 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4527 Prime Sponsor, Senator Moore: Establishing a commodities and securities licensing program. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Granlund, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4535 Prime Sponsor, Senator Halsan: Changing provisions relating to professional service corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4560 Prime Sponsor, Senator Thompson: Revising provisions relating to the legislature and terms of state officials. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4587 Prime Sponsor, Senator Williams: Revising utility and transportation commission regulations. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators William, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Saling.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4588 Prime Sponsor, Senator Gaspard: Recognizing teacher in-service training for compensation purposes. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, McDermott, McManus, Warnke.

Referred to Committee on Ways and Means.

February 3, 1986

SB 4590 Prime Sponsor, Senator Thompson: Revising provisions relating to local government investments. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4590 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4591 Prime Sponsor, Senator Thompson: Revising provisions relating to state warrants. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4592 Prime Sponsor, Senator Rasmussen: Abolishing the state school equalization fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Fleming, Hayner, Lee, Moore, Rasmussen, Rinehart, Talmadge, Warnke.

Passed to Committee on Rules for second reading.

January 31, 1986

SB 4626 Prime Sponsor, Senator Warnke: Establishing the housing trust fund to assist low-income persons to obtain housing. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4626 be substituted therefor, and the substitute do pass and be referred to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, McDonald, Moore, Newhouse, Williams.

Referred to Committee on Ways and Means.

January 31, 1986

SB 4630 Prime Sponsor, Senator Talmadge: Revising provisions relating to civil actions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4630 be substituted therefor, and the substitute bill do pass. Signed by Senators DeJarnatt, Hayner, McCaslin, Metcalf, Newhouse, Owen, Pullen and Thompson.

MINORITY recommendation: That Senate Bill No. 4630 not be substituted and that the bill not pass. Signed by Senators Halsan, Vice Chairman; Moore, Williams

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4635 Prime Sponsor, Senator Williams: Establishing certain jurisdictional issues under the utilities and transportation commission to be questions of fact. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4635 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Saling.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4660 Prime Sponsor, Senator Halsan: Exempting specified pension moneys from attachment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4665 Prime Sponsor, Senator Moore: Allowing treasurers to deposit public funds in institutions outside the state of Washington. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4665 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4678 Prime Sponsor, Senator Vognild: Revising provisions relating to job site safety inspections. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Newhouse.

Passed to Committee on Rules for second reading.

January 31, 1986

SB 4691 Prime Sponsor, Senator Kiskaddon: Revising definition of child for industrial insurance purposes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4693 Prime Sponsor, Senator Thompson: Transferring filing of claims against the state from OFM to the risk management office. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4695 Prime Sponsor, Senator Thompson: Broadening the powers of flood control districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4722 Prime Sponsor, Senator Warnke: Modifying provisions on contractor infractions. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4722 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Williams.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4738 Prime Sponsor, Senator Talmadge: Revising provisions relating to juvenile offenders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4746 Prime Sponsor, Senator Gaspard: Removing the requirement that the regional universities and TESC's extension departments be assigned territories. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Fleming, Goltz, Granlund, Johnson, Kiskaddon, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules for second reading.

January 31, 1986

SB 4747 Prime Sponsor, Senator Garrett: Updating the Model Traffic Ordinance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Vice Chairman; Barr, DeJarnatt, Granlund, Guess, Metcalf, Owen, Patterson, Vognild.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4749 Prime Sponsor, Senator Bender: Revising reporting requirements for property and casualty insurers. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4751 Prime Sponsor, Senator Kreidler: Revising provisions on eligibility determinations for medical care programs. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4751 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Referred to Committee on Ways and Means.

February 3, 1986

SB 4781 Prime Sponsor, Senator Moore: Eliminating certain reporting requirements for primary candidates appearing on the general election ballot and continuing political committees. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4782 Prime Sponsor, Senator Moore: Requiring financial institutions to release funds within certain time periods after an item has been deposited. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4782 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Granlund, McDermott, Vognild.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4784 Prime Sponsor, Senator Talmadge: Reauthorizing the public disclosure commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4784 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4815 Prime Sponsor, Senator McDermott: Relating to appropriations for projects recommended by the public works board. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4815 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Craswell, Fleming, Goltz, Hayner, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 31, 1986

SB 4881 Prime Sponsor, Senator Warnke: Revising provisions relating to the inspection of mobile homes, commercial coaches, recreational vehicles, and factory built housing and commercial coaches. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4885 Prime Sponsor, Senator Williams: Providing consumer assistance in choosing long distance services through a form of unit pricing and by providing information about the features of each service. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Saling.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4891 Prime Sponsor, Senator Vognild: Permitting certain requirements for motor vehicle dealers to be waived. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4892 Prime Sponsor, Senator Bender: Revising provisions on the high-technology coordinating board. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Fleming, Goltz, Granlund, Johnson, Kiskaddon, McDermott, McManus, Saling, Warnke.

Referred to Committee on Ways and Means.

February 4, 1986

SB 4894 Prime Sponsor, Senator Conner: Increasing benefits for volunteer firemen. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bottiger, Cantu, Craswell, Goltz, Hayner, Lee, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4903 Prime Sponsor, Senator Williams: Prohibiting the unauthorized use of official logos of the 1989 Washington centennial. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4920 Prime Sponsor, Senator Peterson: Revising vessel pilot regulations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4920 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson.

Passed to Committee on Rules for second reading.

January 30, 1986

SB 4923 Prime Sponsor, Senator Warnke: Authorizing an interim alternative allocation mechanism for tax exempt bonds. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4923 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Williams.

Passed to Committee on Rules for second reading.

January 31, 1986

SB 4927 Prime Sponsor, Senator Moore: Requiring monitoring of health services furnished to industrially injured workers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

January 31, 1986

SB 4941 Prime Sponsor, Senator Granlund: Providing for school districts to operate child care programs. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4941 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, Johnson, McDermott, Stratton, Warnke.

Referred to Committee on Ways and Means.

February 4, 1986

SB 4965 Prime Sponsor, Senator Moore: Including discrimination based on race, color, creed, and national origin as an unfair practice in the insurance industry. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 5008 Prime Sponsor, Senator Warnke: Modifying provisions regulating engineers and surveyors. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 5033 Prime Sponsor, Senator Gaspard: Providing for voluntary accreditation of preschools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, Johnson, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules for second reading.

February 4, 1986

SJM 131 Prime Sponsor, Senator McDermott: Requesting enactment of federal legislation establishing national polling hours. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 131 be substituted therefor, and the substitute memorial do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 30, 1986

SJM 139 Prime Sponsor, Senator Peterson: Requesting concurrent state and federal jurisdiction over pilot discipline. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Barr, Bender, DeJarnatt, Granlund, Guess, Metcalf, Patterson.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 4, 1986

GA 191 PATRICIA W. ANTHONY, to the position of member of the Sentencing Guidelines Commission, appointed by the Governor on July 5, 1985, for the term ending August 2, 1986, succeeding Manuel E. Costa.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules.

February 4, 1986

GA 192 BRENDA TEALS, to the position of member of the Judicial Qualifications Commission, appointed by the Governor on June 6, 1985, for the term ending June 16, 1989.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules.

February 4, 1986

GA 257 JON OSTLUND, to the position of member of the Sentencing Guidelines Commission, appointed by the Governor on September 16, 1985, for the term ending August 2, 1988, succeeding George Finkle.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules.

January 31, 1986

GA 265 JUDGE F. JAMES GAVIN, to the position of member of the Sentencing Guidelines Commission, appointed by the Governor on October 30, 1985, for the term ending August 2, 1988, succeeding Judge Paul D. Hansen.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Metcalf, Newhouse, Owen, Thompson.

Passed to Committee on Rules.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 3718 was advanced to second reading and placed on the second reading calendar.

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 308 by Committee on Local Government (originally sponsored by Representatives Winsley, Ebersole, Walker and Day)

Relating to municipal incorporation proceedings and elections.

Referred to Committee on Governmental Operations.

ESHB 905 by Committee on Environmental Affairs (originally sponsored by Representatives Grimm, Walk, Miller and Winsley)

Regulating emissions from woodstoves.

Referred to Committee on Parks and Ecology.

ESHB 1331 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Ehlers, Wineberry, R. King, Belcher, Armstrong, Nealey and Unsoeld)

Establishing a citizens' commission on salaries for elected officials.

Referred to Committee on Governmental Operations.

EHB 1703 by Representatives Niemi, Brough, Allen, Belcher, Fisher, Miller, Cole, Hine and Unsoeld (by request of Governor Gardner)

Revising the implementation of comparable worth.

Hold.

ESHJR 49 by Committee on Constitution, Elections and Ethics (originally sponsored by Representative Ehlers)

Relating to elected officials' salaries.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1703 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

SENATE BILL NO. 4546, by Senators Hansen, Newhouse, Benitz, Barr, Goltz, Bailey, Bauer and Gaspard

Revising the definition of manufacturing for the purposes of business and occupation taxation.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 4546 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4546.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4546 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Hayner, Stratton, Talmadge - 3.

SENATE BILL NO. 4546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senator Lee was excused.

SECOND READING

SENATE BILL NO. 4553, by Senators Hansen, Barr, Goltz, Newhouse, Bailey and Benitz

Authorizing beef commission to levy assessments for promotion and research.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 4553 was substituted for Senate Bill No. 4553 and the substitute bill was read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 4553 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4553.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4553 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Excused: Senators Hayner, Lee, Stratton, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 4553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4470, by Senators Thompson, Saling, Rasmussen and Zimmerman

Prohibiting use of public facilities to influence initiatives to the legislature.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4470 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4470.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4470 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Hayner, Lee, Stratton, Talmadge - 4.

SENATE BILL NO. 4470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4486, by Senators Thompson and Zimmerman

Authorizing county legislative authorities to designate certain violations as civil.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4486 was substituted for Senate Bill No. 4486 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4486 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, this is a civil penalty, the same--as for instance--some place like the Liquor Board where they give them a fine instead of shutting them down. Suppose you get a civil penalty assessed by the county--whatever department--what appeal is there? At the present time, it has to go through the court and it's a court-judged action."

Senator Thompson: "Essentially the same appeal, Senator Rasmussen. The right of appeal is not deprived by this process."

Senator Rasmussen: "You can still go for a jury trial?"

Senator Thompson: "Yes."

Senator Rasmussen: "And you have the protection of the court then?"

Senator Thompson: "Yes, indeed."

Senator Rasmussen: "If you think it's unjust?"

Senator Thompson: "That's right."

Senator Rasmussen: "Thank you, Senator Thompson."

Senator Thompson: "Thank you."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4486.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4486 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Metcalf, Pullen - 2.

Excused: Senators Hayner, Stratton, Talmadge - 3.

SUBSTITUTE SENATE BILL NO. 4486, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3718, by Senator McDermott

Relating to retirement systems.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3718 was substituted for Senate Bill No. 3718 and the substitute bill was read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator McDermott, I didn't understand what you were saying. It sounded to me like what you said was that the spouse of the person in question would have to put the entire amount into the pension system to get it back out and it would be no cost to the system. It just doesn't make sense to me that she would want to do that if she wasn't getting a benefit of more out of the system than what she would put in, otherwise there may be a better investment."

Senator McDermott: "Perhaps I didn't state that absolutely correctly. This opens the window for a potential pay into the system. The amount that would have been

possible to pay in at another point in the system--that window was missed some years ago and so we are opening the window to allow one person to pay in the contributions that would have been expected at that time."

Senator Kiskaddon: "Thank you, Senator McDermott."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3718.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3718 and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 21; absent, 2; excused, 3.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McManus, Moore, Owen, Peterson, Rinehart, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 23.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer - 21.

Absent: Senators Conner, Newhouse - 2.

Excused: Senators Hayner, Stratton, Talmadge - 3.

SUBSTITUTE SENATE BILL NO. 3718, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 3718 failed to pass the Senate.

INTRODUCTION OF SPECIAL GUEST

The President introduced Mr. Tim Hill, the new King County Executive, who was seated with him on the rostrum.

With permission of the Senate, business was suspended to permit the County Executive to address the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President introduced other guests that were seated with him on the rostrum, Mr. Eddie Blakely and Mr. Ken Manzo of the 1937 Seattle Cleveland High School Championship Football team which was coached by President Cherberg.

There being no objection, the President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 3, 1986

SB 3495 Prime Sponsor, Senator Kreidler: Providing for the licensing and regulation of amusement rides. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 3532 Prime Sponsor, Senator Moore: Revising provisions relating to liquor licensed premises. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3532 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4510 Prime Sponsor, Senator Kiskaddon: Prohibiting motorized vehicles on ocean beaches. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4510 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Kiskaddon.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4550 Prime Sponsor, Senator Hansen: Requiring hydraulic permit process for project approval and protection of fish life. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4550 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4568 Prime Sponsor, Senator Owen: Providing funds for fish and wildlife management as an alternative to Initiative No. 90. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4568 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; Barr, Conner, Halsan, Lee, Rasmussen.

Referred to Committee on Ways and Means.

February 4, 1986

SB 4579 Prime Sponsor, Senator Halsan: Revising prohibitions on bait fishing. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4579 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Barr, Conner, Halsan, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4608 Prime Sponsor, Senator Owen: Authorizing the deposit of office security for motor vehicle dealers and manufacturers licenses. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4608 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Barr, Bender, DeJarnatt, Granlund, Metcalf, Owen, Patterson, Vognilid.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4667 Prime Sponsor, Senator Williams: Establishing appliance energy efficiency standards. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4667 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, Saling.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4757 Prime Sponsor, Senator Williams: Granting vehicle licensing reciprocity to Indian tribes. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4757 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Owen, Patterson, Vognilid.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4758 Prime Sponsor, Senator Conner: Repealing provisions on collection of tax on special fuel dispensed from a keylock metered pump. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4758 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Barr, Conner, DeJarnatt, Garrett, Granlund, Metcalf, Owen, Patterson, Vognild.

Passed to Committee on Rules for second reading.

January 31, 1986

SB 4888 Prime Sponsor, Senator Owen: Requiring dealers to display the cash selling price on used vehicles. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4888 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4898 Prime Sponsor, Senator Hansen: Modifying provisions on suppression and compensation for wild fires outside fire district jurisdiction. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4898 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Conner, Halsan, Lee, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4976 Prime Sponsor, Senator Williams: Establishing a board of trustees to acquire and preserve historic landmarks. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4976 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 5044 Prime Sponsor, Senator Hansen: Modifying department of agriculture commodity authority. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5044 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

MOTION

At 12:03 p.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Thursday, February 6, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 6, 1986

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Hayner, Lee, Stratton and Wojahn. On motion of Senator Bender, Senator Stratton was excused. On motion of Senator Zimmerman, Senator Hayner was excused.

The Sergeant at Arms Color Guard, consisting of Pages Derek Kilstrom and Carolyn Tenneson, presented the Colors. Reverend Arla Elston, minister of the First Christian Church of Olympia, offered the prayer.

MOMENT OF SILENCE

At the request of Senator Guess, a moment of silence was observed for Mr. Al Stratton, husband of Senator Stratton, who is ill in Spokane.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

February 5, 1986

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1339, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 5, 1986

SB 3097 Prime Sponsor, Senator Bauer: Modifying the interest rate paid to a taxpayer on the refund or recovery of excise taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3097 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Deccio, Goltz, McDonald, Rasmussen, Rinehart, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4264 Prime Sponsor, Senator Fleming: Authorizing classification and valuation of multiple-unit buildings devoted primarily to low-income housing at current use value. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bottiger, Fleming, Lee, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4459 Prime Sponsor, Senator Halsan: Exempting the raising and wholesale of plantation Christmas trees from certain excise taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4459 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Cantu, Craswell, Goltz, Lee, Moore, Rinehart, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4479 Prime Sponsor, Senator McManus: Permitting broadcast and communications facilities to qualify as public corporations for purposes of industrial development revenue bonds. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4479 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, Goltz, Lee, Moore, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4491 Prime Sponsor, Senator Newhouse: Changing provisions relative to nonprofit corporations. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4491 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4498 Prime Sponsor, Senator Talmadge: Implementing the recommendations of the judicial administration commission. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4498 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hayner, McCaslin, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4506 Prime Sponsor, Senator Wojahn: Repealing sunset provisions for state board of health. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4571 Prime Sponsor, Senator Hayner: Authorizing cities to pay rewards under certain circumstances. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4571 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Pullen, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4610 Prime Sponsor, Senator Halsan: Creating a joint select committee on decriminalization of misdemeanors. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4610 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4627 Prime Sponsor, Senator Warnke: Changing regulation of the cigarette industry to eliminate predatory cigarette pricing. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4627 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognil, Vice Chairman; Halsan, Lee, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4639 Prime Sponsor, Senator Granlund: Revising procedures for filling vacancies in elective offices. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4639 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4642 Prime Sponsor, Senator Granlund: Exempting medical program directors from administrative acts done as director of emergency services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4642 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4649 Prime Sponsor, Senator Pullen: Permitting voters to deposit their own ballots in the ballot box. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Pullen, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4658 Prime Sponsor, Senator Wojahn: Changing provisions relating to alternatives to state residential schools for the handicapped. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4658 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4696 Prime Sponsor, Senator Granlund: Requiring appropriations for expenditures from ferry revenue. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate bill No. 4696 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Owen, Patterson, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4725 Prime Sponsor, Senator Warnke: Revising provisions of the accountancy act. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4744 Prime Sponsor, Senator McDermott: Providing for use tax collection. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bottiger, Goltz, Lee, Rasmussen, Rinehart, Talmadge, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4759 Prime Sponsor, Senator Conner: Adding judicial positions in Mason and Thurston counties and dividing the judicial district. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Hayner, McCaslin, Metcalf, Newhouse, Owen.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4793 Prime Sponsor, Senator Wojahn: Authorizing a temporary fuel tax for certain counties. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4793 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Goltz, Hayner, Lee, Rinehart, Talmadge, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4872 Prime Sponsor, Senator Gaspard: Revising school governance. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4872 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Fleming, Goltz, Granlund, McDermott, McManus, Warnke.

MINORITY recommendation: That the substitute bill do not pass. Signed by Senators Bender, Benitz, Craswell, Patterson, Saling.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4893 Prime Sponsor, Senator Warnke: Exempting certain hearing aids from sales and use tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Fleming, Goltz, Lee, Moore, Rasmussen, Rinehart, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4914 Prime Sponsor, Senator Peterson: Establishing a demonstration project at Northern State for the neurologically impaired. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

February 4, 1986.

SB 4917 Prime Sponsor, Senator Moore: Modifying provisions of Title 30 RCW. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4917 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott, Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4931 Prime Sponsor, Senator Talmadge: Establishing state patrol retirement fund. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4931 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, Moore, Rasmussen, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4938 Prime Sponsor, Senator Thompson: Revising provisions relating to various boards and commissions. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4938 be substituted therefor and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4977 Prime Sponsor, Senator Gaspard: Establishing hotline to report hazardous working conditions. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1986

SJR 128 Prime Sponsor, Senator Fleming: Amending the Constitution to permit current use valuation of low-income housing. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bottiger, Fleming, Lee, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1986

SJR 138 Prime Sponsor, Senator Granlund: Revising procedure for filling vacancies in elective office. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 138 be substituted therefor, and the substitute resolution do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 1339 by Representatives Ebersole, Brough, Madsen, Wineberry, Tanner, Sanders, Appelwick, Betrozoff, Tilly, K. Wilson, Armstrong, Crane and Fisch

Stating that children shall attend school.

Referred to Committee on Education.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Gaspard, the appointment of Mary James as a member of the Higher Education Coordinating Board was confirmed.

APPOINTMENT OF MARY JAMES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Lee - 1.

Excused: Senators Hayner, Stratton - 2.

INTRODUCTION OF SPECIAL GUESTS

The President announced the presence in the Senate Chamber of the Consul of Brazil located in San Francisco, Geraldo A. Muzzi, who was accompanied by Captain Jose Ubirajara S. Almeida, owner and representative of the Lloyd Brasileiro in San Francisco. The President appointed Senators Goltz, Guess, Newhouse and Warnke to escort the honored guests to the rostrum.

With permission of the Senate, business was suspended to permit Consul Muzzi to address the Senate.

The President presented each of the honored guests with books pertaining to Washington State.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

MOTION

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator McDermott moved that the Senate reconsider the vote by which Substitute Senate Bill No. 3718 failed to pass the Senate February 5, 1986.

The President declared the question before the Senate to be the motion by Senator McDermott that the Senate reconsider the vote by which Substitute Senate Bill No. 3718 failed to pass the Senate.

The motion by Senator McDermott for reconsideration of the vote on Substitute Senate Bill No. 3718 carried.

MOTION

At 11:30 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:49 a.m. by President Cherberg.

MOTIONS

On motion of Senator Vognild, the Senate reverted to the seventh order of business.

On motion of Senator Vognild, the Senate commenced consideration of Substitute Senate Bill No. 3718, on reconsideration.

Debate on the bill, on reconsideration, ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3718, on reconsideration.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3718, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Bailey, Barr, Cantu, Craswell, Lee, Metcalf, Pullen, Rasmussen - 8.

Excused: Senators Hayner, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 3718, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 4, 1986

SB 4586 Prime Sponsor, Senator Williams: Revising state energy code regulations. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4586 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, McCaslin, Saling.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4663 Prime Sponsor, Senator Williams: Regulating transportation of radioactive materials. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4663 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, McCaslin, Saling.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4766 Prime Sponsor, Senator Williams: Prohibiting the termination of residential space heating from November 15 through March 15 due to delinquent and unpaid charges under certain circumstances. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4766 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler.

Passed to Committee on Rules for second reading

February 5, 1986

SJM 143 Prime Sponsor, Senator Williams: Petitioning for a regional approach to regulation of the transportation of radioactive materials. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Saling.

Passed to Committee on Rules for second reading.

February 5, 1986

SCR 133 Prime Sponsor, Senator Williams: Requesting the Governor to initiate discussions about the transportation of radioactive waste. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 133 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Saling.

Passed to Committee on Rules for second reading.

MOTION

At 12:09 p.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Friday, February 7, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 7, 1986

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Goltz, Hayner, Kreidler, McDonald, Moore, Rinehart and Stratton. On motion of Senator Zimmerman, Senators Hayner and Deccio were excused. On motion of Senator Bender, Senators Stratton and Moore were excused. On motion of Senator von Reichbauer, Senator McDonald was excused.

The Sergeant at Arms Color Guard, consisting of Pages Peter Schurke and Nicole Hildebrand, presented the Colors. Reverend Arla Elston, minister of the First Christian Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

February 6, 1986

Mr. President:

The House has passed:

HOUSE BILL NO. 191,

SUBSTITUTE HOUSE BILL NO. 1332,

HOUSE BILL NO. 1341,

ENGROSSED HOUSE BILL NO. 1350,

SUBSTITUTE HOUSE BILL NO. 1363,

HOUSE BILL NO. 1386,

HOUSE BILL NO. 1402,

ENGROSSED HOUSE BILL NO. 1442, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 191 by Representatives McMullen, Lundquist, Sutherland, S. Wilson, Sayan and May

Providing for rewards for information about violations of the food fish and shellfish laws.

Referred to Committee on Natural Resources.

SHB 1332 by Committee on Social and Health Services (originally sponsored by Representatives Tilly, Brekke, Brough, Holland, Tanner, P. King, Winsley, J. Williams, McMullen, Leonard, Van Luven, Armstrong, Ballard and May)

Allowing consumer choice of brand name or generic drugs.

Referred to Committee on Human Services and Corrections.

HB 1341 by Representatives Belcher and P. King

Authorizing state employee relocation assistance.

Referred to Committee on Governmental Operations.

EHB 1350 by Representatives Sommers, Prince, D. Nelson, Jacobsen, Unsoeld, Miller, Brough, Wineberry, Holland, P. King, Nealey and Hine

Providing for annual adjustment to higher education tuition fees.

Referred to Committee on Education.

SHB 1363 by Committee on Transportation (originally sponsored by Representatives Crane, Walk, J. Williams, K. Wilson, Zellinsky, Valle, May, Fisher, Schmidt, Leonard, Haugen, Miller, Walker, Cole, Todd, Long, Holland, Isaacson, Schoon, Betrozoff, Chandler, Patrick, Ebersole, Lux, Rust, Nutley, Brough, Jacobsen, S. Wilson, P. King, Winsley, Belcher, Van Luven and Unsoeld)

Preventing escape of debris from vehicles.

Referred to Committee on Transportation.

HB 1386 by Representatives Hine, Jacobsen and Isaacson

Modifying provisions relating to annexation by petition or election of all or part of one city or town by another city or town.

Referred to Committee on Governmental Operations.

HB 1402 by Representatives Walk, Schmidt, Zellinsky, Haugen, Lundquist, Armstrong and P. King

Authorizing state patrol vehicle safety checks.

Referred to Committee on Transportation.

EHB 1442 by Representatives Leonard, Lundquist, Sutherland, Belcher, Cole, Baugher, Lewis, Rayburn, Basich, Doty and Unsoeld

Modifying provisions on oil and gas leases on state lands.

Referred to Committee on Natural Resources.

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

SECOND READING

SENATE BILL NO. 4684, by Senators Wojahn, Owen, Kreidler, Deccio, Kiskaddon, McDonald, Metcalf, Saling, Bauer and Johnson (by request of Department of Corrections)

Providing for restitution by inmates.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4684 was substituted for Senate Bill No. 4684 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 4684 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTIONS

On motion of Senator Zimmerman, Senator Cantu was excused.

On motion of Senator Bender, Senator Peterson was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4684.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4684 and the bill passed the Senate by the following vote: Yeas, 40; absent, 2; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Böttiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogmild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Goltz, Kreidler - 2.

Excused: Senators Cantu, Deccio, Hayner, McDonald, Moore, Peterson, Stratton - 7.

SUBSTITUTE SENATE BILL NO. 4684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 6, 1986

ESB 3044 Prime Sponsor, Senator Barr: Modifying excavating provisions. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3044 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 3084 Prime Sponsor, Senator Warnke: Repealing provisions that limit state funding of the state council on aging. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

ESSB 3517 Prime Sponsor, Committee on Education: Providing an adult literacy program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Third Substitute Senate Bill No. 3517 be substituted therefor, and the third substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Fleming, Goltz, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4418 Prime Sponsor, Senator Hansen: Relating to irrigation. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4418 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bailey, Barr, Bauer, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4454 Prime Sponsor, Senator Barr: Establishing venue for actions under the residential landlord-tenant act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4471 Prime Sponsor, Senator Warnke: Applying public employee collective bargaining chapter to transit workers represented by a labor union and employed by a public employer. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4471 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Cantu, McDonald, Newhouse.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4474 Prime Sponsor, Senator Warnke: Providing safety requirements for construction and repair of manholes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4474 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4514 Prime Sponsor, Senator Warnke: Modifying provisions on gambling. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4514 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4530 Prime Sponsor, Senator Talmadge: Revising the administrative procedure act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4530 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4544 Prime Sponsor, Senator Moore: Requiring specified person to report abuse of vulnerable adults. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4544 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4551 Prime Sponsor, Senator Vognild: Prescribing penalties for assaults on fire protection personnel. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Chairman; DeJarnatt, McCaslin, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4565 Prime Sponsor, Senator Hansen: Changing provisions relating to ground water withdrawal permits. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bailey, Barr, Bauer, Benitz, Newhouse.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4576 Prime Sponsor, Senator Halsan: Prescribing standards for community supervision of criminal offenders. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4576 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4600 Prime Sponsor, Senator Williams: Prohibiting sale of snuff and chewing tobacco to minors. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognil, Vice Chairman; Cantu, Halsan, Lee, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4620 Prime Sponsor, Senator Halsan: Modifying provisions on the retail sale of motor vehicle fuel. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognil, Vice Chairman; Halsan, Lee, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4623 Prime Sponsor, Senator Halsan: Authorizing a study of the retail gasoline market since deregulation. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4623 be substituted therefor, and the substitute do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4638 Prime Sponsor, Senator Goltz: Eliminating the base rate computation of industrial insurance premiums for building industry employers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognil, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4664 Prime Sponsor, Senator Williams: Requiring owner/operator of low-level radioactive facilities to carry ten million dollars in liability insurance. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4664 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Mcmanus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Saling.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4710 Prime Sponsor, Senator Talmadge: Establishing the automatic fingerprint information system. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4710 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Cantu, Craswell, Deccio, Goltz, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4720 Prime Sponsor, Senator Warnke: Establishing a certificate of coverage for industrial insurance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4720 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognil, Vice Chairman; Cantu, Halsan, McDonald, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4734 Prime Sponsor, Senator Owen: Establishing procedures for disposition of forfeited firearms. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Pullen, Thompson.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4741 Prime Sponsor, Senator Goltz: Granting commercial fishing licenses to owners of vessels seized by a foreign government. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4741 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Barr, Lee, Metcalf, Patterson, Peterson.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4753 Prime Sponsor, Senator Kreidler: Requiring child support in dissolution proceedings. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4795 Prime Sponsor, Senator Hansen: Excluding violations of energy resource use restrictions from a driver's insurance abstract. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Vice Chairman; Barr, Conner, DeJarnatt, Granlund, Guess, Johnson, Metcalf, Owen, Patterson, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4799 Prime Sponsor, Senator Barr: Establishing a state land bank. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bailey, Barr, Bauer, Benitz.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4871 Prime Sponsor, Senator Owen: Modifying the search and seizure powers of the department of fisheries. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Newhouse, Owen, Thompson.

MINORITY recommendation: Do not pass. Signed by Senators McCaslin, Metcalf.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4886 Prime Sponsor, Senator Stratton: Revising provisions relating to taking food fish for personal use. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4886 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Barr, Conner, Johnson, Lee, Patterson.

MINORITY recommendation: That Substitute Senate Bill No. 4886 not be substituted and the substitute bill do not pass. Signed by Senators Metcalf, Rasmussen.

Passed to Committee on Rules for second reading.

February 5, 1986.

SB 4897 Prime Sponsor, Senator Bender: Requiring certification of process servers. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4897 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; DeJarnatt, McCaslin, Metcalf, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4906 Prime Sponsor, Senator Peterson: Modifying provisions on the issuance and sale of certain highway bonds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4913 Prime Sponsor, Senator Peterson: Authorizing collection of fees by agents. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4913 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Barr, Bender, Conner, DeJarnatt, Granlund, Metcalf, Patterson, Sellar, and von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4925 Prime Sponsor, Senator Warnke: Designating Mt. Frances to honor Frances North. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Johnson, Lee, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4930 Prime Sponsor, Senator Vognild: Allowing dromedary truck tractors and stinger-steered trailers for transportation of motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, Granlund, Guess, Patterson, Sellar, Vognild.

MINORITY recommendation: Do not pass. Signed by Senators Bender, DeJarnatt, Garrett, Metcalf, Owen, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4941 Prime Sponsor, Senator Granlund: Providing for school districts to operate child care programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 4941 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rasmussen, Rinehart, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4948 Prime Sponsor, Senator Talmadge: Modifying provisions on materialmen's lien to include recording of release of lien bond on real property. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4948 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4959 Prime Sponsor, Senator Lee: Including promoting pornography within criminal profiteering. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Newhouse, Pullen, Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4963 Prime Sponsor, Senator Moore: Encouraging increased food donation and distribution. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4963 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bailey, Barr, Bauer, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4968 Prime Sponsor, Senator Warnke: Authorizing transfer of funds for unemployment insurance program. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4970 Prime Sponsor, Senator Warnke: Modifying provisions relating to payment of industrial insurance dividends on premium discounts. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Vice Chairman; Cantu, Halsan, McDonald, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4971 Prime Sponsor, Senator McDermott: Modifying the terms by which evidences of indebtedness may be sold by the state finance committee. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Cantu, Craswell, Goltz, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4999 Prime Sponsor, Senator Bender: Requiring the same insurance of private carriers as common or contract carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1986

SJM 133 Prime Sponsor, Senator Bottiger: Requesting that U.S. Congress establish satellite remote sensing receiving station in Hawaii and allocate funds for purchase of oceanographic color display. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Johnson, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 6, 1986

SJM 134 Prime Sponsor, Senator Bottiger: Requesting that the National Oceanic and Atmosphere Administration restore weather satellite coverage to mid-Pacific. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Lee, Metcalf, Patterson, Peterson.

Passed to Committee on Rules for second reading.

February 5, 1986

SJM 135 Prime Sponsor, Senator Bottiger: Requesting federal enactment of legislation to provide additional customs inspectors for the West Coast. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 135 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 5, 1986

SJM 137 Prime Sponsor, Senator Wojahn: Seeking reauthorization of the national health planning program. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 137 be substituted therefor, and the substitute memorial do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

February 5, 1986

SJM 138 Prime Sponsor, Senator Wojahn: Petitioning Congress to enlarge the swing-bed program to include urban hospitals and hospitals with more than fifty beds. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund; Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules for second reading.

February 5, 1986

SJM 140 Prime Sponsor, Senator Warnke: Requesting Congress to fund the sealing of open mines and shafts. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Newhouse, Williams.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Vognild, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator McDermott, the following resolution was adopted:

SENATE RESOLUTION 1986-146

by Senators McDermott, Fleming, Rasmussen, Gaspard, Goltz, Bottiger, Sellar, Wojahn, Rinehart, Kreidler, DeJarnatt, Bluechel, McManus, Zimmerman and Lee; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms

WHEREAS, The Charles and Annie Goldmark family were brutally assaulted in their home on Christmas Eve, 1985; and

WHEREAS, The assault eventually claimed the lives of both Charles and Annie and their two children, Colin, age 10 and Derek, age 12; and

WHEREAS, Charles was one of the state's most capable, civic-minded and energetic attorneys, widely regarded as highly honorable and brilliant by his fellow members of the Washington State Bar Association; and

WHEREAS, Charles was a native son of this state, growing up on his family's ranch in the Okanogan; and

WHEREAS, The Goldmark family was a spirited and inspirational part of their Madrona neighborhood in Seattle; and

WHEREAS, Charles and Annie were heavily involved in their childrens' education and worked tirelessly with and for the Bush School which Colin and Derek attended; and

WHEREAS, Charles and Annie were both deeply committed to civic betterment and the improvement of international understanding; and

WHEREAS, Annie was particularly interested in public broadcasting and was instrumental in fostering the sister city relationship between Seattle and Nantes, in her native France; and

WHEREAS, Charles maintained a legal practice which emphasized public service and provided invaluable assistance with the restoration of Seattle's Pike Place Public Market; the development of the Seattle Art Museum and the Museum of Flight; the preservation of numerous historic landmarks including Tacoma's Pantages Theatre and many others; the protection of the rights of native Alaskan Eskimos among many other professional endeavors of similar value; and

WHEREAS, Charles was a committed attorney who believed that his profession should serve the greater public good and worked tirelessly within the Bar Association to that end; and

WHEREAS, He provided critical leadership in the development of the Interest on Lawyer Trust Accounts (IOLTA) program to provide literally millions of dollars for legal services for the poor; and

WHEREAS, On a pro bono basis, he successfully carried the IOLTA proposal to the Washington Supreme Court and became President of the resulting Legal Foundation of Washington late last year; and

WHEREAS, He worked to improve public understanding of the appreciation of our basic legal system including service on the Today's Constitution and You project which celebrated the bicentennial of the Constitution by promoting public recognition of its importance, particularly among school children; and

WHEREAS, Charles was counsel to the King County Democratic Central Committee and later the State Democratic Central Committee and represented the urban counties' successful efforts to reconstitute the state party on the basis of one-person-one-vote; and

WHEREAS, Charles was active in numerous political activities, epitomizing active and energetic citizenship; and

WHEREAS, The Goldmark family evidently was the victim of misguided and malicious anti-communist mythology; and

WHEREAS, Similar forces libeled Charles' father, the late John Goldmark in the early 1960's, resulting in the loss of his seat in the State House of Representatives and the destruction of a promising political career; and

WHEREAS, The deaths of Charles and Annie Goldmark and their children as a result of such a heinous and senseless crime represent a deep tragedy of major proportions for every citizen of the state of Washington; and

WHEREAS, The loss of such wonderful and good-hearted citizens is incalculable and incomprehensible; and

WHEREAS, The Goldmark's friends have established the Charles and Annie Goldmark Family Foundation to advance the values of democracy, freedom, humane understanding and civic participation for which they stood and which they served so well;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington mourns the loss of this outstanding family and joins the people of the entire state in extending condolences to their family and friends, and commends the gesture of the establishment of the Goldmark Family Foundation; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Goldmark family in Okanogan County; to the law firm of Wickwire, Lewis, Goldmark and Schorr; and to Karen Marchioro, chairperson of the Washington State Democratic Party.

MOMENT OF SILENCE

At the request of Senator McDermott, a moment of silence was observed for the members of the Charles Goldmark family.

MOTION

At 11:20 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 4:57 p.m. by Senator Sam Guess.

MOTION

On motion of Senator Vognild, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 6, 1986

SB 3036 Prime Sponsor, Senator Williams: Making the showing of child pornography to minors a class C felony. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3036 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 3231 Prime Sponsor, Senator Moore: Providing that home delivered nursing services may be eligible for insurance coverage. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3231 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Deccio, Granlund, Newhouse, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 3905 Prime Sponsor, Senator Kreidler: Certifying radiologic technologists. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3905 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Granlund, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 3948 Prime Sponsor, Senator Peterson: Relating to transportation. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3948 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 3990 Prime Sponsor, Senator Moore: Relating to securities. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3990 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4321 Prime Sponsor, Senator McManus: Establishing a pilot program for high school dropouts. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4321 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Bender, Benitz, Fleming, Guess, Johnson, Kiskaddon, McDermott, McManus, Warnke.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4463 Prime Sponsor, Senator Bailey: Encouraging the promotion of Washington products. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4483 Prime Sponsor, Senator Talmadge: Revising certain provisions governing families in conflict. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4483 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4489 Prime Sponsor, Senator Warnke: Requiring parking lots to give receipts. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4498 Prime Sponsor, Senator Talmadge: Implementing the recommendations of the judicial administration commission. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 4498 be referred to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Goltz, Vice Chairman; Bauer, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Garrett, Guess, Rasmussen, Rinehart, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

February 7, 1986

SB 4502 Prime Sponsor, Senator Warnke: Requiring written disclosure of licensed real estate broker and salesperson as "agent for the seller or purchaser." Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4509 Prime Sponsor, Senator Talmadge: Requiring certification of agency compliance with public records laws. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4518 Prime Sponsor, Senator Conner: Allowing a public transportation benefit area to contract for ambulance services. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4518 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, DeJarnatt, Granlund, Johnson, Metcalf, Patterson, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4526 Prime Sponsor, Senator McCaslin: Permitting noncharter counties to have five-member legislative authorities. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4526 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4549 Prime Sponsor, Senator Bluechel: Penalizing nontransfer of motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4549 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Barr, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Owen, Patterson, Sellar, Vognild

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4564 Prime Sponsor, Senator Vognild: Authorizing municipal corporations and political subdivisions to establish accident and tort liability funds. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4575 Prime Sponsor, Senator Halsan: Providing certain protections for credit card users. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4576 Prime Sponsor, Senator Halsan: Prescribing standards for community supervision of criminal offenders. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 4576 be referred to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Goltz, Vice Chairman; Bauer, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Garrett, Guess, Rasmussen, Rinehart, Sellar, Vognild, Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

February 4, 1986

SB 4577 Prime Sponsor, Senator Halsan: Requiring alcohol-sensing ignition interlocks on vehicles driven by persons granted deferred prosecution from driving while intoxicated. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4577 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4599 Prime Sponsor, Senator Williams: Allowing consumers to elect not to receive information delivery telephone services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4599 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Kreidler, McCaslin, Saling.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4602 Prime Sponsor, Senator Williams: Establishing procedures for lender payment of property taxes. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4602 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott, Newhouse, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4603 Prime Sponsor, Senator Bender: Exempting teachers from paying excess tuition or fees who are taking summer school courses relevant to their certificates. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Granlund, McDermott, McManus, Patterson, Warnke.

MINORITY recommendation: Do not pass. Signed by Senators Benitz, Goltz, Guess, Kiskaddon.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4606 Prime Sponsor, Senator Hansen: Repealing provisions on utility and transportation corridors. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4606 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice

Chairman: Barr, Granlund, Guess, Johnson, Patterson, Pullen, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4609 Prime Sponsor, Senator Halsan: Allowing county rail districts to be established by petition of the voters. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4611 Prime Sponsor, Senator Halsan: Requiring owners of pit bulls to maintain liability insurance or surety bond. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4611 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Moore, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4621 Prime Sponsor, Senator Halsan: Providing specific pricing formula for major refiners supplying independent retail motor fuel outlets. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4621 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, DeJarnatt, Granlund, Johnson, Metcalf, Owen.

MINORITY recommendation: Do not pass. Signed by Senators Garrett, Guess, Patterson, Sellar.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4622 Prime Sponsor, Senator Halsan: Limiting major refiners' control of retail gas stations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4622 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, DeJarnatt, Granlund, Johnson, Metcalf, Owen.

MINORITY recommendation: Do not pass. Signed by Senators Garrett, Guess, Patterson, Sellar.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4624 Prime Sponsor, Senator Lee: Modifying statute of limitations for crimes of incest. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4626 Prime Sponsor, Senator Warnke: Establishing the housing trust fund to assist low-income persons to obtain housing. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 4626 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4643 Prime Sponsor, Senator Granlund: Establishing probationary and provisional driver's license status. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4643 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; DeJarnatt, Granlund, Johnson, Metcalf, Patterson, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4652 Prime Sponsor, Senator Wojahn: Authorizing donors to specify recipients of blood donations. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4652 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Craswell, Deccio, Johnson, Kiskaddon, McDonald.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4654 Prime Sponsor, Senator Kreidler: Requiring health care facilities to establish rules for granting staff membership and professional privileges. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4654 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4659 Prime Sponsor, Senator Talmadge: Providing for the nonrecognition of separate property agreements in medical care eligibility determinations. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4659 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; DeJarnatt, Moore, Newhouse, Owen, Pullen, Thompson.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4661 Prime Sponsor, Senator Fleming: Extending the authority of the Washington state housing finance commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4661 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4672 Prime Sponsor, Senator Patterson: Granting the transportation commission authority to permit directional signs for shopping centers on noninterstate highways. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4672 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Bender, Conner, DeJarnatt, Garrett, Guess, Metcalf, Owen, Patterson, Sellar.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4674 Prime Sponsor, Senator Thompson: Providing adjustments to salaries of elective state officials. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4674 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 4675 Prime Sponsor, Senator Vognild: Repealing the mandatory vehicle license plate replacement program. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4675 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Owen, Patterson, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4676 Prime Sponsor, Senator Bender: Modifying worker right to know employer fee provisions. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4676 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4679 Prime Sponsor, Senator Bender: Requiring SPI to adopt rules providing for an assistant on school buses that transport students in wheelchairs. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, Kiskaddon, McManus.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4736 Prime Sponsor, Senator Talmadge: Revising administration of the sexual offender treatment program. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4736 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Moore, Newhouse, Pullen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4756 Prime Sponsor, Senator Williams: Outlawing general use and possession of electric weapons. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4756 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; DeJarnatt, McCaslin, Metcalf, Moore, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4763 Prime Sponsor, Senator McDermott: Revising provisions on the conditions for obtaining certain property tax exemptions. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4763 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Fleming, Lee, McDonald, Moore, Rinehart, Talmadge, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4779 Prime Sponsor, Senator Warnke: Providing increased consumer protection by regulating auctioneers and auction companies. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4779 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4783 Prime Sponsor, Senator Thompson: Revising seizure provisions of the uniform controlled substances act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4783 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Moore, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 4, 1986

SB 4792 Prime Sponsor, Senator Wojahn: Relating to public health and environment. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4792 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4814 Prime Sponsor, Senator McDermott: Relating to child abuse prevention. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4814 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Fleming, Lee, Moore, Rinehart, Talmadge, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4820 Prime Sponsor, Senator Moore: Relating to insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4820 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Granlund, McDermott, Vognild.

MINORITY recommendation: That Senate Bill No. 4820 not be substituted. Signed by Senators Deccio, Sellar.

Passed to Committee on Rules for second reading.

February 5, 1986

SB 4858 Prime Sponsor, Senator Wojahn: Relating to social and health services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4858 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4875 Prime Sponsor, Senator Granlund: Providing for the appointment by the governor of the secretary of transportation, the director of game, and the director of parks and recreation. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Gaspard, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senators Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4880 Prime Sponsor, Senator Wojahn: Taxing certain warehouse operations under the business and occupation tax instead of the public utility tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Craswell, Fleming, Lee, McDonald, Moore, Rinehart, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4882 Prime Sponsor, Senator McDermott: Extending the application of lapsed collective bargaining agreements under certain circumstances. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4896 Prime Sponsor, Senator Goltz: Providing for the licensure of home health agencies. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4896 be substituted therefor, and the substitute bill do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Granlund, Peterson.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4911 Prime Sponsor, Senator Peterson: Restricting liability in cases involving vehicle and vessel titling, registration, and licensing. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4911 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Garrett, Granlund, Guess, Johnson, Metcalf, Owen, Patterson, Vognild

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4912 Prime Sponsor, Senator Peterson: Prescribing penalties for payment of vehicle fees with bad checks. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4912 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Owen, Patterson, Pullen, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4926 Prime Sponsor, Senator Thompson: Revising provisions relating to agency reporting of fiscal data under the budget and accounting act. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4926 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4932 Prime Sponsor, Senator Bender: Prohibiting surcharges by the seller when a buyer purchases with a credit card. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Granlund, McDermott, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4933 Prime Sponsor, Senator Fleming: Authorizing counties and cities to assist in low-income housing. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4933 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4936 Prime Sponsor, Senator Granlund: Modifying insurance rate filing provisions. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4936 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bottiger, Deccio, Granlund, McDermott, Newhouse, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4940 Prime Sponsor, Senator Vognild: Modifying liquor control board membership terms. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4946 Prime Sponsor, Senator Peterson: Regulating claims involving highway design. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4946 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Barr, DeJarnatt, Granlund, Johnson, Metcalf, Patterson, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4951 Prime Sponsor, Senator McManus: Creating a pilot project in entrepreneurial education. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4956 Prime Sponsor, Senator Granlund: Establishing a department of marine transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Johnson, Metcalf, Owen, Patterson, Pullen, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4958 Prime Sponsor, Senator Vognild: Authorizing municipalities to permit directional signs to motorist service businesses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Johnson, Owen, Patterson, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4960 Prime Sponsor, Senator Moore: Declaring that contract bridge is not gambling. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, McDonald, Moore, Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 4970 Prime Sponsor, Senator Warnke: Modifying provisions relating to payment of industrial insurance dividends on premium discounts. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 4970 be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Goltz, Vice Chairman; Bauer, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Garrett, Guess, Rasmussen, Rinehart, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

February 7, 1986

SB 4972 Prime Sponsor, Senator Warnke: Revising provisions relating to collective bargaining for the Washington state patrol. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4972 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Cantu, McDonald, Newhouse.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4974 Prime Sponsor, Senator Williams: Revising provisions relating to archaeological sites and resources. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4974 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4982 Prime Sponsor, Senator Owen: Broadening the definition of indecent liberties. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Newhouse, Pullen, Thompson.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 4990 Prime Sponsor, Senator Goltz: Regulating river running. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4990 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 5001 Prime Sponsor, Senator Zimmerman: Making state lottery prizes subject to debts owed the state. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5001 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Craswell, Fleming, Lee, McDonald, Moore, Rinehart, Talmadge, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 5005 Prime Sponsor, Senator Talmadge: Providing consumer buyer protection in credit service transactions. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 5005 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott, Newhouse, Sellar, Vognil.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 5007 Prime Sponsor, Senator McDonald: Establishing an emergency reserve fund. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, McCaslin, Saling, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators DeJarnatt, Rinehart.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 5026 Prime Sponsor, Senator Kreidler: Authorizing the disposal of small quantities of hazardous wastes by farmers free of charge. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5026 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 5027 Prime Sponsor, Senator Kreidler: Remedying releases of hazardous substances. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 5027 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Referred to Committee on Ways and Means.

February 7, 1986

SB 5034 Prime Sponsor, Senator Gaspard: Requiring a study of categorical educational services. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5034 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Lee, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 5037 Prime Sponsor, Senator Gaspard: Requiring a study of the number of ninth through twelfth grade dropouts. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5037 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Goltz, Granlund, Johnson, Kiskaddon, McDermott, McManus, Saling.

Passed to Committee on Rules for second reading.

February 7, 1986

SB 5038 Prime Sponsor, Senator Gaspard: Establishing a pilot project to develop "primary block" programs. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5038 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Fleming, Goltz, Granlund, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling.

Passed to Committee on Rules for second reading.

February 3, 1986

SB 5040 Prime Sponsor, Senator Moore: Allowing recovery of a handling fee from persons who knowingly pass a check that is dishonored. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Granlund, McDermott, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 5043 Prime Sponsor, Senator Vognild: Changing provisions relating to disclosures required in securities registration. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Granlund, McDermott, Vognild.

Passed to Committee on Rules for second reading.

February 6, 1986

SB 5068 Prime Sponsor, Senator Moore: Modifying the office of the state actuary. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1986

SJM 113 Prime Sponsor, Senator McManus: Requesting Congress to retain the Small Business Administration. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1986

SJM 126 Prime Sponsor, Senator Bender: Petitioning Congress to prevent reductions in benefits to disabled veterans. Reported by Committee on Governmental Operation

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1986

SJM 136 Prime Sponsor, Senator Conner: Petitioning the Washington State congressional delegation to assist in obtaining a national veterans' cemetery within the state of Washington. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1986

SJM 141 Prime Sponsor, Senator Kreidler: Requesting funding for research to study alternative means of long-term care for the elderly and disabled. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson.

Passed to Committee on Rules for second reading.

February 7, 1986

SJM 142 Prime Sponsor, Senator McManus: Petitioning Congress to study and make recommendations regarding violence on television. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; McCaslin, Metcalf, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

SJM 144 Prime Sponsor, Senator Moore: Requesting support for an independent social security administration. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Deccio, Granlund, McDermott, Vogt, von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1986

SJR 142 Prime Sponsor, Senator McDonald: Providing for a reserve fund. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, McCaslin, Saling, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators DeJarnatt, Rinehart.

Passed to Committee on Rules for second reading.

February 6, 1986

SCR 129 Prime Sponsor, Senator Conner: Establishing department of ecology advisory committee to study oil spills. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

HJM 26 Prime Sponsor, Representative D. Nelson: Urging Congress to negotiate a verifiable test ban treaty and to stop nuclear weapons testing. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Kreidler, McCaslin, Saling.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Financial Institutions was relieved of further consideration of Senate Bill No. 3636.

On motion of Senator Vognild, Senate Bill No. 3636 was referred to the Committee on Rules.

MOTION

At 4:59 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday, February 10, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 10, 1986

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Moore and Stratton. On motion of Senator Bender, Senators Moore and Stratton were excused.

The Sergeant at Arms Color Guard, consisting of Eagle Scouts Gordon Langlot and Eric Rockey, presented the Colors. Mrs. Beth Halpern, president of Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

February 7, 1986

Mr. President:

The House has passed:

HOUSE BILL NO. 244,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 244 by Representatives O'Brien, P. King, Winsley, Hastings, May, Bond, Crane and Fisch

Creating a state medal of merit.

Referred to Committee on Governmental Operations.

ESHB 1655 by Committee on Energy and Utilities (originally sponsored by Representatives Unsoeld, Miller, D. Nelson, Allen, Long, Madsen, Sutherland, Jacobsen, Todd, Gallagher, Armstrong, Cole, Peery, Barnes, Wang and P. King) (by request of Governor Gardner)

Revising provisions relating to the low-level radioactive waste management program.

Referred to Committee on Energy and Utilities.

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

MOTION

On motion of Senator Zimmerman, the following resolution was adopted:

SENATE RESOLUTION 1986-147

by Senators Zimmerman, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Metcalf and Johnson

WHEREAS, Saturday, February 8, marked the seventy-sixth anniversary of the Boy Scouts of America; and

WHEREAS, Scouting maintains a strong presence through four hundred thirteen local councils across the United States; and

WHEREAS, Over seventy-two million Americans have been members of the Boy Scouts of America since its incorporation in the United States in 1910; and

WHEREAS, The state of Washington is served by twelve councils, each sending a representative to Olympia today to make their annual report to the Governor; and

WHEREAS, The scouting program begins with youth at age 7 and continues through the Explorer Scout program that involves youth between ages 14 and 21; and

WHEREAS, The Scout law inspires people always to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

WHEREAS, Many of our state and national leaders have participated in the Boy Scout program;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud the Boy Scouts of America and the twelve councils serving Washington State for the service and benefit to the youth of this state; and

BE IT FURTHER RESOLVED, That the members of this body encourage support in their home districts for scouting programs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to the National Office of the Boy Scouts of America in Irving, Texas; The Western Regional Office of the Boy Scouts of America in Sunnyvale, California; and the twelve Boy Scout Councils serving Washington State.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Eagle Scout Russell Crawford from Troop 317, Rochester, Washington, who was seated with him on the rostrum, as well as Eagle Scouts and their leaders representing twelve scout councils in the state of Washington.

With permission of the Senate, business was suspended to permit Scout Russell Crawford to address the Senate.

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

MOTION

On motion of Senator von Reichbauer, Senator Guess was excused.

SECOND READING

SENATE BILL NO. 4459, by Senators Halsan, Hansen, Bottiger, Benitz, Rasmussen, Owen and Bailey

Exempting the raising and wholesale of plantation Christmas trees from certain excise taxes.

MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 4459 was substituted for Senate Bill No. 4459 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 4459 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4459.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4459 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Guess, Moore, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 4459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1703, by Representatives Niemi, Brough, Allen, Belcher, Fisher, Miller, Cole, Hine and Unsoeld (by request of Governor Gardner)

Revising the implementation of comparable worth.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 1703 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator McDermott, maybe you could give us an idea of what the meaning of special pay is in the definition of WAC 251-09-090?"

Senator McDermott: "Senator Talmadge, special pay is granted for unique working conditions, employment problems, such as recruitment and retention, and for special use needs necessary to maintain effective operation of an institution."

Senator Talmadge: "Senator, is the purpose of the proviso on page 3, line 6, to require the Higher Education Personnel Board to eliminate all types of special pay?"

Senator McDermott: "Senator Talmadge, the answer is 'no.' The purpose of the proviso is to require the HEP Board to examine special pay in light of the increase to base salaries as a result of the April 1 comparable worth adjustments. If the need for special pay has changed in view of those increases, then appropriate adjustments should be adopted by the HEP Board. For example, the Board may determine that the need for special pay due to unique working conditions has not changed, so no adjustment would be made. Alternatively, the Board may determine that the increase in base pay requires an adjustment to special pay granted for recruitment and retention purposes."

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, I note in the Governor's message to the Senate that he's asking two hundred thousand more of a special fund and which wasn't considered. He said, 'Since negotiation and related costs will exceed previous estimates, I am requesting that two hundred thousand of a special fund salary increase revolving fund appropriation be provided to meet these additional costs.' Apparently he was not aware of the costs at the time we considered the bill and now he's finding out. Is this the only cost that's going to be related to the comparable worth contract that you people pushed through?"

Senator McDermott: "Senator Rasmussen, the supplemental request the Governor has made, to my knowledge, is the only one he will make referencing this bill."

Senator Rasmussen: "One more question, Senator McDermott, if I may. I understand that the comparable worth did not apply to school teachers and have we considered the increase in the appropriation for the educational districts? They're going to want comparable worth. They're going to want equality with the superintendents and the administrators. How much do you estimate that will cost?"

Senator McDermott: "Senator Rasmussen, it is one of your familiar techniques to raise a question, I think, that is irrelevant to this particular point. To speculate on what may happen in the future is really beyond my knowledge. I can only go one case at a time."

Senator Rasmussen: "I thought you were a psychiatrist and you could predict the future. Evidently, Senator McDermott, then you have no idea of the future costs and it's liable to go over instead of the four hundred and eighty-two million--go over probably a billion. Is that correct? You just said you had no idea of the future."

Senator McDermott: "As Ways and Means Chairman, I've learned never to speculate on anything. I play it where it lies every day--one day at a time."

Senator Rasmussen: "Well, thank you. I expected more of the Ways and Means Chairman, because he has that extra knowledge."

POINT OF INQUIRY

Senator McDonald: "Senator McDermott, in your question and answer with Senator Talmadge, you were referring I think to the nurses in particular where the step that they were on was actually about five steps, if my memory serves me, below where they actually are and that was because of market conditions. Is the answer that you gave to Senator Talmadge such that irrespective of where they really are, they are still going to get the same number of steps through the comparable worth, whether it takes them above the comparable worth line or not?"

Senator McDermott: "Senator McDonald, I think the answer was self explanatory. The HEP Board will have the ability to make an evaluation and decide whether the provisions of the WAC I mentioned are necessary in terms of special pay. If they are not, they will have the ability to raise the pay or leave it the same, depending upon what their determination is."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator McDonald, I know that consistency is the hobgoblin of little minds as Emerson said, but it occurs to me that some people on the floor voted for Senator Lee's bill back in 1983, and I was wondering if it was your sense that you voted for that and how many members of your side of the aisle voted for that particular piece of legislation that year?"

Senator McDonald: "Senator, I have no idea. I was in the House at that time and I was one of the people who voted against that bill."

Senator Talmadge: "As I recall, Senator McDonald, a substantial number of people out here voted for it. There were, as I recall, in excess of forty votes--some of whom are still present in the State Senate at this time. I hope the gist of the remarks that we're hearing out here, Mr. President, is not that people didn't understand what they were voting on in 1983 because it was rather clear. We should be reminded that what we, in fact, accomplished in this agreement is a substantially less expensive alternative than as to what was passed in 1983 as a statute."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1703.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1703 and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 19.

Excused: Senator Stratton - 1.

ENGROSSED HOUSE BILL NO. 1703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3161, by Committee on Commerce and Labor (originally sponsored by Senators McDermott, Warnke, Vognilid, Talmadge, Wojahn and Moore)

Prescribing protective measures for purchasers of health studio services.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3161.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3161 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senators Bailey, Bluechel and Lee were excused.

THIRD READING

SENATE BILL NO. 3259, by Senators Rasmussen and Warnke

Exempting specified handicapped persons from hunting and fishing license requirements.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3259.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3259 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Excused: Senators Bailey, Bluechel, Lee, Stratton - 4.

SENATE BILL NO. 3259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3316, by Senators Fleming, McDermott and Patterson

Providing for the licensing of athletic trainers.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 3316 was substituted for Senate Bill No. 3316 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3316 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3316.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3316 and the bill passed the Senate by the following vote: Yeas, 35; nays, 9; absent, 1; excused, 4.

Voting yea: Senators Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Craswell, Kiskaddon, McCaslin, McDonald, Metcalf, Pullen, Saling - 9.

Absent: Senator Sellar - 1.

Excused: Senators Bailey, Bluechel, Lee, Stratton - 4.

SUBSTITUTE SENATE BILL NO. 3316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

MOTION TO LIMIT DEBATE

Senator Bottiger moved that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment except that the mover of the motion shall be allowed to open and close debate, and that members be prohibited from yielding their time and also, that this motion shall remain in effect through February 18, 1986.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Bottiger, I feel your proposed rule change is a very good one and I think the wording of it is also very good. I just wanted to clarify your intent on one matter. If a member has already spoken once for three minutes, is he then later, during the debate, able to ask a question of another member to establish legislative intent?"

Senator Bottiger: "Senator Pullen, my understanding is 'no' and that if he asks a question the answer is against his three minutes. If I were to stand and ask you a question and you took three minutes to answer, then that would be counted as my three minutes."

Senator Pullen: "If the member is asked to respond to a question of legislative intent, is he then later prohibited from speaking for three minutes?"

Senator Bottiger: "I don't believe so. Senator Snyder indicates that hasn't been the past ruling or the present."

The President declared the question before the Senate to be the motion by Senator Bottiger to limit debate.

The motion by Senator Bottiger carried and debate was limited to three minutes through February 18, 1986.

MOTION

At 11:11 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:36 p.m. by President Cherberg.

MOTION

On motion of Senator Vognild, the Senate reverted to the first order of business.

REPORT OF STANDING COMMITTEE

February 10, 1986

SB 4715 Prime Sponsor, Senator Owen: Revising aquatic lands enhancement account receipts. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 4715 be referred to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators

Goltz, Vice Chairman; Bauer, Bender, Benitz, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Guess, Hayner, Rasmussen, Rinehart, Vognild, von Reichbauer.

Referred to Committee on Ways and Means.

MOTION

At 2:37 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:59 p.m. by President Cherberg.

MOTION

At 5:59 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 6:59 p.m. by President Cherberg.

REPORTS OF STANDING COMMITTEES

February 10, 1986

ESSB 3157 Prime Sponsor, Committee on Ways and Means: Establishing registration fees for watercraft. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3157 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Goltz, Lee, McDonald, Moore, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1986

SB 3226 Prime Sponsor, Senator Fleming: Prohibiting the investment of public pension or retirement funds in financial institutions that loan to the Republic of South Africa or Namibia. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3226 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 10, 1986

SB 3704 Prime Sponsor, Senator McDermott: Relating to environment. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3704 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Fleming, Goltz, Lee, Moore, Rinehart, Talmadge, Thompson, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1986

SB 4498 Prime Sponsor, Senator Talmadge: Implementing the recommendations of the judicial administration commission. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 4498 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

February 10, 1986

SB 4562 Prime Sponsor, Senator Goltz: Providing sales and use tax exemptions for certain sale/leaseback agreements. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Goltz, Lee, Moore, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1986

SB 4576 Prime Sponsor, Senator Halsan: Prescribing standards for community supervision of criminal offenders. Reported by Committee on Ways and Means

MAJORITY recommendation: That the substitute bill as recommended by Committee on Judiciary be substituted therefor, and that the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Fleming, Goltz, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1986

SB 4715 Prime Sponsor, Senator Owen: Revising aquatic lands enhancement account receipts. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Cantu, Goltz, Hayner, Lee, McDonald, Moore, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1986

SB 4777 Prime Sponsor, Senator McDermott: Enacting the health care access and cost containment act of 1986. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4777 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 10, 1986

SB 4892 Prime Sponsor, Senator Bender: Revising provisions on the high-technology coordinating board. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4892 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1986

SB 4978 Prime Sponsor, Senator Thompson: Modifying the taxation of ingredients, components, and chemicals used in processing. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Fleming, Goltz, Lee, McDonald, Moore, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 7:01 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Tuesday, February 11, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 11, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Gaspard, Metcalf, Rasmussen, Stratton and von Reichbauer. On motion of Senator Bender, Senators Gaspard and Stratton were excused. On motion of Senator Zimmerman, Senators Deccio, Metcalf and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Peter Pedersen and Paula Biesen, presented the Colors. Mr. Charles Shelan, a member of Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

February 3, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ralph C. Ruff, appointed February 3, 1986, for a term continuing at the Governor's pleasure, as Director of the Office of Minority and Women's Business Enterprises.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

MESSAGES FROM THE HOUSE

February 10, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1351,

SUBSTITUTE HOUSE BILL NO. 1408,

HOUSE BILL NO. 1499,

HOUSE BILL NO. 1572, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 10, 1986

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1463,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1545,

ENGROSSED HOUSE BILL NO. 1763, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING

SCR 134 by Senators McDermott, Kreidler, Lee, Warnke, Garrett, Conner, Bauer, Saling, Johnson, Moore, Rasmussen and Vognild

Requiring a study of retirement systems.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1351 by Committee on Higher Education (originally sponsored by Representatives Holland, Sommers, Jacobsen, B. Williams, Vander Stoep, D. Nelson, Unsoeld, Miller, Long, G. Nelson and May)

Authorizing sale of the Metropolitan Tract of the University of Washington.

Referred to Committee on Education.

SHB 1408 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough and Todd)

Eliminating the findings of fact on withdrawal of territory from a water district.

Referred to Committee on Governmental Operations.

EHB 1463 by Representatives Leonard, Appelwick, Cole, Scott, Crane, Lux, Day, Dellwo, Rayburn, Winsley and P. King (by request of Board of Pharmacy)

Revising provisions relating to controlled substances.

Referred to Committee on Human Services and Corrections.

HB 1499 by Representatives Zellinsky, Patrick, Armstrong, Hargrove and Tanner

Revising provisions relating to alcohol breath testing.

Referred to Committee on Judiciary.

ESHB 1545 by Committee on Agriculture (originally sponsored by Representatives Baugher, Rayburn, Vekich, Bristow, Doty, Nealey, Sutherland, Sayan and Todd)

Requiring hydraulic permit process for project approval and protection of fish life.

Referred to Committee on Agriculture.

HB 1572 by Representatives Todd, Long and Unsoeld (by request of Utilities and Transportation Commission)

Modifying certain practices in proceedings of the utilities and transportation commission.

Referred to Committee on Energy and Utilities.

EHB 1763 by Representatives Walk, Schmidt and Gallagher (by request of State Patrol)

Revising vehicle inspection law.

Referred to Committee on Transportation.

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

SECOND READING

SENATE BILL NO. 4552, by Senators Hansen, Barr, Newhouse, Goltz, Bailey, Benitz, Gaspard and Bauer

Modifying livestock range regulations.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 4552 was substituted for Senate Bill No. 4552 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the following amendment was adopted:

On page 2, beginning on line 8, after "(~~PROVIDED, That~~)" strike all material down to and including "landowners" on line 12.

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute Senate Bill No. 4552 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4552.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4552 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Rasmussen - 1.

Excused: Senators Deccio, Gaspard, Metcalf, Stratton, von Reichbauer - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, Senate Bill No. 4550, which was on the second reading calendar, was referred to the Committee on Rules.

SECOND READING

SENATE BILL NO. 4769, by Senators Hansen, Bailey, Barr, Goltz, Bauer, Gaspard and Benitz

Revising the excise taxation of feed.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 4769 was substituted for Senate Bill No. 4769 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 4769 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDermott: "Senator Hansen, what's the fiscal impact of this bill?"

Senator Hansen: "It would have no fiscal impact. At the present time, there has been nothing collected. This is just a determination made by the Department of Revenue and there is no impact at the present time. They have never collected anything yet."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4769.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4769 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Rasmussen - 1.

Excused: Senators Deccio, Metcalf, Stratton, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 4769, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 132, by Senators Warnke, Bender, Owen, Newhouse, Deccio, Zimmerman, Bauer, Barr and Rasmussen

Urging Congress to take necessary steps toward a full accounting of United States servicemen missing in Indochina.

MOTIONS

On motion of Senator Warnke, Substitute Senate Joint Memorial No. 132 was substituted for Senate Joint Memorial No. 132 and the substitute memorial was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended. Substitute Senate Joint Memorial No. 132 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

On motion of Senator Zimmerman, Senator Saling was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Memorial No. 132.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Memorial No. 132 and the memorial passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Rasmussen - 1.

Excused: Senators Deccio, Metcalf, Saling, Stratton, von Reichbauer - 5.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 132, having received the constitutional majority, was declared passed.

MOTION

At 9:30 a.m., on motion of Senator Vognil, the Senate was declared to be at ease.

The Senate was called to order at 10:31 a.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4536, by Senators Bauer, Peterson, Patterson and Granlund

Prescribing a penalty for initial nonregistration of a vehicle.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4536 was substituted for Senate Bill No. 4536 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended. Substitute Senate Bill No. 4536 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4536.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4536 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Deccio, Metcalf, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 4536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4747, by Senators Garrett and Stratton

Updating the Model Traffic Ordinance.

The bill was read the second time.

MOTION

On motion of Senator Garrett, the rules were suspended, Senate Bill No. 4747 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4747.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4747 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Newhouse - 1.

Excused: Senators Deccio, Metcalf, Stratton - 3.

SENATE BILL NO. 4747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4759, by Senator Conner

Adding judicial positions in Mason and Thurston counties and dividing the judicial district.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4759 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4759.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4759 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators McDermott, Patterson - 2.

Excused: Senators Deccio, Metcalf, Stratton - 3.

SENATE BILL NO. 4759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4513, by Senators Peterson, Patterson and Conner (by request of Department of Licensing)

Authorizing voluntary fingerprinting of juveniles.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4513 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4513.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4513 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator McDermott - 1.

Excused: Senators Deccio, Metcalf, Stratton - 3.

SENATE BILL NO. 4513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4481, by Senators Talmadge, Newhouse, Metcalf, Halsan, Gaspard, Granlund, Bluechel, Garrett and Lee

Modifying provisions detailing reporting of abuse or neglect of children or adult dependents.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

On page 2, line 23, after "it" and before the period, insert "except as authorized by state or federal statute"

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the committee amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4481 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4481.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4481 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Deccio, Metcalf, Stratton - 3.

ENGROSSED SENATE BILL NO. 4481, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4701, by Senators Talmadge, Bluechel, Garrett and Bender
Revising aggravating circumstances under the sentencing reform act.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4701 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4701.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4701 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Deccio, Metcalf, Stratton - 3.

SENATE BILL NO. 4701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4703, by Senators Talmadge, Bluechel, Garrett, Rasmussen and Bender

Defining nonhearsay evidence.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On line 8, after "eighteen" insert "at the time of his or her testimony"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4703 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4703.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4703 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Sellar - 1.

Excused: Senators Deccio, Stratton - 2.

ENGROSSED SENATE BILL NO. 4703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4705, by Senators Talmadge, Bluechel, Garrett, Gaspard, Rasmussen, Bender, Wojahn, Vognil, Peterson and Granlund

Revising provisions relating to sexual offenses.

The bill was read the second time.

MOTION

Senator Lee moved that the following amendment be adopted:

On page 1, after line 3, insert the following:

*Sec. 1. Section 2, chapter 262, Laws of 1984 and RCW 9.68A.011 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply throughout ~~(the (this))~~ this chapter.

(1) To "photograph" means to make a print, negative, slide, motion picture, or videotape. A "photograph" means any tangible item produced by photographing.

(2) "Visual or printed matter" means any photograph or other material that contains a reproduction of a photograph.

(3) "Sexually explicit conduct" means actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;

(b) Penetration of the vagina or rectum by any object;

(c) Masturbation ~~(-for the purpose of sexual stimulation of the viewer);~~

(d) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer;

(e) Exhibition of the genitals or unclothed pubic or rectal areas of any minor for the purpose of sexual stimulation of the viewer;

(f) Defecation or urination for the purpose of sexual stimulation of the viewer; and

(g) Touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast area for the purpose of sexual stimulation of the viewer.

Sec. 2. Section 3, chapter 262, Laws of 1984 and RCW 9.68A.040 are each amended to read as follows:

(1) A person is guilty of sexual exploitation of a minor if the person:

(a) Compels a minor by threat or force to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance;

(b) Aids or causes a minor to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance; or

(c) Being a parent, legal guardian, or person having custody or control of a minor, permits the minor to engage in sexually explicit conduct, knowing that the conduct will be photographed or part of a live performance.

(2) Sexual exploitation of a minor is:

~~(a)) a class B felony punishable under chapter 9A.20 RCW if the minor exploited is less than ((sixteen years old at the time of the offense) and~~

~~(b) A class C felony punishable under chapter 9A.20 RCW if the minor exploited is at least sixteen years old but less than)) eighteen years old at the time of the offense.~~

Sec. 3. Section 4, chapter 262, Laws of 1984 and RCW 9.68A.050 are each amended to read as follows:

A person who:

(1) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct; or

(2) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct

is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) As used in this section, "minor" means a person under ~~((sixteen))~~ eighteen years of age.

Sec. 4. Section 5, chapter 262, Laws of 1984 and RCW 9.68A.060 are each amended to read as follows:

(1) A person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, any visual or printed matter that depicts a minor engaged in sexually explicit conduct is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) As used in this section, "minor" means a person under ~~((sixteen))~~ eighteen years of age.

Sec. 5. Section 6, chapter 262, Laws of 1984 and RCW 9.68A.070 are each amended to read as follows:

(1) A person who knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct is guilty of a gross misdemeanor.

(2) As used in this section, "minor" means a person under ~~((sixteen))~~ eighteen years of age.

Sec. 6. Section 7, chapter 262, Laws of 1984 and RCW 9.68A.080 are each amended to read as follows:

(1) A person who, in the course of processing or producing visual or printed matter either privately or commercially, has reasonable cause to believe that the visual or printed matter submitted for processing or producing depicts a minor engaged in sexually explicit conduct shall immediately report such incident, or cause a report to be made, to the proper law enforcement agency. Persons failing to do so are guilty of a gross misdemeanor.

(2) As used in this section, "minor" means a person under ~~((sixteen))~~ eighteen years of age."

Renumber the remaining section consecutively.

On page 1, line 12, strike "sixteen" and insert "~~((sixteen))~~ eighteen"

On page 1, after line 13, insert the following:

"Sec. 8. Section 10, chapter 262, Laws of 1984 and RCW 9.68A.110 are each amended to read as follows:

(1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of RCW 9.68A.090 or 9.68A.100. This chapter does not apply to individual case treatment in a recognized medical facility or individual case treatment by a psychiatrist or psychologist licensed under Title 18 RCW, or to lawful conduct between spouses.

(2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.080, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under RCW 9.68A.040, 9.68A.050, 9.68A.060, 9.68A.090, or 9.68A.100, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least eighteen years of age based on declarations by the alleged victim.

(4) ~~((In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.090, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least sixteen years of age based on declarations by the alleged victim.~~

~~(5))~~ In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, the state is not required to establish the identity of the alleged victim.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Senator Talmadge: "Thank you, Mr. President. I raise the point of order on scope and object with respect to the Lee amendment. Senate Bill 4705 is designed to deal with the present anomaly in the laws relating to the communications with a minor for immoral purposes. That is dealing with juvenile prostitution. There was a problem with respect to the law in terms of the punishment of the original crime of communicating with a minor by an adult and they punished it as a gross misdemeanor. We indicated it in the law if someone was guilty of this crime a second time that we were going to enhance the penalty the second time, but the problem is the enhancement language is there only if the original crime was a felony as opposed to a misdemeanor. That's all that Senate Bill 4705 is designed to do.

"The amendment by Senator Lee is designed to raise the question that she has acknowledged is one that's been previously debated in this body as to child pornography, the age at which a child can be involved in that kind of a situation.

"I believe, Mr. President, the amendment clearly expands the scope and object of a technical bill dealing with communication with a minor for immoral purposes to reopen the issue relating to child pornography that child prosecutors like Norm Maleng and some of the others across the state believe should remain at the age of sixteen, which is the age of consent. The Lee amendment would raise the problem of the age of consent at age sixteen and all of these sexually related crimes being at eighteen and perhaps punishing discussion about it and the problems between teenagers as opposed to dealing with the problems that are really those of pornographers."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Senate Bill No. 4705 was deferred.

SECOND READING

SENATE BILL NO. 4708, by Senators Talmadge, Bluechel, Garrett, Gaspard, Bender, Peterson and Granlund

Revising provisions relating to competence of witnesses.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4708 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4708.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4708 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogniild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Deccio, Stratton - 2.

SENATE BILL NO. 4708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4596, by Senators Granlund, Kiskaddon, Wojahn, Garrett and Johnson

Revising provisions relating to community mental health services for children.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4596 was substituted for Senate Bill No. 4596 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 4596 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Granlund, I'm looking at the bill on page 3, lines 11 through 13, talking about the prioritization of the services, and it talks in terms of a child who has been subjected to continual distress, as indicated by repeated physical or sexual abuse and neglect.

"I assume that section is meant to deal specifically with instances of sexual abuse and neglect and not just the normal kinds of distress that may be something that a child is subjected to in the course of his or her upbringing."

Senator Granlund: "Senator, you are absolutely correct. This was addressed in committee by members of the committee and in determining what that was meant to be and that is what it is meant to be."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4596.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4596 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson,

Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Craswell, Pullen - 2.

Excused: Senators Deccio, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4814, by Senators McDermott and Bailey

Relating to child abuse prevention.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4814 was substituted for Senate Bill No. 4814 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4814 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bender, Senator Fleming was excused.

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, would the language of this bill, in effect, change the definition of basic education or affect our obligation to fund basic education?"

Senator Talmadge: "Senator, my response to that would be that it simply deals with the issue of curriculum to be offered in the K-12 system. It does not provide for a change in the definition of basic education. My judgment would be that it is something that should be considered and offered by the local school districts as we require them to do with other aspects of the curriculum, but it is not made a part of basic education by virtue of this change in the law relating to curriculum."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4814.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4814 and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Guess, Hansen, Hayner, McCaslin, Newhouse, Patterson, Pullen - 11.

Absent: Senator Sellar - 1.

Excused: Senators Deccio, Fleming, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 4814, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:53 a.m., on motion of Senator Vognild, the Senate adjourned until 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:01 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4452, by Senators McDermott, Zimmerman, Gaspard, Barr, Rasmussen and Conner (by request of Legislative Budget Committee)

Modifying LBC oversight assignments.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 4452 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4452.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4452 and the bill passed the Senate by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Barr, Craswell, McManus, Moore, Sellar - 5.

Excused: Senators Fleming, Stratton - 2.

SENATE BILL NO. 4452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4711, by Senators McDermott and Rasmussen (by request of Department of Revenue)

Exempting eligible foods purchased with food stamps from sales and use tax.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4711 was substituted for Senate Bill No. 4711 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4711 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator McDermott, could you specify what those minor items are?"

Senator McDermott: "I was standing here looking for my notes, Senator Pullen. I think one of them is soda pop and I forgot what the other one was that the federal government says is food and we didn't think it was food and so we always taxed it. I think there is one other one and I've forgotten what it is."

Senator Pullen: "Thank you."

MOTION

On motion of Senator Bender, Senator Goltz was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4711.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4711 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Fleming, Goltz, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 4711, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4706, by Senators Talmadge, Bluechel, Garrett, Gaspard, Bender and Granlund

Prescribing penalties for criminal mistreatment.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Judiciary amendments be considered simultaneously and not be adopted:

On page 2, following section 4, insert a new section as follows:

"NEW SECTION, Sec. 5. In any prosecution for criminal mistreatment because of a parent's failure to provide physical examinations, surgical operations, or any form of medical treatment for his or her child, it is a defense that such health care is contrary to the wishes of the parent who relies on or believes in treatment by prayer or spiritual means in accordance with the creed and tenets of any recognized church or religious denomination."

Renumber the remaining section consecutively.

On page 2, line 15, after "through" strike "4" and insert "5"

The President declared the question before the Senate to be the motion by Senator Talmadge to not adopt the two Committee on Judiciary amendments.

The motion by Senator Talmadge carried and the two Committee on Judiciary amendments were not adopted.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf and Talmadge be adopted:

On page 2, following section 4, insert a new section as follows:

"NEW SECTION, Sec. 5. In any prosecution for criminal mistreatment because of a parent's failure to provide medical treatment for his or her child, it is a defense that the parent relied on treatment by spiritual means alone through prayer for healing in accordance with bona fide religious beliefs which were genuinely held by such parent, unless the parent had reasonable cause to believe that the life of the child was substantially and seriously threatened or that permanent physical damage could result to such child for failure to provide medical treatment."

Renumber the remaining section consecutively and correct internal references.

POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, for the purpose of clarifying legislative intent, will this amendment prevent emergency medical treatment by a doctor or a hospital if the parent objects?"

Senator Talmadge: "My understanding, Senator Metcalf, is that it would not. The intention here is to simply provide for a defense to the crime of criminal mistreatment that could be asserted should the criminal prosecution proceed. There is nothing in this amendment and there is absolutely no intent to prevent the court from intruding if it believes the child's life is in danger and it wishes to order the medical treatment to take place. In fact, the amendment makes clear that even if the parent, himself or herself, had reasonable cause to believe that the life of the child was substantially or seriously threatened or that permanent physical damage could result, then that parent has an obligation to have medical treatment proceed and could be prosecuted criminally if they failed to act."

The President declared the question before the Senate to be adoption of the amendment by Senators Metcalf and Talmadge.

The motion by Senator Metcalf carried and the amendment was adopted.

MOTIONS

On motion of Senator Pullen, the following amendment was adopted:

On page 1, line 14, after "creates a" strike "high"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4706 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4706.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4706 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Benitz, Bluechel, Craswell, Pullen, Sellar, Vognild - 6.

Excused: Senator Stratton - 1.

ENGROSSED SENATE BILL NO. 4706, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 4705 and the pending amendment by Senator Lee on page 1, line 3, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Senate Bill No. 4705 is a measure providing that a person previously convicted of communicating with a minor for immoral purposes is guilty of a class C felony.

"The amendment proposed by Senator Lee changes the definition of sexually explicit conduct regarding masturbation, changes the age of minority from 16 to 18 for purposes of the sexual exploitation of children statutes and removes a potential defense to the crime of sexual exploitation of children.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Lee was ruled out of order.

MOTION

Senator Lee moved that the following amendment by Senators Lee and Bluechel be adopted:

On page 1, line 12, after "under" strike "sixteen" and insert "~~(sixteen)~~ eighteen"

Debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Lee and Bluechel.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee carried and the amendment was adopted by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Warnke, Zimmerman - 25.

Voting nay: Senators Bauer, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Talmadge, Thompson, Vognild, Williams, Wojahn - 23.

Excused: Senator Stratton - 1.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4705 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4705.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4705 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Hayner - 1.

Excused: Senator Stratton - 1.

ENGROSSED SENATE BILL NO. 4705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4704, by Senators Talmadge, Bluechel, Gaspard, Bender, Wojahn and Granlund

Revising provisions relating to assault.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4704 was substituted for Senate Bill No. 4704 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the following amendment was adopted:

On page 2, line 1, after "creates a" strike "high"

Senator Metcalf moved that the following amendment by Senators Metcalf, Craswell, Pullen, McCaslin, Rasmussen, Benitz, Patterson and Owen be adopted:

On page 2, after line 19, insert a new subsection as follows:

"(9) 'Flogging means a form of assault or punishment in which a victim is beaten in such a way as to cause bleeding or very severe bruising:'"

Renumber the remaining subsections accordingly

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

Further debate ensued.

MOTIONS

On motion of Senator Zimmerman, Senator Bluechel was excused.

On motion of Senator Vognild, Senator Bottiger was excused.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Metcalf, Craswell, Pullen, McCaslin, Rasmussen, Benitz, Patterson and Owen.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; excused, 3.

Voting yea: Senators Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Garrett, Guess, Johnson, Lee, McCaslin, McDonald, Metcalf, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McDermott, McManus, Moore, Newhouse, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Excused: Senators Bluechel, Bottiger, Stratton - 3.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, Craswell, Pullen, McCaslin, Rasmussen, Benitz, Patterson and Owen be adopted:

On page 4, after line 1, insert a new subsection as follows:

"(26) 'Spanking' means a slap or series of slaps on the buttocks or thighs administered by the open hand or an instrument of punishment such as a paddle, switch, or belt."

Renumber the remaining subsections accordingly.

POINT OF INQUIRY

Senator Vognild: "Senator Metcalf, as I read your two amendments that are on this sheet, the amendment on page 4, line 1, and the amendment on page 8, line 15, it occurs to me that they should be running together, that they are totally one idea."

Senator Metcalf: "I would have no objection to putting them together because they really do need to go together. Yes, if you would suggest that, I would agree."

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, Craswell, Pullen, McCaslin, Rasmussen, Benitz, Patterson and Owen be considered simultaneously with the amendment on page 4, after line 1, and be adopted:

On page 8, line 15, after "moderate," insert "A spanking administered by a parent, guardian, teacher, or authorized agent of the parent to correct or restrain a child shall be lawful if it is reasonable and moderate."

MOTION

Senator Kiskaddon moved that the following amendment to the first amendment (page 4, line 1) be adopted:

On line 3 of the Metcalf amendment to page 4, after "hand" insert ":" and strike the remainder of the amendment.

Debate ensued.

The President declared the question before the Senate to be adoption of the Kiskaddon amendment to the amendment on page 4, line 1.

The motion by Senator Kiskaddon failed and the amendment to the amendment was not adopted.

The President declared the question before the Senate to be adoption of the two amendments by Senators Metcalf, Craswell, Pullen, McCaslin, Rasmussen, Benitz, Patterson and Owen.

Senator Talmadge demanded a roll call and the demand was sustained.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the two amendments were not adopted by the following vote: Yeas, 16; nays, 28; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Johnson, Lee, McCaslin, McDonald, Metcalf, Pullen, Sellar, Vognild, von Reichbauer, Zimmerman - 16.

Voting nay: Senators Bauer, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Williams, Wojahn - 28.

Absent: Senators Bender, Guess, Warnke - 3.

Excused: Senators Bluechel, Stratton - 2.

MOTION

On motion of Senator Pullen, the following amendments by Senators Pullen, Rasmussen, Craswell and McCaslin were considered simultaneously and adopted:

On page 8, line 6, after "from" insert "unreasonable"

On page 8, line 8, after "use" strike "more effective and less dangerous"

On page 8, line 9, after "children" and before the period, insert "that are not dangerous to the children"

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 8, line 21, after "does cause" strike "substantial"

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Talmadge.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the amendment was not adopted by the following vote: Yeas, 20; nays, 27; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Grønlund, Halsan, Kiskaddon, Kreidler, McDermott, McManus, Rinehart, Talmadge, Thompson, Warnke, Williams, Wojahn - 20.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Vogtild, von Reichbauer, Zimmerman - 27.

Absent: Senator Newhouse - 1.

Excused: Senator Stratton - 1.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Moore moved to reconsider the vote by which the Talmadge amendment on page 8, line 21, failed to be adopted. Debate ensued.

MOTION

There being no objection, Senator Moore withdrew the motion for reconsideration of the vote by which the amendment failed to pass the Senate.

MOTION

Senator Pullen moved that the following amendment by Senators Pullen and Craswell be adopted:

On page 8, line 22, after "pain" and before the period, insert ": PROVIDED, That the actions of this list shall not be considered unreasonable when associated with the restraint of a child for the purpose of performing necessary medical procedures or for the application of emergency first aid"

Debate ensued.

MOTION

On motion of Senator Pullen, and there being no objection, the amendment was withdrawn.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf and Owen be adopted:

On page 8, beginning on line 24, strike all material down though line 28 on page 9. Renumber the remaining sections accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Metcalf and Owen.

The motion by Senator Metcalf carried and the amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 4704 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, the second paragraph of Section 9 defines a number of actions that are considered never reasonable when used to correct or restrain a child. Are the actions of this list considered to be unreasonable when associated with the restraint of a child for the purpose of performing necessary medical procedures or for the application of emergency first aid?"

Senator Talmadge: "No, Senator Pullen. I think the section of the bill is designed to deal with correction or restraint of children, which in its traditional terminology would mean in the disciplining of children."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4704.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4704 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Craswell, Pullen - 2.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4704, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:06 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:08 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4537, by Senators Bauer, Peterson, Patterson, Bender and Vognild

Eliminating mandatory court appearance on a charge of driving with an expired license.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4537 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator von Reichbauer, Senator Benitz was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4537.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4537 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Johnson - 1.

Excused: Senator Benitz - 1.

SENATE BILL NO. 4537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3036, by Senator Williams

Making the showing of child pornography to minors a class C felony.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3036 was substituted for Senate Bill No. 3036 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3036 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3036.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3036 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Metcalf - 1.

Absent: Senator Johnson - 1.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 3036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4691, by Senators Kiskaddon, Newhouse and Vognlid

Revising definition of child for industrial insurance purposes.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 4691 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4691.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4691 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Johnson - 1.

Excused: Senator Benitz - 1.

SENATE BILL NO. 4691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3636, by Senator Moore

Relating to insurance.

The bill was read the second time.

MOTIONS

Senator Bottiger moved that the following amendment by Senators Bottiger and Sellar be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section .14.02, chapter 79, Laws of 1947 as last amended by section 7, chapter 3, Laws of 1983 2nd ex. sess. and RCW 48.14.020 are each amended to read as follows:

(1) Subject to other provisions of this chapter, each authorized insurer except title insurers shall on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax on premiums. Except as provided in subsection (2) of this section, such tax shall be in the amount of two (~~and sixteen one hundredths~~) percent of all premiums, excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial life policies for payment of premiums directly to an office of the insurer, collected or

received by the insurer during the preceding calendar year (~~in the case of foreign and alien insurers, and in the amount of one and sixteen one-hundredths percent of all such premiums in the case of domestic insurers, for direct insurances;~~) other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For the purposes of this section the consideration received by an insurer for the granting of an annuity shall not be deemed to be a premium.

(2) In the case of insurers which require the payment by their policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the length of term for which such policies are written, such tax shall be in the amount of two (~~and sixteen one-hundredths~~) percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

(3) (~~An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1), (2), and (4) of this section. All revenues from this additional tax shall be deposited in the state general fund.~~

(4)) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of (~~ninety-one~~) ninety-five one-hundredths of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amounts refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

(~~(5)~~) (4) The state does hereby preempt the field of imposing excise or privilege taxes upon insurers or their agents, other than title insurers, and no county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or their agents.

(~~(6)~~) (5) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums.

(~~(7) This section shall be effective as to and shall govern the payment of all taxes due for calendar year 1982 and thereafter.~~)

Sec. 2. Section 1, chapter 6, Laws of 1981 as amended by section 4, chapter 181, Laws of 1982 and RCW 48.14.025 are each amended to read as follows:

(1) Every insurer with a tax obligation under RCW 48.14.020 shall make prepayment of the tax obligations under RCW 48.14.020 for the current calendar year's business, if the sum of the tax obligations under RCW 48.14.020 for the preceding calendar year's business is four hundred dollars or more.

(2) The commissioner shall credit the prepayment toward the appropriate tax obligations of the insurer for the current calendar year under RCW 48.14.020.

(3) The minimum amounts of the prepayments shall be percentages of the insurer's preceding calendar year's tax obligation (~~(based on the preceding calendar year's business)~~) recomputed using the rate in effect for the current year and shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent; and
- (c) On or before December 15, twenty-five percent.

For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's (~~business as the base~~) tax obligation as recomputed for calculating the insurer's prepayment obligations.

(4) The effect of transferring policies of insurance from one insurer to another insurer is to transfer the tax prepayment obligation with respect to the policies.

(5) On or before June 1 of each year, the commissioner shall notify each insurer required to make prepayments in that year of the amount of each prepayment and shall provide remittance forms to be used by the insurer. However, an insurer's responsibility to make prepayments is not affected by failure of the commissioner to send, or the insurer to receive, the notice or forms.

Sec. 3. Section 5, chapter 91, Laws of 1947 as last amended by section 16, chapter 35, Laws of 1982 1st ex. sess. and RCW 41.16.050 are each amended to read as follows:

There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firemen's pension fund, which shall consist of: (1) All bequests, fees, gifts, emoluments or donations given or paid thereon; (2) forty-five percent of all moneys received by the state from taxes on fire insurance premiums (~~(except any such moneys received under RCW 48-14-020(3))~~); (3) taxes paid pursuant to the provisions of RCW 41.16.060; (4) interest on the investments of the fund; and (5) contributions by firemen as provided for herein. The ~~(forty-five percent of)~~ moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid firemen in the city, town or fire protection district bears to the total number of paid firemen throughout the state to be ascertained in the following manner: The secretary of the firemen's pension board of each city, town and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after ~~(the taking effect of this 1961 amendatory act)~~ June 7, 1961, and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of paid firemen in the fire department in such city, town or fire protection district. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town and fire protection district coming under the provisions of this chapter his warrant, payable to each city, town or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town or fire protection district shall place the amount thereof to the credit of the firemen's pension fund of such city, town or fire protection district.

Sec. 4. Section 3, chapter 261, Laws of 1945 as last amended by section 17, chapter 35, Laws of 1982 1st ex. sess. and RCW 41.24.030 are each amended to read as follows:

There is created in the state treasury a trust fund for the benefit of the firemen of the state covered by this chapter, which shall be designated the volunteer firemen's relief and pension fund and shall consist of:

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.

(2) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided as follows:

(a) Three dollars for each volunteer or part-paid member of its fire department;

(b) A sum equal to one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(3) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of thirty dollars for each of its firemen electing to enroll therein, ten dollars of which shall be paid by the municipality and twenty dollars of which shall be paid by the fireman.

(4) Forty percent of all moneys received by the state from taxes on fire insurance premiums (~~(except any such moneys received under RCW 48-14-020(3))~~) shall be paid into the state treasury and credited to the fund.

(5) The state investment board, upon request of the state treasurer shall invest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investments may be made in such bonds, notes or other obligations now or hereafter authorized as an investment for the funds of the public employees' retirement system.

(6) All bonds or other obligations purchased according to subsection (5) of this section shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state investment board may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest and proceeds from the sale and redemption of any bonds or other obligations held by the fund shall be credited to and form a part of the fund.

All amounts credited to the fund shall be available for making the payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund.

Sec. 5. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 9, chapter 471, Laws of 1985 and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent;

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent; and

(3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent (~~(and~~

~~(4) The rate of the additional taxes under RCW 48-14-020(3) shall be four percent))~~).

NEW SECTION. Sec. 6. It is the intent of the legislature that the fees charged in section 7 of this act shall be used to increase and improve the staff of the insurance commissioner. The legislature finds that this increase and improvement in staff is necessary to properly regulate the insurance industry and protect the insurance consumers of Washington state. The increases and

improvements in staff shall be determined through the legislative appropriation process and shall be funded by section 7 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 48.02 RCW to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) "Receipts" means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.01(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: PROVIDED, That the fee shall not exceed one-eighth of one percent of receipts: PROVIDED FURTHER, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: PROVIDED, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed. The commissioner shall report fees to the legislative committees responsible for insurance and appropriations concurrent with notification to the organizations.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees.

Sec. 8. Section 12, chapter 115, Laws of 1969 as amended by section 1, chapter 63, Laws of 1983 and RCW 48.44.145 are each amended to read as follows:

(1) The commissioner may make an examination of the operations of any health care service contractor as often as he deems necessary in order to carry out the purposes of this chapter.

(2) Every health care service contractor shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate them. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the health care service contractor.

(3) The commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the health care service contractor in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his report of the examination.

(4) (~~Health care service contractors licensed in the state shall be equitably assessed to cover the cost of financial condition and market conduct examinations. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, including a reasonable margin for cost variations. The assessments shall be established by rules promulgated by the commissioner but shall not exceed one-half cent per month per person entitled to health care services pursuant to an agreement under RCW 48.44.020(1), excluding such persons who are not residents of this state. Assessment receipts shall be deposited in the general fund, shall be accounted for separately, and shall be used for the sole purpose of funding the examinations authorized in subsection (1)~~)

~~of this section. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in the succeeding biennium.~~

(5)) Whenever any health care service contractor applies for initial admission, the commissioner may make, or cause to be made, an examination of the applicant's business and affairs. Whenever such an examination is made, all of the provisions of chapter 48.03 RCW not inconsistent with this chapter shall be applicable. In lieu of making an examination himself the commissioner may, in the case of a foreign health care service contractor, accept an examination report of the applicant by the regulatory official in its state of domicile.

Sec. 9. Section 13, chapter 290, Laws of 1975 1st ex. sess. as last amended by section 115, chapter 7, Laws of 1985 and RCW 48.46.120 are each amended to read as follows:

(1) The commissioner may make an examination of the operations of any health maintenance organization as often as he deems necessary in order to carry out the purposes of this chapter.

(2) Every health maintenance organization shall submit its books and records relating its operation for financial condition and market conduct examinations and in every way facilitate them. The quality or appropriateness of medical services or systems shall not be examined except to the extent that such items are incidental to an examination of the financial condition or the market conduct of a health maintenance organization. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the health maintenance organization and the principals of such providers concerning their business.

(3) The commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the health maintenance organization in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his report of the examination.

(4) Health maintenance organizations licensed in the state shall be equitably assessed to cover the cost of financial condition and market conduct examinations, the costs of promulgating rules, and the costs of enforcing the provisions of this chapter. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, promulgation of rules, and enforcement of the provisions of this chapter, including a reasonable margin for cost variations. The assessments shall be established by rules promulgated by the commissioner but shall not exceed five and one-half cents per month per person entitled to health care services pursuant to a health maintenance agreement, excluding such persons who are not residents of this state. Assessment receipts shall be deposited in the general fund, shall be accounted for separately, and shall be used for the sole purpose of funding the examinations authorized in subsection (1) of this section, the costs of promulgating rules, and the costs of enforcing the provisions of this chapter. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in the succeeding biennium.

NEW SECTION. Sec. 10. Section 35, chapter 9, Laws of 1982 1st ex. sess. and RCW 48.14.015 are each repealed.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. Section 1 of this act applies to the payment of taxes due beginning July 1, 1986, and thereafter.

NEW SECTION. Sec. 13. Section 7 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately. The remainder of this act shall take effect July 1, 1986."

Senator Sellar moved that the following amendment by Senators Sellar and McDonald to the amendment be adopted:

On page 2, line 35, of the amendment after "year" and before the period insert "and in the case of domestic life insurers for premiums on policies in effect prior to the effective date of this act, the tax shall be one and twenty-one one hundredths percent"

Debate ensued.

Senator Sellar demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Sellar and McDonald to the amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Sellar failed and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Excused: Senator Benitz - 1.

The President declared the question before the Senate to be adoption of the striking amendment by Senators Bottiger and Sellar.

The motion by Senator Bottiger carried and the amendment was adopted.

MOTIONS

On motion of Senator Bottiger, the following title amendment was adopted:

On page 1, line 1 of the title, after "insurance" insert "; amending RCW 48.14.020, 48.14.025, 41.16.050, 41.24.030, 82.02.030, 48.44.145, and 48.46.120; adding a new section to chapter 48.02 RCW; creating new sections; repealing RCW 48.14.015; providing an effective date; and declaring an emergency"

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 3636 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3636.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3636 and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Barr, Cantu, Craswell, Hayner, McCaslin, McDermott, Newhouse, Pullen, Saling, Stratton - 10.

Excused: Senator Benitz - 1.

ENGROSSED SENATE BILL NO. 3636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4572, by Senators Kreidler, Goltz, Thompson, Zimmerman and Bluechel

Modifying shoreline management provisions.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 4572 was substituted for Senate Bill No. 4572 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 4572 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4572.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4572 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4890, by Senators Gaspard, Benitz, McManus, McDermott and Saling

Establishing a coordinating committee on environmental education.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 4890 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Patterson was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4890.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4890 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalfe, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Patterson, von Reichbauer - 3.

SENATE BILL NO. 4890, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4662, by Senators Kreidler, Bluechel and Talmadge

Authorizing the department of ecology to participate in certain hazardous waste programs.

The bill was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended, Senate Bill No. 4662 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4662.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4662 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalfe, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Patterson, von Reichbauer - 3.

SENATE BILL NO. 4662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4773, by Senators Talmadge, Lee, Kreidler and Bluechel

Providing for pumpout facilities at certain marinas.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 4773 was substituted for Senate Bill No. 4773 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the following amendment was adopted:

On page 1, line 19, insert a new subsection to read as follows:

"(3) Pumpout facilities required by this section for public entities shall be eligible to receive grants and/or loans offered for water pollution control facilities."

Renumber the subsections accordingly.

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 4773 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4773.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4773 and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Barr, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, McCaslin, McDonald, Metcalf, Pullen, Sellar, Zimmerman - 13.

Excused: Senators Benitz, Patterson, von Reichbauer - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4773, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4797, by Senators Bender, Bluechel, Kreidler, Kiskaddon, Talmadge and Zimmerman

Requiring a report on the underground storage tank problem in Washington state.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 4797 was substituted for Senate Bill No. 4797 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 4797 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4797.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4797 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Barr - 1.

Excused: Senators Benitz, Patterson, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 4797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4563, by Senators Bauer, Newhouse, Hansen, Barr and Gaspard

Authorizing leases of agricultural fair property by first class or larger counties.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 4563 was substituted for Senate Bill No. 4563 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 4563 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Bauer, as an old county fair person, I was kind of curious as to do you know anything about the background why it was initially limited to class A counties, as far as doing it with a nonprofit organization?"

Senator Bauer: "Senator Lee, I'm not that old. Really, honestly, I can't tell you why it was limited to the three."

Senator Lee: "Because I kind of failed to understand why it should be and I just wondered if there was something I didn't know about."

Senator Bauer: "No, I don't know what it was. We have three counties now that are over that population and are in violation so to speak, so this legalizes those three plus any other county that the legislative authority might wish to lease out."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4563.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4563 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Taimadge, Thompson, Vognoild, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4221, by Senator Rinehart

Funding the state toxicological laboratory.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4221 was substituted for Senate Bill No. 4221 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4221 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4221.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4221 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald,

McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4723, by Senators Rinehart, Sellar and Kreidler (by request of State Library)

Modifying the authority of the state library commission with regard to the acceptance and allocation of certain grants.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended. Senate Bill No. 4723 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4723.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4723 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators Benitz, von Reichbauer - 2.

SENATE BILL NO. 4723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3310, by Committee on Judiciary (originally sponsored by Senators Talmadge and Sellar)

Facilitating election administration.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3310.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3310 and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 40.

Voting nay: Senators Craswell, Deccio, Hayner, McCaslin, Pullen, Zimmerman - 6.

Absent: Senator Lee - 1.

Excused: Senators Benitz, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 3310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3355, by Senators McDermott, Moore, Deccio, Rasmussen and Talmadge

Continuing group insurance coverage for unemployed persons.

MOTIONS

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3355 was returned to second reading and read the second time.

On motion of Senator McDermott, the following amendments were considered simultaneously and adopted:

On page 1, line 9, strike "1985" and insert "1986"

On page 3, line 9, strike "1985" and insert "1986"

On page 5, line 4, strike "1985" and insert "1986"

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3355 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3355.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3355 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn - 46.

Voting nay: Senator Zimmerman - 1.

Excused: Senators Benitz, von Reichbauer - 2.

ENGROSSED SENATE BILL NO. 3355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3369, by Committee on Governmental Operations (originally sponsored by Senators Talmadge, Fleming, DeJarnatt and Kreidler)

Authorizing municipalities to make reparations to certain employees who suffered salary losses during World War II.

The bill was read the third time and placed on final passage.

Debate ensued.

MOTION

On motion of Senator Bender, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3369.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3369 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Cantu, Craswell, McCaslin - 3.

Absent: Senator Newhouse - 1.

Excused: Senators Benitz, Owen, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 3369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3419, by Committee on Governmental Operations (originally sponsored by Senators Thompson, Zimmerman and McManus)

Modifying requirements for approval of plats.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3419.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3419 and the bill passed the Senate by the following vote: Yeas, 33; nays, 11; absent, 2; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Thompson, Vogndild, Warnke, Zimmerman - 33.

Voting nay: Senators Bailey, Cantu, Fleming, Johnson, Lee, Metcalf, Pullen, Rinehart, Talmadge, Williams, Wojahn - 11.

Absent: Senators Bottiger, Kreidler - 2.

Excused: Senators Benitz, Owen, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 3419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3458, by Committee on Financial Institutions (originally sponsored by Senator Conner)

Mandating lower insurance rates for persons over 55 who have taken an accident prevention course.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Conner, I haven't read the bill and I've forgotten what happens if somebody successfully completes the course and becomes eligible and then gets into an accident. Does that mean that they then lose the discount?"

Senator Conner: "I couldn't answer that, to be honest with you."

REMARKS BY SENATOR MOORE

Senator Moore: "Senator Deccio, in answering your question, the specifics are that after you pass the test you get the discount for two years and nothing is spoken to the accident possibility."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3458.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3458 and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogndild, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Barr, Bluechel, Cantu, Craswell, Guess, Hayner, McDonald, Newhouse, Pullen - 9.

Absent: Senator Sellar - 1.

Excused: Senators Benitz, Owen, von Reichbauer - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Conner, the following resolution was adopted:

SENATE RESOLUTION 1986-148

WHEREAS, The 1983 Legislature created the Export Assistance Center in state government; and

WHEREAS, In 1985 the Legislature renewed the program and renamed it the Small Business Export Finance Assistance Center; and

WHEREAS, Exporting Washington goods and services is a vital economic stimulus to growth, development and stability of our state's businesses; and

WHEREAS, Small and medium sized businesses are the backbone of our economy and create many needed jobs; and

WHEREAS, The Grays Harbor area has been particularly hard hit by the decline in our timber industry; and

WHEREAS, The Small Business Export Finance Assistance Center helped secure a \$750,000 loan guarantee from the federal Export-Import Bank to help generate five to six million dollars in exports for the Grays Harbor area; and

WHEREAS, The Center worked very closely with the Bank of Grays Harbor to obtain this guarantee; and

WHEREAS, The Bank of Grays Harbor is the smallest bank ever to be made eligible for such a loan guarantee; and

WHEREAS, The Small Business Export Finance Assistance Center, through efforts such as those with the Bank of Grays Harbor, represents the best in public/private cooperation;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Small Business Finance Assistance Center be commended for its efforts to restore economic stability and prosperity to the Grays Harbor area and throughout the state; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall send copies of this resolution to the boards of directors of both the Small Business Export Finance Assistance Center and the Bank of Grays Harbor.

MOTION

At 7:05 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Wednesday, February 12, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 12, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Deccio, Kreidler, McCaslin and Owen. On motion of Senator Bender, Senator Owen was excused. On motion of Senator Zimmerman, Senator Deccio was excused.

The Sergeant at Arms Color Guard, consisting of Pages Matthew Michaelson and Barbara Vozenilek, presented the Colors. Mr. Marc Lamm, a member of Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

February 11, 1986

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1488,

SUBSTITUTE HOUSE BILL NO. 1564,

HOUSE BILL NO. 1662,

HOUSE BILL NO. 1702,

HOUSE BILL NO. 1708,

HOUSE BILL NO. 1732, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 11, 1986

Mr. President:

The House has passed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 470,

HOUSE BILL NO. 507,

HOUSE BILL NO. 1431,

SUBSTITUTE HOUSE BILL NO. 1457,

HOUSE BILL NO. 1795,

ENGROSSED HOUSE JOINT MEMORIAL NO. 33, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 11, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1449,

ENGROSSED HOUSE BILL NO. 1523,

ENGROSSED HOUSE BILL NO. 1729, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ReESHB 470 by Committee on Social and Health Services (originally sponsored by Representatives Brekke, Leonard, Ballard, Lux, Armstrong, Sayan, Braddock, Tanner and Taylor)

Providing for the registration and certification of mental health professionals.

Referred to Committee on Human Services and Corrections.

HB 507 by Representatives Betrozoff, Walk, J. Williams, Schmidt, Brough, Fisher, Hankins, Brekke, Prince, Tanner, Chandler, C. Smith, Baugher, Sutherland, Patrick, Van Luven, Thomas, Valle, Zellinsky, K. Wilson, Bond, Kremen, Winsley and Ballard

Improving freeway traffic flow.

Referred to Committee on Transportation.

HB 1431 by Representatives Nealey, Sayan, Taylor, Belcher, Peery, Fuhrman, van Dyke, Vekich and Hankins

Defining official and authorized uses of the state seal.

Referred to Committee on Governmental Operations.

ESHB 1449 by Committee on Local Government (originally sponsored by Representatives Haugen, Nutley, Bristow, Hine, Dellwo, Allen, Long, West, Silver, J. King, Barrett, Miller, P. King and May)

Authorizing municipal resource recovery facilities and solid waste handling systems.

Referred to Committee on Governmental Operations.

SHB 1457 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Allen, Hine, Hankins, Fisch, Isaacson, Basich, Tilly, Sayan, Barrett, Lux, Van Luven and P. King)

Revising provisions relating to health insurance for public employees.

Referred to Committee on Ways and Means.

SHB 1488 by Committee on Trade and Economic Development (originally sponsored by Representatives Valle, Betrozoff, P. King, May, Armstrong, Peery, Kremen, Day and Rayburn)

Establishing a trade development services program.

Referred to Committee on Commerce and Labor.

EHB 1523 by Representatives Sanders, Sutherland, Isaacson, Lundquist, S. Wilson, Cole and Leonard

Modifying the residency requirements under the game code.

Referred to Committee on Natural Resources

SHB 1564 by Committee on Local Government (originally sponsored by Representatives Haugen, Hine, Barnes, Allen, Brough, Long and Tanner)

Extending the time allowed for protests of proposed local improvement districts.

Referred to Committee on Governmental Operations.

HB 1662 by Representatives Hankins, Haugen, Isaacson, Baugher, Ballard, Ebersole, C. Smith, Rayburn, Sanders, Belcher, Sutherland, van Dyke, Peery, Walker, Thomas, Brooks, Allen, Brough, Walk, Taylor and Winsley

Authorizing fire protection districts to assist hazardous materials response team.

Referred to Committee on Governmental Operations.

HB 1702 by Representatives Valle, Grimm, O'Brien, Dellwo and Addison (by request of Office of Financial Management)

Appropriating funds for the developmentally disabled.

Referred to Committee on Ways and Means.

HB 1708 by Representatives Belcher, Brooks, Vekich, Dellwo, Unsoeld and P. King (by request of Governor Gardner)

Modifying liquor control board membership terms.

Referred to Committee on Commerce and Labor.

EHB 1729 by Representatives C. Smith, Walk, Prince, Nealey, Zellinsky, Bond, Lundquist, Fisch and Baugher

Repealing provisions on collection of tax on special fuel dispensed from a keylock metered pump.

Referred to Committee on Transportation.

HB 1732 by Representative D. Nelson

Modifying requirements of county-city solid waste plans.

Referred to Committee on Governmental Operations.

HB 1795 by Representatives Belcher, Long, Thomas, Wineberry, Armstrong and Brough

Requiring additional information in child support orders.

Referred to Committee on Judiciary.

EHJM 33 by Representatives Sutherland, Long, Valle, Crane and Peery

Requesting by Joint Memorial that amendments to the Nuclear Waste Policy Act require the U.S. Department of Energy to select the best nuclear waste repository site from among all potential geologic media.

Referred to Committee on Energy and Utilities.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 3110, by Committee on Ways and Means (originally sponsored by Senators Wojahn, Zimmerman, Gaspard, Vognilid, Sellar, Thompson, Deccio, Johnson and Conner)

Modifying the business and occupation taxation of the income from amusement devices.

MOTIONS

On motion of Senator McDermott, Second Substitute Senate Bill No. 3110 was substituted for Substitute Senate Bill No. 3110 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Second Substitute Senate Bill No. 3110 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3110.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3110 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Benitz, Kreidler - 2.

Excused: Senators Deccio, Owen - 2.

SECOND SUBSTITUTE SENATE BILL NO. 3110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4644, by Senators Vognild, Newhouse, Wojahn and Rasmussen (by request of Employment Security Department)

Including tips as wages for unemployment compensation purposes.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 4644 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4644.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4644 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Benitz, Kreidler - 2.

Excused: Senator Owen - 1.

SENATE BILL NO. 4644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4628, by Senators Gaspard, Rinehart and Benitz

Specifying the number of members constituting a quorum for the college board.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 4628 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bender, Senator Kreidler was excused.

On motion of Senator Zimmerman, Senator Benitz was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4628.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4628 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, Kreidler - 2.

SENATE BILL NO. 4628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4894, by Senators Conner, Granlund, Hayner, Bottiger and Bauer

Increasing benefits for volunteer firemen.

The bill was read the second time.

MOTION

On motion of Senator Conner, the rules were suspended, Senate Bill No. 4894 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4894.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4894 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kreidler - 1.

SENATE BILL NO. 4894, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4637, by Senators Williams and Saling (by request of Utilities and Transportation Commission)

Modifying certain practices in proceedings of the utilities and transportation commission.

The bill was read the second time.

MOTION

On motion of Senator Williams, Senate Bill No. 4637 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4637.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4637 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 4637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4490, by Senators Talmadge, Halsan and Newhouse

Revising the business corporations act.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4490 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4490.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4490 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

SENATE BILL NO. 4490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4491, by Senators Newhouse, Halsan and Talmadge
Changing provisions relative to nonprofit corporations.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4491 was substituted for Senate Bill No. 4491 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4491 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4491.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4491 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 4491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4657, by Senators Talmadge, DeJarnatt, Kreidler, Moore, Newhouse and McDonald (by request of Department of Social and Health Services)

Authorizing prosecution of class C felonies under chapter 74.04 RCW within five years of their commission.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4657 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4657.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4657 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart,

Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 4657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4448, by Senators Thompson and Zimmerman

Modifying publication notice requirements for improvement districts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4448 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Thompson, maybe you could clarify the situation a little bit. As you know, some local improvement districts have caused great financial hardships for some of the resident taxpayers who live within the boundaries. Sometimes the assessments amount to a huge amount of money, in particularly poor people and elderly people and retired people on fixed income are very, very hard hit. I'm concerned that under the changes of this bill there may be some decrease in their ability to find out about the proposed LID, and I'm wondering if there is any impact on such citizens?"

Senator Thompson: "Senator Pullen, this bill was drafted to take care of an oversight that occurred last year when there was a general rewrite of a notice of requirements to bring about some uniformity. The former provision for such notices required publication five times in a daily newspaper or twice in a weekly newspaper. In the rewrite, we picked the larger requirement which removed the flexibility from the notice provision and now seek to correct that through this bill.

"I believe that it does not alter the situation as existed formerly when these districts could publish, as provided by law, in two consecutive weeks. So, the proposal certainly is not radical and it conforms with the requirements for public notices generally."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4448.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4448 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Metcalf, Pullen - 2.

SENATE BILL NO. 4448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4521, by Senators Thompson, Zimmerman and Rinehart

Establishing a fellowship program in forensic pathology.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4521 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4521.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4521 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 4521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Vognild moved that Senate Bill No. 4649, which was on the second reading calendar, be referred to the Committee on Rules.

Debate ensued.

MOTION

On motion of Senator Vognild, and there being no objection, the motion to refer Senate Bill No. 4649 to the Committee on Rules was withdrawn.

MOTION

At 10:00 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:03 a.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3334, by Senators McManus, Benitz, Bender, Newhouse, Vognild and Deccio

Authorizing joint purchase agreements for private school bus maintenance.

The bill was read the second time.

MOTIONS

On motion of Senator McManus, the following Committee on Education amendments were considered simultaneously and adopted:

On page 2, at the beginning of line 1, strike "private"

On page 2, line 3, after "services", insert "including but not limited to school bus maintenance services."

On page 2, line 9, after "limited to", strike "private"

On motion of Senator McManus, the rules were suspended, Engrossed Senate Bill No. 3334 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3334.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3334 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Rinehart - 1.

ENGROSSED SENATE BILL NO. 3334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3532, by Senator Moore (by request of Liquor Control Board)

Revising provisions relating to liquor licensed premises.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3532 was substituted for Senate Bill No. 3532 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3532 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3532.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3532 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Metcalf - 1.

SUBSTITUTE SENATE BILL NO. 3532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3439, by Committee on Education (originally sponsored by Senators Gaspard, McDermott, Bauer, Deccio, Sellar, Vognild, Johnson and Wojahn)

Requiring a specified staff student ratio for vocational education programs.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3439 was returned to second reading and read the second time.

On motion of Senator Gaspard, the following amendments were considered simultaneously and adopted:

On page 1, beginning on line 5, strike all material through "entirety," on line 20

Renumber the remaining sections consecutively.

On page 2, beginning on line 6, strike all material though "affected" on line 9.

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 2 of the title, after "education," insert "and" and after "28A.41 RCW" strike "; and creating new sections"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 3439 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3439.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3439 and the bill passed the Senate by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Barr, Bauer, Bender, Boltiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Bailey, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Sellar - 16.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3517, by Committee on Education (originally sponsored by Senators Bauer, Gaspard, Benitz, Moore, Bender, Rinehart and Johnson) (by request of Temporary Committee on Educational Policies)

Providing an adult literacy program.

MOTIONS

On motion of Senator Gaspard, Third Substitute Senate Bill No. 3517 was substituted for Engrossed Substitute Senate Bill No. 3517 and the third substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Third Substitute Senate Bill No. 3517 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Gaspard, my suspicions are usually aroused when I see a third substitute bill. That usually suggests to me that the people supporting the bill had to go through all sorts of machinations to try to overcome many obstacles and problems. Can you identify some of the problems and concerns that necessitated a third substitute bill?"

Senator Gaspard: "Yes, Senator, the machinations that we went through were primarily being referred to one committee and then being rereferred to Ways and Means in concern about an appropriation. Basically, the intent of the bill is pretty much the same. The first bill that was introduced was the 3609 bill and in the time period from last session to this session, the community colleges and the SPI, and the coalition on adult literacy have developed a package to us as a group and we amended that package then on the 3609 bill, which is 3517 and then sent it to Ways and Means. That's how we got the third substitute before us."

Further debate ensued.

MOTIONS

On motion of Senator Moore, the rules were suspended and Third Substitute Senate Bill No. 3517 was returned to second reading and read the second time.

Senator Moore moved that the following amendment be adopted:

On page 2, after line 15, insert the following:

"NEW SECTION. Sec. 6. The Superintendent of public instruction and the state board for community college education shall provide the legislature with annual reports regarding the reduction of adult illiteracy as a result of actions taken pursuant to this act, such reports to be based on criteria for evaluating the adult literacy program that shall be submitted to the senate committee on education by May 15, 1986."

Renumber the remaining sections consecutively and correct internal references.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Moore.

The motion by Senator Moore carried and the amendment was adopted.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Third Substitute Senate Bill No. 3517 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Third Substitute Senate Bill No. 3517.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Third Substitute Senate Bill No. 3517 and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; absent, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Barr, Cantu, Pullen - 3.

Absent: Senator Hansen - 1.

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 3517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 3527, by Senators Bender, Bauer, Lee and Gaspard

Revising limitations on the ratio of students to teachers in grades K-3.

MOTIONS

On motion of Senator Gaspard, the rules were suspended and Engrossed Senate Bill No. 3527 was returned to second reading and read the second time.

On motion of Senator Bender, the following amendment by Senators Bender and Gaspard was adopted:

On page 2, line 29, after "September 1," strike "1986" and insert "1987"

On motion of Senator Gaspard, the rules were suspended, Reengrossed Senate Bill No. 3527 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 3527.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 3527 and the bill passed the Senate by the following vote: Yeas, 38; nays, 11.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 38.

Voting nay: Senators Barr, Cantu, Craswell, Deccio, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Zimmerman - 11.

REENGROSSED SENATE BILL NO. 3527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:01 p.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by Senator McDermott.

MOTION

At 1:30 p.m., the Senate was declared to be at ease by Senator McDermott.

The Senate was called to order at 1:51 p.m. by President Cherberg.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 4678, by Senators Vognild, Newhouse and Warnke

Revising provisions relating to job site safety inspections.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 1, on line 6, after "employer" strike all material through "unit(s)" on line 8 and insert "and ((α)) an employee representative ((~~employee~~)) authorized by the employees of such employer"

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 4678 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4678.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4678 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Benitz, Lee - 2.

ENGROSSED SENATE BILL NO. 4678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4242, by Senators McDermott, Kiskaddon, Rasmussen, Johnson, Bender, Deccio, Goltz, Lee, Benitz and Bailey (by request of Governor Gardner)

Implementing procedures to control and monitor health care costs.

MOTIONS

On motion of Senator McDermott, Second Substitute Senate Bill No. 4242 was substituted for Senate Bill No. 4242 and the second substitute bill was placed on second reading and read the second time.

Senator McDermott moved that the following amendments be considered simultaneously and adopted:

On page 3, after line 4, insert the following:

***NEW SECTION, Sec. 6.** The department of social and health services shall establish a therapeutic drug utilization and review committee to consider establishing standards and/or procedures for therapeutic drug utilization review and control that may be implemented either by the department or through a private contractor. The committee shall be charged with the following responsibilities:

(1) Developing policy for monitoring and control of drug utilization based on therapeutic effectiveness.

(2) Overseeing the establishment of a computer-based information system that will provide timely information on drug prescription and consumption and that will be capable of

tracking by drug, by illness, by beneficiary, and by provider. In addition, this system shall include information on acute or long-term care admissions related to under or inappropriate utilization of drugs.

(3) Establishing standards for dosage, duration, and effectiveness of medications according to particular diagnoses.

(4) Setting standards to serve as guidelines on misprescribing, overprescribing, and contraindicated drug use."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 11, line 2, strike "7" and insert "8"

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator McDermott, would this apply to the dosages that are used in nursing homes that are primarily the kinds of things that keep people calm and all that sort of thing? We all get complaints about over dosage sometimes."

Senator McDermott: "Senator Lee, this program has been adopted by eleven states and also by General Motors and it requires that all medication requests to the insurance company or to medicaid be put in a computer. They are then matched against the various side effects of drugs and the computer can send a letter to the doctor or both doctors who were prescribing medication so they will know they are giving too much or if there is any kind of problem. It's really a clinically based evaluation system of medication used to prevent over-drug use."

Senator Lee: "So if you have medicaid patients in nursing homes, this would crop up at the same place and you would be able to find out whether or not there was a problem?"

Senator McDermott: "That's correct."

Senator Lee: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator McDermott, does this program mean that a person, by name, is going to be tracked in the computer so that you would be able to know exactly which medication, say, that I would be taking if I was under any medical care?"

Senator McDermott: "That's really the purpose to give the doctor the information that another doctor is prescribing medication. This is related purely to the Department of Social and Health Services, not the private sector. It may be that your employer or the Boeing Company is actually considering buying this program, then it would be related to anybody in the private sector. We're talking here about only people who are under medicaid."

Senator Kiskaddon: "Then what kind of safeguards are in there, so that the confidentiality aspects of all of this would be taken so that the information would be say readily available that to find out that somebody may be on some drugs for some kind of psychosis or something that they really didn't want the world to know about?"

Senator McDermott: "Once you turn in a chit to pay for the medication, the state of Washington knows you're on that drug and if you are seeing another physician, that other physician ought to know that you're taking that medication, because if he or she prescribes something, there may be two things that are antithetical to each other."

Senator Kiskaddon: "And if I'm working for Boeing and they buy into the program, it would still be limited only to the doctors that would be able to get the information?"

Senator McDermott: "That's correct."

POINT OF ORDER

Senator Pullen: "Mr. President, a point of order. I would like to challenge the amendments on scope and object. I have been so impressed with the success of your insight on these matters and I know that you always rule one hundred percent correctly--that there is just no need for me to comment further. I am sure the President will make the right ruling."

MOTION

On motion of Senator Vognild, further consideration of Second Substitute Senate Bill No. 4242 was deferred.

SECOND READING

SENATE BILL NO. 4500, by Senators Granlund, Bender, Gaspard, McManus, Hansen, Bauer, Rinehart, Warnke, Garrett, Goltz and Fleming

Revising the basic education formula.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard the following Committee on Education amendments were considered simultaneously and adopted:

On page 2, line 14, after "program" insert "in grades kindergarten through third grade."
On page 2, line 16, after "grade", insert ";

On motion of Senator Bender, the following amendment by Senators Bender and Gaspard was adopted:

On page 2, line 23, after "students", insert: "PROVIDED, FURTHER, That local districts shall give priority consideration to provide certificated personnel with any increase in funds generated by the change in the ratio of certificated personnel to annual average full time equivalent students"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4500 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Gaspard, I see that a fiscal note has been requested. Could you give me a summary of what the fiscal note says?"

Senator Gaspard: "Senator Pullen, if you will recall, in the budget that passed last year--we made provisions for this in the budget and that had a fiscal impact and an appropriation of approximately six million dollars for the second biennium. If we are to continue that into future bienniums we could look at that six million dollars as being a yearly cost. So if you want to project that to the next biennium, we are probably looking at a total of a million dollar improvement over the funding ratio we now have."

Senator Pullen: "Thank you, Senator Gaspard. That does a good job of answering my question."

Further debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Gaspard, I think we all realize this class size thing is really important out there in teaching the kids, but could you explain to me--in reading this description it says, 'one hundred annual average full-time equivalent.' That means that the school that is less than a hundred--this wouldn't be applicable to?"

Senator Gaspard: "Senator Barr, as you probably know, the small school districts have an enhancement right now through the small school district factor and practically, if you have less than a hundred students, this would not make a dent, because of the ratio in the way it is funded. Small school districts already have the enhancement over school districts that are of normal size."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4500.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4500 and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon,

Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Cantu, Craswell, Hayner, McCaslin, McDonald, Metcalf, Pullen - 7.

Absent: Senators Benitz, Guess - 2.

ENGROSSED SENATE BILL NO. 4500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:28 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:27 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4604, by Senators Granlund, Gaspard, Johnson, Wojahn, Bottiger, Rasmussen, Warnke and von Reichbauer

Extending the time for certain community college tuition waivers.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 4604 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4604.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4604 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Hansen - 1.

SENATE BILL NO. 4604, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5033, by Senators Gaspard and Saling (by request of Superintendent of Public Instruction)

Providing for voluntary accreditation of preschools.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendments were considered simultaneously and adopted:

On page 1, beginning with line 18, strike "accredit, subject to such accreditation standards and procedures as may be established by the state board of education.", and insert "establish standards and procedures for the accreditation of"

On page 1, line 20, after "preschools", strike "that apply and qualify", and insert ". Such schools are hereby encouraged to apply"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 5033 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Kiskaddon, I presume then that that would apply to child molesters and everything else and that it's a waste of time here trying to prevent that kind of an activity, because the parent should go out and do that checking for themselves."

Senator Kiskaddon: "I believe any parent that believes that leaving it up to the state is going to do it for them is not going to work. When it comes to day care, I would really like to train the parents of that day care how to do their own drop-in checks as a group so that there's somebody checking almost all of the time and teach the parents how to observe their children when they're coming home and if their child really says, 'No, I don't want to be there'--to trust that and start doing something about moving it. I believe the only place that we'll make sure that the children are safe in day care and preschool is for them to be aware of the signals and know how to do it themselves. So, that is the ultimate basic."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5033.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5033 and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; absent, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Craswell, Deccio, Guess, Hayner, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen - 13.

Absent: Senator Hansen - 1.

ENGROSSED SENATE BILL NO. 5033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4717, by Senators Talmadge, Vognild and Bluechel

Adopting the water quality joint development act.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4717 was substituted for Senate Bill No. 4717 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment by Senators Talmadge, Vognild and Bluechel be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The long-range health and economic and environmental goals for the state of Washington require the protection of the state's surface and underground waters for the health, safety, use, and enjoyment of its people. It is the purpose of this chapter to provide public bodies an additional means by which to provide for financing, development, and operation of water pollution control facilities needed for achievement of state and federal water pollution control requirements for the protection of the state's waters.

It is the intent of the legislature that public bodies be authorized to provide service from water pollution control facilities by means of service agreements with public or private parties as provided in this chapter.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Water pollution control facilities" or "facilities" means any facilities, systems, or subsystems owned or operated by a public body, or owned or operated by any person or entity for the purpose of providing service to a public body, for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, that are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(2) "Public body" means the state of Washington or any agency, county, city or town, political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(3) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(4) "Agreement" means any agreement to which a municipal corporation and a service provider are parties by which the service provider agrees to deliver service to such corporation in connection with its design, financing, construction, ownership, operation, or maintenance of water pollution control facilities in accordance with this chapter.

(5) "Service provider" means any privately owned or publicly owned profit or nonprofit corporation, partnership, joint venture, association, or other person or entity that is legally capable of contracting for and providing service with respect to the design, financing, ownership, construction, operation, or maintenance of water pollution control facilities in accordance with this chapter.

NEW SECTION. Sec. 3. (1) Public bodies may enter into agreements with service providers for the furnishing of service in connection with water pollution control facilities pursuant to the process set forth in section 4 of this act. The agreements may provide that a public body pay a minimum periodic fee in consideration of the availability of the service without regard to the amount of service actually used during all or any part of the contractual period. Agreements may be for a term not to exceed forty years or the life of the facility, whichever is longer, and may be renewable.

(2) The source of funds to meet periodic payment obligations assumed by a public body pursuant to an agreement permitted under this section may be paid from taxes, or solely from user fees, charges, or other revenues pledged to the payment of the periodic obligations, or both.

NEW SECTION. Sec. 4. The legislative authority of a public body may secure services by means of an agreement with a service provider. Such an agreement may obligate a service provider to design, finance, construct, own, operate, or maintain water pollution control facilities by which services are provided to the public body. Service agreements and related agreements under this chapter shall be entered into in accordance with the following procedure:

(1) The legislative authority of the public body shall publish notice that it is seeking to secure certain specified services by means of entering into an agreement with a service provider. The notice shall be published in the official newspaper of the public body, or if there is no official newspaper then in a newspaper in general circulation within the boundaries of the public body, at least once each week for two consecutive weeks. The final notice shall appear not less than sixty days before the date for submission of proposals. The notice shall state (a) the nature of the services needed, (b) the location in the public body's offices where the requirements and standards for construction, operation, or maintenance of projects needed as part of the services are available for inspection, and (c) the final date for the submission of proposals. The legislative authority may undertake a prequalification process by the same procedure set forth in this subsection.

(2) The request for proposals shall (a) indicate the time and place responses are due, (b) include evaluation criteria to be considered in selecting a service provider, (c) specify minimum requirements or other limitations applying to selection, (d) insofar as practicable, set forth terms and provisions to be included in the service agreement, and (e) require the service provider to demonstrate in its proposal that a public body's annual costs will be lower under its proposal than they would be if the public body financed, constructed, owned, operated, and maintained facilities required for service.

(3) The criteria set forth in the request for proposals shall be those determined to be relevant by the legislative authority of the public body, which may include but shall not be limited to: The respondent's prior experience, including design, construction, or operation of other similar facilities; respondent's management capability, schedule availability, and financial resources; cost of the service; nature of facility design proposed by respondents; system reliability; performance standards required for the facilities; compatibility with existing service facilities operated by the public body or other providers of service to the public body; project performance warranties; penalty and other enforcement provisions; environmental protection measures to be used; and allocation of project risks. The legislative authority shall designate persons or entities (a) to assist it in issuing the request for proposals to ensure that proposals will be responsive to its needs, and (b) to assist it in evaluating the proposals received. The designee shall not be a member of the legislative authority.

(4) After proposals under subsections (1) through (3) of this section have been received, the legislative authority's designee shall determine, on the basis of its review of the proposals and

any recommendations of the designated persons or entities, whether one or more proposals have been received from respondents which are (a) determined to be qualified to provide the requested services, and (b) responsive to the notice and evaluation criteria, which shall include, but not be limited to, cost of services. The designee shall conduct a bidder's conference to include all qualified respondents to assure a full understanding of the proposals. The bidder's conference shall also allow the designee to make qualified respondents aware of any changes in the request for proposal. Any information related to revisions in the request for proposal shall be made available to all qualified respondents. Any qualified respondent shall be accorded a reasonable opportunity for revision of its proposal prior to commencement of the negotiation provided in subsection (5) of this section, for the purpose of obtaining best and final proposals.

(5) After such conference is held, the designee may negotiate with the respondent whose proposal it determines to be the most advantageous to the public body, considering the criteria set forth in the request for proposals. If the negotiation is unsuccessful, the legislative authority may authorize the designee to commence negotiations with any other qualified respondent. On completion of this process, the designee shall report to the legislative authority on his or her recommendations and the reasons for them.

(6) Any person aggrieved by the legislative authority's approval of a contract may appeal the determination to an appeals board selected by the public body, which shall consist of not less than three qualified persons. Such board shall promptly hear and determine whether the public body entered into the agreement in accordance with this chapter and other applicable law. The hearing shall comply with chapter 34.04 RCW. The board shall have the power only to affirm or void the agreement.

(7) Notwithstanding the foregoing, where contracting for design services by the public body is done separately from contracting for other services permitted under this chapter, the contracting for design of water pollution control facilities shall be done in accordance with chapter 39.80 RCW.

(8) A service agreement shall include provision for an option by which a public body may acquire at fair market value facilities dedicated to such service.

(9) Before any service agreement is entered into by the public body, it shall be reviewed and approved by the department of ecology to ensure that the purposes of chapter 90.48 RCW are implemented.

NEW SECTION. Sec. 5. A public body may sell, lease, or assign public property for fair market value to any service provider as part of a service agreement entered into under the authority of this chapter. The property sold or leased shall be used by the provider, directly or indirectly, in providing services to the public body. Such use may include demolition, modification, or other use of the property as may be necessary to execute the purposes of the service agreement.

NEW SECTION. Sec. 6. A public body that enters into a service agreement pursuant to this chapter, under which a facility is owned wholly or partly by a service provider, shall be eligible for a grant or loan to the extent permitted by law or regulation as if the entire portion of the facility dedicated to service to such public body were publicly owned. The grant or loan shall be made to and shall inure to the benefit of the public body and not the service provider.

NEW SECTION. Sec. 7. Sections 3 through 6 of this act shall be deemed to provide an additional method for the provision of services from and in connection with facilities and shall be regarded as supplemental and additional to powers conferred by other state laws and by federal laws.

NEW SECTION. Sec. 8. (1) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a service agreement entered into under this act to the same extent as if the facilities dedicated to such service were owned by a public body.

(2) Subsection (1) of this section shall not be construed to apply to agreements or actions by persons or entities which are not undertaken pursuant to this act.

(3) Except for section 13 of this act, this act shall not be construed as a limitation or restriction on the application of Title 39 RCW to public bodies.

NEW SECTION. Sec. 9. This chapter may be cited as the water quality joint development act.

NEW SECTION. Sec. 10. A new section is added to chapter 35.23 RCW to read as follows: RCW 35.23.352 does not apply to agreements entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 11. A new section is added to chapter 35.94 RCW to read as follows: This chapter does not apply to dispositions of utility property in connection with an agreement entered into pursuant to chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 36.34 RCW to read as follows: RCW 36.34.150 through 36.34.190 shall not apply to agreements entered into pursuant to chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION, Sec. 13. A new section is added to chapter 39.04 RCW to read as follows:

This chapter does not apply to agreements entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION, Sec. 14. A new section is added to chapter 54.04 RCW to read as follows:

RCW 54.04.070 through 54.04.090 shall not apply to agreements entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION, Sec. 15. A new section is added to chapter 56.08 RCW to read as follows:

RCW 56.08.070, 56.08.080 through 56.08.090, and 56.08.120 through 56.08.160 shall not apply to an agreement entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION, Sec. 16. A new section is added to chapter 57.08 RCW to read as follows:

RCW 57.08.015, 57.08.016, 57.08.050, 57.08.120, and 57.08.130 shall not apply to agreements entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION, Sec. 17. Sections 1 through 9 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION, Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 19. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

Senator Pullen moved that the following amendment to the amendment be adopted:

On page 1, line 21, after "waters" and before the period, insert "from pollution due to the effects of carcinogens, heavy metals, halogenated hydrocarbons, and other long-lived toxins"

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Pullen to the amendment by Senators Talmadge, Vognilid and Bluechel.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment to the amendment was not adopted by the following vote: Yeas, 21; nays, 27; absent, 1.

Voting yea: Senators Benitz, Craswell, Deccio, Guess, Hayner, Johnson, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Warnke, Zimmerman - 21.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kiskaddon, Kreidler, Lee, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognilid, Williams, Wojahn - 27.

Absent: Senator Hansen - 1.

MOTION

Senator McDermott moved that the following amendment to the amendment be adopted:

On page 2, line 25 of the striking amendment, after "aquifers," insert "Water pollution control facilities do not include dams or water supply systems."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, we have had in this country--not particularly--but we may have it here too, we have wash water from various mines that are in up behind our dams. Would this amendment say you can't use any pollution control money for that--which, of course, ends up as our drinking water and it's not necessarily an aquifer--the water behind the dam. The way I read this amendment it would appear that that's what you are prohibiting."

Senator McDermott: "Senator, this program started as a cleanup of the waters of the state. If they are already clear behind the dam, you shouldn't need more

money to repair or build dams and we are talking about sewage treatment plants both for the City of Spokane's aquifer, as well as the Puget Sound, as well as lakes that are being polluted, like Lake Chelan. We're talking about sewer treatments--"

Senator Rasmussen: "Of course, Lake Chelan is retained by a dam, so, if pollution facilities were needed any place, this amendment would prohibit it?"

Senator McDermott: "This amendment would prohibit them from working on the dam with this money. They would have to get the money someplace else. That's correct."

Senator Rasmussen: "I'm not speaking of dams, I'm speaking of necessary putting in pollution controls either above or below the dam."

Senator McDermott: "This would prohibit them from working on the dam."

Further debate ensued.

The President declared the question before the Senate to be adoption of the McDermott amendment to the amendment by Senators Talmadge, Vognild and Bluechel.

The motion by Senator McDermott carried and the amendment to the amendment was adopted on a rising vote.

MOTION

On motion of Senator Owen, the following amendment to the amendment was adopted:

On page 10 of the striking amendment, after line 29, insert:

"(4) Prevailing wages shall be established as the prevailing wage in the largest city of the county in which facilities are built."

POINT OF ORDER

Senator Bottiger: "Mr. President, while the amendment is being passed out, I raise the point of order that this Guess and Pullen amendment is simply a rewrite of an amendment that already failed by another sponsor. Now, there are appropriate debate techniques and there are obviously delaying techniques. I raise the point of order that the matter has already been the subject matter of an amendment and it has been defeated by the Senate."

REPLY BY THE PRESIDENT

President Cherberg: "The amendment is not before the body."

MOTION

Senator Guess moved that the following amendment by Senators Guess and Pullen to the amendment be adopted:

On page 1, line 21, after "waters" and before the period insert "from sewage pollution and from pollution due to industrial wastes which contain heavy metals and such other toxins that are known to have long lives"

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order and I have already made my comment."

RULING BY THE PRESIDENT

President Cherberg: "Senator Guess and members of the Senate, the President believes the point of order raised by Senator Bottiger is proper as the two amendments are virtually the same."

The amendment by Senators Guess and Pullen to the amendment was ruled out of order.

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge, Vognild and Bluechel, as amended.

Debate ensued.

POINT OF INQUIRY

Senator Bendèr: "Senator Talmadge, is it the intent of this bill to permit contractors to receive a bid under this act and circumvent the prevailing wage act in Chapter 39.12 RCW by subcontracting for a substantial portion of work outside of the state?"

Senator Talmadge: "No. Senator Bender. It is my understanding that that would be a violation of the prevailing wage law."

Further debate ensued.

The motion by Senator Talmadge carried and the amendment, as amended, was adopted.

MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 4717 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4717.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4717 and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Zimmerman - 42.

Voting nay: Senators Bauer, Gaspard, McDermott, Pullen, Rinehart, Warnke, Williams - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Bottiger served notice that he would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 4717 passed the Senate.

SECOND READING

SENATE BILL NO. 4519, by Senators McDermott and Bottiger (by request of Governor Gardner)

Adopting provisions on water quality.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4519 was substituted for Senate Bill No. 4519 and the substitute bill was placed on second reading and read the second time.

Senator McDermott moved that the following amendment by Senators Bottiger, Bluechel, Thompson, Lee, Goltz, Bailey and Kreidler be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The long-range health and environmental goals for the state of Washington require the protection of the state's surface and underground waters for the health, safety, use, enjoyment, and economic benefit of its people. It is the purpose of this chapter to provide financial assistance to the state and to local governments for the planning, design, acquisition, construction, and improvement of water pollution control facilities and related activities in the achievement of state and federal water pollution control requirements for the protection of the state's waters.

It is the intent of the legislature that distribution of moneys for water pollution control facilities under this chapter be made on an equitable basis taking into consideration legal mandates, local effort, ratepayer impacts, and past distributions of state and federal moneys for water pollution control facilities.

It is the intent of this chapter that the cost of any water pollution control facility attributable to increased or additional capacity that exceeds one hundred ten percent of existing needs at the time of application for assistance under this chapter shall be entirely a local or private responsibility. It is the intent of this chapter that industrial pretreatment be paid by industries and that the water quality account shall not be used for such purposes.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Account" means the water quality account in the state treasury.
- (2) "Department" means the department of ecology.

(3) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.

(4) "Water pollution control facility" or "facilities" means any facilities or systems owned or operated by a public body for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control facilities or other means.

(6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the Administrator of the Environmental Protection Agency pursuant to Public Law 93-523, Sec. 1424(b).

NEW SECTION. Sec. 3. (1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in sections 12, 14, and 15 of this act, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature. All earnings from investment of balances in the water quality account, except as provided in RCW 43.84.090, shall be credited to the water quality account.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report on the use of moneys from the account to the legislature no later than November 30th of each year.

NEW SECTION. Sec. 4. There is hereby appropriated from the general fund—state and local improvements revolving account—waste disposal and management facilities 1980 (Referendum 39) to the department of ecology an amount not to exceed twenty million dollars for the fiscal year ending June 30, 1987, or so much thereof as is required, for the following purposes:

(1) Not to exceed one million five hundred thousand dollars for planning assistance to any ground water management area created pursuant to chapter 453, Laws of 1985, provided that such assistance does not exceed fifty percent of the estimated annual cost of such planning activity, and provided that for conservation districts such assistance does not exceed seventy-five percent of the estimated cost of such planning activity.

(2) Not to exceed five hundred thousand dollars for nonpoint source pollution control activities, provided that such assistance does not exceed fifty percent of the eligible cost of any such activity, and provided that for conservation districts such assistance does not exceed seventy-five percent of the estimated cost of such planning activity.

(3) Not to exceed four million dollars to assist any aquifer protection area created pursuant to chapter 425, Laws of 1985, provided such assistance does not exceed the amount of any local revenues pledged to the activities of such district.

(4) Not to exceed five hundred thousand dollars for the acquisition of organic laboratory capability to be jointly used with the department of social and health services to test and analyze waters, including those subject to use for public drinking water supplies.

(5) Not to exceed thirteen million five hundred thousand dollars for water pollution control facilities that are determined by the department of ecology to be of highest priority for receipt of state assistance solely for design of such facilities. Such assistance shall not exceed fifty percent of the eligible cost of any such facility.

NEW SECTION, Sec. 5. (1) There is hereby appropriated to the office of financial management from the water quality account for the biennium ending June 30, 1987, the sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, for the planning requirements in section 7 of this act.

(2) There is hereby appropriated to the department of ecology from the water quality account for the biennium ending June 30, 1987, the sum of two hundred fifty thousand dollars, or so much thereof as may be necessary, for the requirements in section 7 of this act.

NEW SECTION, Sec. 6. No grant or loan made in this chapter for fiscal year 1987 shall be construed to establish a precedent for levels of grants or loans made from the water quality account thereafter.

NEW SECTION, Sec. 7. (1) The office of financial management, with the assistance of the department of ecology and other appropriate state agencies and representatives of local government, shall develop a plan for state financial assistance for future water pollution control facilities and activities in conformance with the intent and purposes of this chapter. The plan shall be presented to the legislature no later than January 1, 1987, and shall include but not be limited to the following:

(a) An evaluation of the total cost to public bodies throughout the state constructing water pollution control facilities and undertaking water pollution control activities, including an identification of the federal, state, and local resources and mechanisms available to address water quality needs; the need for and appropriate level of state assistance for such facilities and activities and the appropriate level of such assistance; and an evaluation of whether such assistance should be in the form of loans, grants, or a combination thereof. The evaluation shall give consideration to the absence of conservation district taxing authority and the corresponding need for increased levels of matching loans or grants for such districts.

(b) Recommendations for the establishment of a state revolving loan fund program for water pollution control expenditures, including the terms and rate of interest to be charged on state loans.

(c) A description of criteria for the equitable distribution of state moneys based upon the intent and policies of this chapter. This element shall include a compilation of current local household sewerage rates imposed throughout the state and a forecast of future sewerage rates throughout the state based upon the costs of construction and of proper operation and maintenance of water pollution control facilities. Such forecast shall include estimates of the impact on future household sewerage rates of varying levels of state assistance.

(d) An assessment of the capacity of local entities providing sewerage services to raise the capital necessary to comply with federal and state wastewater treatment requirements and to provide proper operation and maintenance of water pollution control facilities.

(e) An evaluation of the feasibility of debt service agreement with local entities where the state would assist local jurisdictions to defray the debt service on locally issued bonds.

(f) An assessment of and recommendations for improved coordination of all water quality management activities among state agencies and between the state and local governments.

(2) The director of ecology shall report to the legislature by January 1, 1987, an evaluation of the water quality protection needs for the state, excluding the geographic area covered by the Puget Sound water quality authority's management plan for Puget Sound. The evaluation should include, but not be limited to:

(a) An assessment of future water pollution control facility needs to accommodate population and economic growth, including those facilities under compliance orders and other legal mandates. This shall include consideration of the appropriate state role in financing such needs.

(b) Incorporation of nonpoint water quality management plans generated under section 208 of the federal clean water act and the needs of public bodies for:

(i) Ground water protection planning and implementation including source protection plans for public water systems;

(ii) Control of nonpoint pollution from agriculture, urban stormwater runoff, forest practices, and on-site sewage disposal;

(iii) Shellfish protection;

(iv) Lake restoration; and

(v) Greatest reasonable reduction of combined sewer overflows.

(c) The need for revision or establishment of industrial discharge standards, including pre-treatment requirements.

(d) The adequacy of monitoring and laboratory capabilities for conducting a state-wide water quality protection program.

The report shall incorporate the timetables established in RCW 90.44.400 through 90.44.440 for ground water management activities and the timetables established in RCW 90.48.460 through 90.48.490 for review of industrial discharge standards and reduction of combined sewer overflows. The report shall specify criteria for establishing priorities among various water quality needs, including an identification of key problem areas, requirements of existing state and federal legislation, an evaluation of local governments' readiness to proceed in meeting various needs, and the constraints impeding progress. In developing the evaluation, the director shall coordinate with the office of financial management and the Puget Sound water quality authority and shall consult with other appropriate state agencies.

NEW SECTION. Sec. 8. The department of ecology may provide for a phased in compliance schedule for secondary treatment which addresses local factors that may impede compliance with secondary treatment requirements of the federal clean water act.

In determining the length of time to be granted for compliance, the department shall consider the criteria specified in the federal clean water act.

NEW SECTION. Sec. 9. During the period from July 1, 1987, until June 30, 1995, the following limitations shall apply to the department's total distribution of funds appropriated from the water quality account:

(1) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(2) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie Aquifer;

(3) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including Lake Chelan and the Yakima and Columbia rivers;

(4) Not more than ten percent for activities which control nonpoint source water pollution;

(5) Ten percent and such sums as may be remaining from the categories specified in subsections (1) through (4) of this section for water pollution control activities or facilities as determined by the department; and

(6) Not more than two and one-half percent of the total amounts of moneys under subsections (1) through (5) of this section from the effective date of this act until December 31, 1995, may be transferred by the department to the state conservation commission for the purposes of this chapter.

The distribution under this section shall not be required to be met in any single fiscal year.

NEW SECTION. Sec. 10. When making grants or loans for water pollution control facilities, the department shall consider the following:

(1) The protection of water quality and public health;

(2) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(3) Actions required under federal and state permits and compliance orders;

(4) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(5) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(6) The recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

NEW SECTION. Sec. 11. Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

After June 30, 1989, if the tax receipts deposited into the water quality account for the preceding fiscal year are less than forty-five million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts up to forty-five million dollars.

NEW SECTION. Sec. 12. A new section is added to chapter 82.24 RCW to read as follows:

There is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by this chapter, an additional tax upon the sale, use, consumption, handling, possession, or distribution of cigarettes in an amount equal to the rate of four mills per cigarette.

The moneys collected under this section shall be deposited in the water quality account under section 3 of this act through June 30, 2021, and in the general fund thereafter.

Sec. 13. Section 7, chapter 157, Laws of 1972 ex. sess. as last amended by section 217, chapter 3, Laws of 1983 and by section 3, chapter 189, Laws of 1983 and RCW 82.24.260 are each reenacted and amended to read as follows:

Any retailer who sells or otherwise disposes of any unstamped cigarettes other than (1) a federal instrumentality with respect to sales to authorized military personnel and (2) a federally recognized Indian tribal organization with respect to sales to enrolled members of the tribe shall collect from the buyer or transferee thereof the tax imposed on such buyer or transferee by (~~RCW 82.24.020, 82.24.025;~~) this chapter and RCW 28A.47.440 and remit the same to the department after deducting from the tax collected the compensation he would have been entitled to under the provisions of this chapter and RCW 28A.47.440 if he had affixed stamps to the unstamped cigarettes. Such remittance shall be made at the same time and manner as remittances of the retail sales tax as required under chapters 82.08 and 82.32 RCW. In the event the retailer fails to collect the tax from the buyer or transferee, or fails to remit the same, the retailer shall be personally liable therefor, and shall be subject to the administrative provisions of RCW 82.24.230 with respect to the collection thereof by the department. The provisions of this section shall not relieve the buyer or possessor of unstamped cigarettes from personal liability for the tax imposed by (~~RCW 82.24.020, 82.24.025;~~) this chapter and RCW 28A.47.440.

Nothing in this section shall relieve a wholesaler or a retailer from the requirements of affixing stamps pursuant to RCW 82.24.040 and 82.24.050.

NEW SECTION. Sec. 14. A new section is added to chapter 82.26 RCW to read as follows:

(1) In addition to the taxes imposed under RCW 82.26.020, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of sixteen and three-fourths percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) The moneys collected under this section shall be deposited in the water quality account under section 3 of this act through June 30, 2021, and in the general fund thereafter.

NEW SECTION. Sec. 15. A new section is added to chapter 82.32 RCW to read as follows:

The department of revenue shall deposit into the water quality account all moneys received from the imposition on consumers of the taxes under chapters 82.08 and 82.12 RCW on the sales or use of articles of tangible personal property which become or are to become an ingredient or component of new or existing water pollution control facilities and activities, as defined in section 2 of this act, which received full or partial funding from the water quality account.

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

NEW SECTION. Sec. 17. Sections 1 through 11 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately except sections 12 through 15 of this act shall take effect April 1, 1986."

MOTION

Senator Moore moved that the following amendment to the amendment be adopted:

On page 8, after line 19, of the striking amendment insert the following:

"NEW SECTION. Sec. 7. Metropolitan municipal corporations having the authority to perform water pollution abatement activities which receive grants or loans made in this chapter are prohibited from constructing new or expanding existing water pollution control facilities on tidelands or shorelands within the boundaries of such municipal corporations."

Renumber remaining sections consecutively and correct internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator McDonald: "Senator Moore, would it be your intention that if we did adopt this amendment that we would put the sewage treatment plant in its inner base site?"

Senator Moore: "No, the present sites are protected by virtue of what the amendment says. It's just that I don't want to see us expand present sites that are located on waterways. I think that sums it up."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Moore to the amendment by Senators Bottiger, Bluechel, Thompson, Lee, Goltz, Bailey and Kreidler.

The motion by Senator Moore failed and the amendment to the amendment was not adopted on a rising vote.

MOTION

Senator Guess moved that the following amendment by Senators Guess and Pullen to the amendment be adopted:

On page 3, line 31, after "means" insert " and by eliminating or reducing pollution from sewage and industrial waste, with special emphasis on eliminating, reducing, or neutralizing heavy metals and other toxins that are known to have long lives"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Guess, by the way the bill is geared, it's all for building and enlarging existing sewer treatments. Aren't there new methods of removing heavy metals that would be far greater benefits? I think you were telling me one day."

Senator Guess: "Senator, I don't think that had anything to do with heavy metals. The Cesium 137 is to kill the bacteria and it kills the bacteria 99.95 percent, but it does not remove the heavy metals and the toxins, so, that's a different approach and a different technology."

Senator Rasmussen: "Secondary treatment doesn't remove any heavy metals?"

Senator Guess: "No, sir."

Senator Rasmussen: "So that would be an improvement?"

Senator Guess: "This would be an improvement on that, because it is really the heavy metals and the toxin that get into the bottom fish that causes the blisters on them. It was the thing that caused the scare about our tuna a number of years ago and you don't eat fish out of Commencement Bay purely and simply because of the heavy metals that are there and there is, as yet, no way to go back into a bay and to pick that up."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Bottiger: "Senator Guess, I'm tempted to agree with your amendment, but I don't understand one implication--if a certification for the design construction of a sewer treatment plant could not guarantee the elimination. You know, we're not talking about eighty percent or ninety percent, we're just talking about the total elimination of heavy metals and toxics with known long lives. Then, would your amendment not prohibit the construction of anything?"

Senator Guess: "Senator, the thing that I would hope that I could do is to make clear that the heavy metals under the present system have to be taken out at the third level of treatment--tertiary treatment. Now, there are no tertiary treatment plants in the state of Washington at the present time, but we are moving towards that, but with the elimination and use of the Cesium, you would be able to skip the secondary treatment plant and go directly to tertiary to remove the heavy metals, and it would be a much more economical operation to do that than by going through the secondary and later having to go to tertiary."

Senator Bottiger: "Are you advocating that we just stop all activity and wait?"

Senator Guess: "Not at all."

Senator Bottiger: "Then why do we need the language?"

Senator Guess: "Because if we don't have the language in there, we're going to put secondary in and not third--not tertiary."

Senator Bottiger: "So you're advocating that we don't do any secondary, we do all--"

Senator Guess: "Immediately to tertiary."

Senator Bottiger: "How much more does that cost?"

Senator Guess: "Well, it's not going to cost nearly as much, Senator, because you are going to purify the water; you're going to kill the bacteria. You see, the

primary treatment removes the sludge and then after the sludge is removed and its irradiated--so it can be used for many things--we don't use it now, but you would then treat the effluent from the primary plant directly with the Cesium and then put it immediately into the tertiary treatment which you don't have to--"

Senator Bottiger: "I'm not going to comment on the Cesium, but it seems to me if it's more economical, the local governments would do it anyhow and all your amendment does is create confusion as to what we're supposed to do. These things are drafted by people who are experts in the field and I'm still trying to track down this Cesium thing that we string a little string of thing across the river and--"

Senator Guess: "Senator, I didn't distribute that because I thought--"

Senator Bottiger: "I'm going to recommend a 'no,' because this amendment simply makes it more confusing if local governments want to go to tertiary and if it's cheaper, as you indicate, they'll do that anyhow."

Senator Guess: "O.K."

Senator Bottiger: "Thank you."

MOTION

Senator Guess moved to withdraw the amendment by Senators Guess and Pullen to the amendment.

Senator Pullen, being a sponsor on the amendment to the amendment, objected to the withdrawing of the amendment to the amendment.

MOTION

On motion of Senator Guess, and there being no objection, the motion to withdraw the amendment to the amendment was withdrawn.

The President declared the question before the Senate to be adoption of the amendment by Senators Guess and Pullen to the amendment by Senators Bottiger, Bluechel, Thompson, Lee, Goltz, Bailey and Kreidler.

Senator Guess demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Guess and Pullen to the amendment by Senators Bottiger, Bluechel, Thompson, Lee, Goltz, Bailey and Kreidler.

ROLL CALL

The Secretary called the roll and the motion by Senator Guess failed and the amendment to the amendment was not adopted by the following vote: Yeas, 18; nays, 29; absent, 2.

Voting yea: Senators Craswell, Deccio, Guess, Hansen, Johnson, Kiskaddon, McCaslin, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Warnke, Zimmerman - 18.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Haisan, Hayner, Kreidler, Lee, McDermott, McDonald, McManus, Owen, Peterson, Rinehart, Talmadge, Thompson, Vogndil, Williams, Wojahn - 29.

Absent: Senators Benitz, von Reichbauer - 2.

MOTION

Senator Barr moved that the following amendment to the amendment be adopted:

On page 13 of the striking amendment, line 13, after "including" add "but not limited to"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Barr to the amendment by Senators Bottiger, Bluechel, Thompson, Lee, Goltz, Bailey and Kreidler.

The motion by Senator Barr carried and the amendment to the amendment was adopted.

MOTIONS

On motion of Senator Zimmerman, Senators von Reichbauer, Benitz and Newhouse were excused.

Senator Craswell moved that the following amendments by Senators Craswell, Saling, Hayner and McDonald to the amendment be considered simultaneously and adopted:

On page 5 of the amendment, line 13, after "include" strike all material down through "act," on line 14

On page 14 of the amendment, after line 36, strike all material down through line 26, page 15 and insert the following:

"NEW SECTION, Sec. 11. Within thirty days after June 30, 1988, and within thirty days after June 30, 1989, the state treasurer shall transfer forty million dollars from the general fund into the water quality account. Within thirty days after June 30, 1990, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall transfer forty-five million dollars from the general fund into the water quality account."

On page 15 of the amendment, after line 26, strike all material down through line 10, page 18

Renumber the sections consecutively.

On page 19 of the amendment, beginning on line 11, strike "sections 12 through 15" and insert "section 12"

Debate ensued.

Senator Deccio demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Craswell, Saling, Hayner and McDonald to the amendment by Senators Bottiger, Bluechel, Thompson, Lee, Goltz, Bailey and Kreidler.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendments to the amendment were not adopted by the following vote: Yeas, 18; nays, 28; excused, 3.

Voting yea: Senators Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Zimmerman - 18.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 28.

Excused: Senators Benitz, Newhouse, von Reichbauer - 3.

MOTION

Senator Cantu moved that the following amendments by Senators Cantu, Saling and McDonald to the amendment be considered simultaneously and adopted:

On page 16, line 1, after "cigarette" insert ": PROVIDED, That this additional tax shall be levied only if general state revenues for the 1987-89 biennium as projected in the November 1986 official state economic and revenue forecast and adopted by the Economic and Revenue Forecasting Council are expected to increase over the 1985-87 biennium's general state revenues by less than one billion dollars"

On page 18, line 4, after "retailers" insert ": PROVIDED, That this additional tax shall be levied only if general state revenues for the 1987-89 biennium as projected in the November 1986 official state economic and revenue forecast and adopted by the Economic and Revenue Forecasting Council are expected to increase over the 1985-87 biennium's general state revenues by less than one billion dollars"

On page 19, line 13, strike "April 1, 1986" and insert "January 1, 1987"

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Cantu, Saling and McDonald to the amendment by Senators Bottiger, Bluechel, Thompson, Lee, Goltz, Bailey and Kreidler.

ROLL CALL

The Secretary called the roll and the motion by Senator Cantu failed and the amendments to the amendment were not adopted by the following vote: Yeas, 18; nays, 28; excused, 3.

Voting yea: Senators Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Moore, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Zimmerman - 18.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn - 28.

Excused: Senators Benitz, Newhouse, von Reichbauer - 3.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger, Bluechel, Thompson, Lee, Goltz, Bailey and Kreidler, as amended.

Debate ensued.

The motion by Senator McDermott carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 2 of the title, after "activities;" strike the remainder of the title and insert "reenacting and amending RCW 82.24.260; adding a new chapter to Title 70 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; adding a new section to chapter 82.32 RCW; making appropriations; providing an effective date; and declaring an emergency."

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 4519 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

At 5:50 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 6:10 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 4519 which was advanced to third reading before the Senate was declared to be at ease.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Bluechel, on page 13, line 11, does the word 'activities' as used in the paragraph mean that funds shall be used for human waste treatment facilities around fresh water lakes?"

Senator Bluechel: "Yes, Senator Barr."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4519.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4519 and the bill passed the Senate by the following vote: Yeas, 26; nays, 20; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognil, Williams, Wojahn - 26.

Voting nay: Senators Bauer, Cantu, Craswell, Deccio, Garrett, Guess, Hayner, Johnson, McCaslin, McDonald, Metcalf, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Warnke, Zimmerman - 20.

Excused: Senators Benitz, Newhouse, von Reichbauer - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, Engrossed Substitute Senate Bill No. 4519 was ordered immediately transmitted to the House of Representatives.

MOTION FOR RECONSIDERATION WITHDRAWN

On motion of Senator Bottiger, and there being no objection, the motion to reconsider the vote by which Engrossed Substitute Senate Bill No. 4717 passed the Senate earlier today, was withdrawn.

MOTION

On motion of Senator Bottiger, Engrossed Substitute Senate Bill No. 4717 was ordered immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Vognild, Senate Bill No. 4542, which was on the second reading calendar, was referred to the Committee on Rules.

SECOND READING

SENATE JOINT MEMORIAL NO. 135, by Senators Bottiger, Warnke, Goltz, Vognild and Lee

Requesting federal enactment of legislation to provide additional customs inspectors for the West Coast.

MOTIONS

On motion of Senator Warnke, Substitute Senate Joint Memorial No. 135 was substituted for Senate Joint Memorial No. 135 and the substitute memorial was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Joint Memorial No. 135 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Memorial No. 135.

ROLL CALL

The Secretary called the roll on final passage of Substitute Joint Memorial No. 135 and the memorial passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wjahn, Zimmerman - 44.

Absent: Senators Guess, McDermott - 2.

Excused: Senators Benitz, Newhouse, von Reichbauer - 3.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 135, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 4505, by Senators Thompson and Zimmerman (by request of State Auditor)

Establishing bid limits for special purpose districts under chapter 85.38 RCW.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4505 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Bluechel and Lee were excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4505.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4505 and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Guess, McDermott - 2.

Excused: Senators Benitz, Bluechel, Lee, Newhouse, von Reichbauer - 5.

SENATE BILL NO. 4505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4538, by Senators Warnke, Newhouse, Benitz, Wojahn and Conner (by request of Liquor Control Board)

Establishing a wine grower's license for sale of wine.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 4538 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4538.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4538 and the bill passed the Senate by the following vote: Yeas, 41; absent, 3; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Guess, McDermott, Metcalf - 3.

Excused: Senators Benitz, Bluechel, Lee, Newhouse, von Reichbauer - 5.

SENATE BILL NO. 4538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4641, by Senators McDermott, Hayner, Bottiger, Thompson and Zimmerman

Providing revenue for local government construction.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4641 was substituted for Senate Bill No. 4641 and the substitute bill was placed on second reading and read the second time.

Senator McDonald moved that the following amendment by Senators McDonald and Guess be adopted:

On page 1, line 18 strike all material down to and including "services." on line 21

Debate ensued.

Senator McCaslin demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators McDonald and Guess.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed and the amendment was not adopted by the following vote: Yeas, 12; nays, 30; absent, 2; excused, 5.

Voting yea: Senators Barr, Cantu, Craswell, Deccio, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Pullen, Rasmussen, Warnke - 12.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Williams, Wojahn, Zimmerman - 30.

Absent: Senators Bailey, Guess - 2.

Excused: Senators Benitz, Bluechel, Lee, Newhouse, von Reichbauer - 5.

MOTIONS

On motion of Senator McDermott, the following amendment by Senators McDermott and Hayner was adopted:

On page 3, beginning on line 35, strike all material down through "prospective." on page 4, line 6

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 4641 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4641.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4641 and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent, 2; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senator Rasmussen - 1.

Absent: Senators Guess, Sellar - 2.

Excused: Senators Benitz, Bluechel, Lee, Newhouse, von Reichbauer - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4891, by Senators Vognild and Cantu

Permitting certain requirements for motor vehicle dealers to be waived.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4891 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Patterson was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4891.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4891 and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senator Guess - 1.

Excused: Senators Benitz, Bluechel, Lee, Newhouse, Patterson, von Reichbauer - 6.

SENATE BILL NO. 4891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4719, by Senators Talmadge, McDermott and Rasmussen (by request of Office of Financial Management)

Appropriating funds for the developmentally disabled.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4719 was substituted for Senate Bill No. 4719 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4719 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4719.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4719 and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senator Guess - 1.

Excused: Senators Benitz, Bluechel, Lee, Newhouse, Patterson, von Reichbauer - 6.

SUBSTITUTE SENATE BILL NO. 4719, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:01 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Thursday, February 13, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 13, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Kiskaddon, Patterson, Peterson and Rinehart. On motion of Senator Bender, Senators Patterson, Peterson and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages David Parlotz and Chris Hanson, presented the Colors. Mrs. Mary Lynn Reiner, a member of Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORT OF STANDING COMMITTEE

February 12, 1986

SHB 160 Prime Sponsor, Committee on Education: Authorizing fees for certain preadmission screening processes. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bailey, Bender, Craswell, Goltz, Granlund, McDermott, McManus, Patterson, Saling.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 31, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Kai N. Lee, Ph.D., appointed January 31, 1986, for a term ending January 15, 1987, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

January 31, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Tom Trulove, appointed January 31, 1986, for a term ending January 15, 1989, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

MESSAGES FROM THE HOUSE

February 12, 1986

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1703, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 12, 1986

Mr. President:

The House has passed:

HOUSE BILL NO. 1490

SUBSTITUTE HOUSE BILL NO. 1581,

SUBSTITUTE HOUSE BILL NO. 1783,

SUBSTITUTE HOUSE BILL NO. 1873,

SUBSTITUTE HOUSE BILL NO. 1875, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 12, 1986

Mr. President:

The House has adopted:

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 21, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 12, 1986

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1725, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 11, 1986

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1399,

SUBSTITUTE HOUSE BILL NO. 1400,

SUBSTITUTE HOUSE BILL NO. 1432,

SUBSTITUTE HOUSE BILL NO. 1460,

SUBSTITUTE HOUSE BILL NO. 1480,

SUBSTITUTE HOUSE BILL NO. 1495,

HOUSE BILL NO. 1556,

SUBSTITUTE HOUSE BILL NO. 1566,

SUBSTITUTE HOUSE BILL NO. 1593,

SUBSTITUTE HOUSE BILL NO. 1654,

SUBSTITUTE HOUSE BILL NO. 1669,

SUBSTITUTE HOUSE BILL NO. 1675,

HOUSE BILL NO. 1691,

SUBSTITUTE HOUSE BILL NO. 1709,

SUBSTITUTE HOUSE BILL NO. 1762,

HOUSE JOINT MEMORIAL NO. 32, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1399 by Committee on Judiciary (originally sponsored by Representatives Locke, West, Armstrong, P. King, Padden and Van Luven)

Revising sentencing of adult felons.

Referred to Committee on Judiciary.

SHB 1400 by Committee on Judiciary (originally sponsored by Representatives Rayburn, Padden, Fisch, West, Madsen and Armstrong)

Creating the indeterminate sentence review board.

Referred to Committee on Judiciary.

SHB 1432 by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Allen, Rust, Isaacson, Barnes, Unsoeld, Schoon, Jacobsen, Sanders, Brough and Long)

Restricting smoking in state offices.

Referred to Committee on Parks and Ecology.

SHB 1460 by Committee on Commerce and Labor (originally sponsored by Representatives Haugen, Zellinsky, Appelwick, S. Wilson, Ebersole, McMullen, May, Cole, Leonard and P. King)

Authorizing class P liquor licenses.

Referred to Committee on Commerce and Labor.

SHB 1480 by Committee on Ways and Means (originally sponsored by Representative Appelwick)

Eliminating the requirement on vending machine sales that sales taxes be stated separately.

Referred to Committee on Commerce and Labor.

HB 1490 by Representatives Baugher, R. King, Chandler, Wang, Ballard, Lux, Patrick and Rayburn (by request of Joint Select Committee on Industrial Insurance)

Modifying reimbursements for certain industrial insurance payments.

Referred to Committee on Commerce and Labor.

SHB 1495 by Committee on Social and Health Services (originally sponsored by Representative Brekke)

Permitting health care assistants to perform in certain functions.

Referred to Committee on Human Services and Corrections.

HB 1556 by Representatives Walk, Schmidt, Zellinsky, Haugen, Vekich, S. Wilson, Fisch, McMullen, Brough, Valle, Smitherman, Schoon, Lundquist, Thomas, J. Williams and Dellwo

Revising the administrative structure of the department of transportation.

Referred to Committee on Transportation.

SHB 1566 by Committee on Local Government (originally sponsored by Representatives Haugen, S. Wilson, Long, Scott, P. King, Allen, R. King, G. Nelson and Unsoeld)

Revising election procedures for public utility districts.

Referred to Committee on Governmental Operations.

SHB 1581 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, J. King, Wang, Chandler, Patrick and Fisch)

Revising provisions relating to claims closure in industrial insurance cases.

Referred to Committee on Commerce and Labor.

SHB 1593 by Committee on Social and Health Services (originally sponsored by Representatives Day, Smitherman, Lewis, Winsley, R. King, J. King, Patrick, Wang, Bond and Chandler)

Requiring health care facilities to establish rules for granting staff membership and profession privileges.

Referred to Committee on Human Services and Corrections.

- SHB 1654 by Committee on Local Government (originally sponsored by Representatives Haugen and May)
Revising local government debt computations.
Referred to Committee on Governmental Operations.
- SHB 1669 by Committee on Transportation (originally sponsored by Representatives Fisch, Hargrove, Gallagher, Walk, Basich and Valle)
Giving board of pilotage commission jurisdiction to regulate state licensed pilots on coastwise and enrolled vessels.
Referred to Committee on Transportation.
- SHB 1675 by Committee on Trade and Economic Development (originally sponsored by Representatives Fisch, Vekich, Hargrove, Wang, P. King and Lux)
Authorizing the creation of employee cooperatives.
Referred to Committee on Commerce and Labor.
- HB 1691 by Representatives Ballard, Locke, Hastings, Wang, West and Winsley
Allocating costs relating to mental health commitments.
Referred to Committee on Human Services and Corrections.
- SHB 1709 by Committee on State Government (originally sponsored by Representatives Belcher, Hankins, Peery, Brooks and Unsoeld) (by request of Governor Gardner)
Consolidating agencies into the department of community development.
Referred to Committee on Governmental Operations.
- EHB 1725 by Representatives Ebersole, Valle, Cole, Holland, Peery, Betzoff and P. King (by request of Superintendent of Public Instruction)
Providing an alternative method for review of learning objectives program.
Referred to Committee on Education.
- SHB 1762 by Committee on Transportation (originally sponsored by Representatives Hargrove, Smitherman, McMullen, Zellinsky, R. King, Valle, Fisch and Lundquist)
Revising vessel pilot regulation.
Referred to Committee on Transportation.
- SHB 1783 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Wang, Chandler, Patrick, Lux and Cole) (by request of Joint Select Committee on Industrial Insurance)
Revising provisions relating to self-insured employers.
Referred to Committee on Commerce and Labor.
- SHB 1873 by Committee on Commerce and Labor (originally sponsored by Representatives Wang and R. King) (by request of Joint Select Committee on Industrial Insurance)
Revising provisions relating to benefits for injured workers.
Referred to Committee on Commerce and Labor.
- SHB 1875 by Committee on Commerce and Labor (originally sponsored by Representatives Rayburn, Chandler, Wang, Patrick, R. King, Ballard, Armstrong, Winsley and May) (by request of Joint Select Committee on Industrial Insurance)
Revising provisions relating to industrial insurance benefits for retired workers and pensioners.
Referred to Committee on Commerce and Labor.

HJM 32 by Representatives Zellinsky, Smitherman, Hargrove, McMullen, Valle, Fisch and Kremen

Requesting concurrent state and federal jurisdiction over pilot discipline.

Referred to Committee on Transportation.

SHCR 21 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Patrick, Wang, Chandler, Lux and Ballard) (by request of Joint Select Committee on Industrial Insurance)

Establishing the joint select committee on industrial insurance.

Referred to Committee on Commerce and Labor.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1703.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Washington State Dairy Princess, Zena Edwards, and the alternate princesses, Teresa Rothlin and Kristen Ekstran. The President appointed Senators Hansen, Bailey, Warnke, Kreidler, Halsan and Benitz to escort the honored guests to the rostrum.

With permission of the Senate, business was suspended to permit Princess Zena to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

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

SECOND READING

SENATE BILL NO. 4680, by Senators Rasmussen, Talmadge, Wojahn, Kiskaddon, Deccio and McDonald (by request of Department of Corrections)

Revising provisions relating to institutional industries.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 4680 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4680.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4680 and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting ye: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Salling, Sellar, Stratton, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Guess, Kiskaddon, Lee - 3.

Excused: Senators Patterson, Peterson, Rinehart - 3.

SENATE BILL NO. 4680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4681, by Senators Kreidler, Kiskaddon, Granlund and Deccio (by request of Department of Corrections)

Revising provisions relating to inmates assigned to work/training release facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 4681 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

On motion of Senator Zimmerman, Senators Kiskaddon and Lee were excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4681.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4681 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Kiskaddon, Lee, Patterson, Peterson, Rinehart - 5.

SENATE BILL NO. 4681, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4507, by Senator McDermott

Eliminating state retirement contributions for months in which no service credit is earned.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 4507 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, I understand that if they work over ninety hours they get credit for the pension and if they work less, they do not get the credit for the pension. Do you anticipate many departments would be hiring more part-time workers in order to get under the ninety hours and not have to pay the money out of their budgets for the pension system, and you would oppose it if they did?"

Senator McDermott: "Yes, I would, Senator Rasmussen. I think that basically is what this is--some people in the school districts that are working less than the amount of time that is required. It's just that the nature of the job doesn't require them to be there, but if they would do that, I would oppose it."

Senator Rasmussen: "Thank you, Senator McDermott."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4507.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4507 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Sellar - 1.

Excused: Senators Kiskaddon, Lee, Patterson, Peterson, Rinehart - 5.

SENATE BILL NO. 4507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Kreidler was excused.

SECOND READING

SENATE BILL NO. 4506, by Senator Wojahn

Repealing sunset provisions for state board of health.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 4506 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4506.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4506 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Sellar - 1.

Excused: Senators Kiskaddon, Kreidler, Lee, Peterson, Rinehart - 5.

SENATE BILL NO. 4506, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senators Barr and Sellar were excused.

SECOND READING

SENATE BILL NO. 4569, by Senators Owen, Warnke and Barr

Requiring a study of consolidating food fish and game fish recreational licenses.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 4569 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4569.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4569 and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore,

Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Excused: Senators Barr, Kiskaddon, Kreidler, Lee, Peterson, Rinehart, Sellar - 7.

SENATE BILL NO. 4569, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4665, by Senators Moore, Sellar and Bottiger

Allowing treasurers to deposit public funds in institutions outside the state of Washington.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4665 was substituted for Senate Bill No. 4665 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 4665 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4665.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4665 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 1; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senator Hansen - 1.

Absent: Senator Metcalf - 1.

Excused: Senators Barr, Kreidler, Lee, Rinehart, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 4665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4453, by Senators McDermott, Zimmerman, Gaspard and Barr (by request of Legislative Budget Committee)

Modifying the termination and repeal of various state agencies and programs.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 5, line 21, after "(1)" strike all material through "(2)" on line 22

Renumber the remaining subsections consecutively.

On motion of Senator Thompson, the following amendments by Senators Thompson and Zimmerman were considered simultaneously and adopted:

On page 6, line 7, after "RCW 43.131.314." strike "and" and on line 8 after "RCW 67.08.910" strike "." and insert "; and"

On page 6, after line 8, insert "(16) Section 1, chapter 133, Laws of 1981 and RCW 43.101.850."

On motion of Senator McDermott, the following amendment by Senators McDermott, Rinehart, Zimmerman and Thompson was adopted:

On page 6, after line 8, insert the following:

NEW SECTION, Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 5, chapter 27, Laws of 1983 1st ex. sess. and RCW 43.131.115;

(2) Section 6, chapter 27, Laws of 1983 1st ex. sess. and RCW 43.131.118; and

(3) Section 12, chapter 289, Laws of 1977 ex. sess., section 2, chapter 22, Laws of 1979, section 7, chapter 27, Laws of 1983 1st ex. sess. and RCW 43.131.120.*

Renumber the sections consecutively.

MOTIONS

On motion of Senator McDermott, the following title amendments were considered simultaneously and adopted:

On page 1, line 5 of the title, strike "28A.61.900,"

On page 1, line 7, after "43.131.314," strike "and" and after "67.08.910" and insert "43.101.850"

On page 1, line 7 of the title, strike "and 67.08.910" and insert "67.08.910, 43.131.115, 43.131.118, and 43.131.120"

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 4453 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator von Reichbauer, Senator Johnson was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4453.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4453 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Barr, Johnson, Kreidler, Rinehart - 4.

ENGROSSED SENATE BILL NO. 4453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4888, by Senators Owen and Warnke

Requiring dealers to display the cash selling price on used vehicles.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4888 was substituted for Senate Bill No. 4888 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4888 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4888.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4888 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Barr, Kreidler, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 4888, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4898, by Senators Hansen, Deccio, Bottiger, Goltz, Gaspard, Bauer, Benitz, Bailey and Barr

Modifying provisions on suppression and compensation for wild fires outside fire district jurisdiction.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 4898 was substituted for Senate Bill No. 4898 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendment by Senators Owen, Bottiger, Barr, Stratton and Metcalf was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 20, chapter 34, Laws of 1939 as last amended by section 1, chapter 238, Laws of 1984 and RCW 52.12.031 are each amended to read as follows:

Any fire protection district organized under this title may:

(1) Lease, acquire, own, maintain, operate, and provide fire and emergency medical apparatus and all other necessary or proper facilities, machinery, and equipment for the prevention and suppression of fires, the providing of emergency medical services and the protection of life and property;

(2) Lease, acquire, own, maintain, and operate real property, improvements, and fixtures for housing, repairing, and maintaining the apparatus, facilities, machinery, and equipment described in subsection (1) of this section;

(3) Contract with any governmental entity or private person or entity to consolidate, provide, or cooperate for fire prevention protection, fire suppression, and emergency medical purposes. In so contracting, the district or governmental entity is deemed for all purposes to be acting within its governmental capacity. This contracting authority includes the furnishing of fire prevention, fire suppression, emergency medical services, facilities, and equipment to or by the district, governmental entity, or private person or entity;

(4) Encourage uniformity and coordination of fire protection district operations. The fire commissioners of fire protection districts may form an association to secure information of value in suppressing and preventing fires and other district purposes, to hold and attend meetings, and to promote more economical and efficient operation of the associated fire protection districts. The commissioners of fire protection districts in the association shall adopt articles of association or articles of incorporation for a nonprofit corporation, select a chairman, secretary, and other officers as they may determine, and may employ and discharge agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from funds paid into the association by fire protection districts: PROVIDED, That the aggregate contributions made to the association by a district in a calendar year shall not exceed two and one-half cents per thousand dollars of assessed valuation;

(5) Enter into contracts to provide group life insurance for the benefit of the personnel of the fire districts;

(6) Perform building and property inspections that the district deems necessary to provide fire prevention services and pre-fire planning within the district and any area that the district serves by contract in accordance with RCW 19.27.110: PROVIDED, That codes used by the district for building and property inspections shall be limited to the applicable codes adopted by the state, county, city, or town that has jurisdiction over the area in which the property is located. A copy of inspection reports prepared by the district shall be furnished by the district to the appropriate state, county, city, or town that has jurisdiction over the area in which the property is located: PROVIDED, That nothing in this subsection shall be construed to grant code enforcement authority to a district. This subsection shall not be construed as imposing liability on any governmental jurisdiction;

(7) Determine the origin and cause of fires occurring within the district and any area the district serves by contract. In exercising the authority conferred by this subsection, the fire protection district and its authorized representatives shall comply with the provisions of RCW 48.48.060;

(8) Perform acts consistent with this title and not otherwise prohibited by law.

Sec. 2. Section 2, chapter 88, Laws of 1969 as last amended by section 77, chapter 230, Laws of 1984 and RCW 52.12.111 are each amended to read as follows:

(1) A fire protection district may permit, under conditions prescribed by the fire commissioners of the district, the use of its equipment and personnel beyond the boundaries of the district. Any use made of the equipment or personnel under this section shall be deemed an exercise of a governmental function of the district.

(2) During the fire season, a fire protection district may take immediate action to suppress any fire outside of its jurisdictional boundaries to protect life and property if such immediate

response could prevent the spread of the fire onto lands protected by the district. The reasonable costs of suppressing a fire outside the jurisdictional boundaries of the fire protection district shall be recovered from the owners thereof: PROVIDED, That, in the absence of negligence, reimbursement is not permitted from owners who pay a fire protection assessment under this chapter or under chapter 76.04 RCW or who otherwise provide for fire protection as required by law. The costs shall include all salaries and expenses of personnel, equipment, and supplies used for suppression purposes. The costs shall also be a lien upon the land filed in the county auditor's office and enforceable in the same manner and with the same effect as a mechanic's lien.

(3) Fire protection districts in proximity to land protected by a state agency are encouraged to enter into mutually beneficial contracts covering reciprocal response arrangements. In the absence of such a contractual agreement, a fire protection district that takes immediate action under subsection (2) of this section on lands protected by a state agency, shall be reimbursed for the reasonable fire suppression costs that are incurred until the responsible agency takes charge, but in no event shall the costs exceed a twenty-four-hour period. A fire protection district suppressing a fire outside its jurisdictional boundaries shall as soon as practicable notify the responsible agency or landowner. Failure to notify results in nonreimbursement by the responsible agency.

Reasonable efforts shall be taken to protect evidence of the fire's origin. Failure to reasonably protect such evidence shall result in nonreimbursement by the responsible agency.

Requests for reimbursement shall be submitted within thirty days of the complete suppression of the fire. Reasonable costs submitted for reimbursement include all salaries and expenses of personnel, equipment, and supplies and shall be based on the standard wage and equipment rates established by the department of natural resources.

Sec. 3. Section 33, chapter 34, Laws of 1939 as amended by section 38, chapter 230, Laws of 1984 and RCW 52.16.010 are each amended to read as follows:

It is the duty of the county treasurer of the county in which any fire district created under this title is situated to receive and disburse district revenues, to collect taxes and assessments authorized and levied under this title, to submit requests for and collect reimbursements for fire suppression as authorized in this chapter, and to credit district revenues to the proper fund.

Sec. 4. Section 77.12.210, chapter 36, Laws of 1955 as last amended by section 38, chapter 78, Laws of 1980 and RCW 77.12.210 are each amended to read as follows:

The commission shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. During the season of the year when there is the danger of wildfire, the commission shall furnish or provide for adequate protection measures against the spread of fire that meet the standards developed under section 6 of this 1986 act. The commission may contract for or cooperate with other governmental entities to meet this fire prevention and suppression obligation. The commission may adopt rules for the operation, maintenance, protection, and use of and conduct on the property.

The commission may sell timber, gravel, sand, and other materials or products from real property held by the department. The commission may sell or lease the departments' real or personal property or grant concessions or rights of way for roads or utilities in the property.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the commission may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the state treasury to be credited to the state game fund.

Sec. 5. Section 77.12.230, chapter 36, Laws of 1955 as amended by section 40, chapter 78, Laws of 1980 and RCW 77.12.230 are each amended to read as follows:

(1) The director may pay lawful local improvement district assessments for projects that may benefit wildlife or wildlife-oriented recreation made against lands held by the state for department purposes. The payments may be made from money appropriated from the state game fund to the department.

(2) The director shall pay assessments levied for the protection from and suppression of fires on lands that the department owns or leases for department purposes that are protected pursuant to chapter 76.04 RCW or Title 52 RCW.

NEW SECTION. Sec. 6. There is established the game lands fire standards committee to advise the department of game on standards for fire prevention and suppression including equipment and personnel preparedness and response. The committee shall consist of one representative knowledgeable in fire suppression from each of the following: The department of natural resources; the department of game; and the department of emergency management. The committee shall solicit recommendations from federal and local fire protection agencies.

The committee shall present its recommendations to the game commission prior to June 1, 1986. The committee shall cease to exist on June 1, 1986.

NEW SECTION, Sec. 7. A new section is added to chapter 76.04 RCW to read as follows:

(1) The department of natural resources may use its equipment and personnel to suppress fires on nonforested lands outside its jurisdiction if such action could reasonably be expected to prevent the fire from spreading onto forest lands. The reasonable costs of suppressing a fire on nonforest lands outside the department's jurisdiction shall be recovered from the owners thereof: PROVIDED, That in the absence of negligence, recovery is not permitted if the owner or owners of the land pay a fire protection assessment or otherwise provide for fire protection as required by law.

(2) The department of natural resources is encouraged to enter into mutually beneficial contracts covering reciprocal response arrangements with other agencies or fire protection districts. In the absence of such a contractual agreement, if the department of natural resources takes suppression action under subsection (1) of this section on lands protected by a fire protection district under Title 52 RCW or on lands protected by another state agency, the department of natural resources shall be reimbursed for reasonable fire suppression costs that are incurred until the responsible agency or district takes charge but in no event shall the costs exceed a twenty-four-hour period. The department of natural resources shall as soon as practicable notify the responsible agency or landowner that the suppression action is being taken. Failure to notify results in nonreimbursement by the responsible agency or district.

Reasonable efforts shall be taken to protect evidence of the fire's origin. Failure to reasonably protect such evidence shall result in nonreimbursement by the responsible district or agency.

Requests for reimbursement shall be submitted within thirty days of the complete suppression of the fire. Reasonable costs submitted for reimbursement include all salaries and expenses of personnel, equipment, and supplies and shall be based on the standard wage and equipment rates established by the department of natural resources."

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 4898 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Owen, who sets the reimbursement rates?"

Senator Owen: "All of the forest fire prevention agencies in the Northwest--Forest Service, BLM, BIA, State of Oregon and State of Washington--get together and set the reimbursement rates."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4898.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4898 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator McDonald - 1.

Excused: Senators Kreidler, Rinehart - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4876, by Senators Williams, Rasmussen, Bender, Peterson, Fleming, Bauer, Granlund and Halsan (by Governor Gardner)

Revising provisions relating to the low-level radioactive waste management program.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 4876 was substituted for Senate Bill No. 4876 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the following amendments were considered simultaneously and adopted:

On page 2, line 22, strike "and"

On page 2, line 24, strike "current"

On page 2, line 31, after "Management" and before the period insert "; and

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

On page 5, line 6, strike "are authorized to" and insert "((are authorized to)) shall"

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 4878 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator McDermott, do you know any other law or authority granted by this Legislature that gives the powers to tax to the Governor?"

Senator McDermott: "Senator Patterson, we give the administrative power to the Executive Branch to set fees in a number of different areas--the UTC. There are a number of places in DSHS where we set fees. This is really no different than that."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4876.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4876 and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 39.

Voting nay: Senators Benitz, Bluechel, Craswell, Deccio, Guess, Metcalf, Patterson, Pullen, Sellar, Zimmerman - 10.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4876, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4599, by Senators Williams, Rasmussen, McManus, Granlund, Bender, Moore, Rinehart and Warnke

Allowing consumers to elect not to receive information delivery telephone services.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 4599 was substituted for Senate Bill No. 4599 and the substitute bill was placed on second reading and read the second time.

Senator Williams moved that the following amendment by Senators Williams, Saling and Bailey be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that information delivery services, which are also known as information-access telephone services and more commonly known as "976" services, are in widespread use in the state. These services operate on a charge-per-call basis and provide revenue for both the service provider and the telecommunications companies. The marketing practices for these toll telephone services have at times been misleading to

consumers and at other times specifically directed toward children. The result has been the placement of calls by individuals, particularly by children, uninformed about the charges that might apply. Therefore, the legislature finds that residential telephone users in the state are entitled to reasonable protection from telephone services they have no desire to use due to confusion or misinformation about these services.

NEW SECTION. Sec. 2. The definitions in this section apply throughout sections 3 through 7 of this act.

(1) "Information delivery services" means telephone recorded messages, interactive programs, or other information services which are provided for a charge to a caller. These services are usually provided through a "976" telephone number.

(2) "Information providers" means the persons or corporations that provide the information, prerecorded message, or interactive program to the telecommunications company for the information delivery service. The information provider generally receives a portion of the revenue from the calls.

(3) "Interactive program" means a program which allows an information delivery service caller, once connected to the information provider's announcement machine, to use the caller's telephone device to access more specific information.

(4) "Currently equipped" means an existing switch and software that has the current capability of blocking access to information delivery services on an individual customer basis.

NEW SECTION. Sec. 3. The utilities and transportation commission shall by rule require telecommunications companies to offer each residential telephone subscriber the opportunity to have the subscriber's telephone blocked or deleted from access to all information delivery services. This means that the residential telephone subscriber's telephone would not complete a call to any 976 or information delivery service number. Under this rule, any telecommunications company that makes available information delivery services must also make available to its subscribers the blocking service described in this section.

NEW SECTION. Sec. 4. The utilities and transportation commission shall by rule mandate that information providers who make information available that is pornographic in nature also provide at their expense for access to their services only through a personal identification number in conjunction with 976.

NEW SECTION. Sec. 5. The telecommunications company shall inform subscribers of the rules adopted under sections 3 and 4 of this act, including the availability of the blocking service, through a bill insert or by publication in the telephone directory.

NEW SECTION. Sec. 6. The costs of complying with the rules adopted under sections 3 and 4 of this act shall be borne by the information providers.

NEW SECTION. Sec. 7. The rules under sections 3 through 6 of this act shall take effect on or before December 1, 1986. The commission may also order a phase-in period for the rules if a telecommunications company is not currently equipped to block the services. If a telecommunications company is not so equipped, then the commission shall examine the economic feasibility of installing the blocking system if the newly installed system would be only for the purpose of blocking access to information delivery services.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 80.36 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Williams, the following amendment to the amendment was adopted:

On page 3 of the striking amendment, line 18, strike "is pornographic in nature" and insert "constitutes lewd matter under RCW 7.48A.010"

The President declared the question before the Senate to be adoption of the amendment by Senators Williams, Saling and Bailey, as amended.

The motion by Senator Williams carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Williams, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "services;" strike the remainder of the title and insert "adding new sections to chapter 80.36 RCW; and creating a new section."

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 4599 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4599.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4599 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

INGROSSED SUBSTITUTE SENATE BILL NO. 4599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4624, by Senators Lee, Stratton and Metcalf

Modifying statute of limitations for crimes of incest.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4624 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4624.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4624 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 4624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4959, by Senators Lee, Metcalf, Bluechel, McDonald, Rasmussen, Benitz, Hayner, Zimmerman, Sellar and Stratton

Including promoting pornography within criminal profiteering.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4959 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4959.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4959 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 4959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4982, by Senators Owen, Craswell, Metcalf, McCaslin, Thompson and Hayner

Broadening the definition of indecent liberties.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended. Senate Bill No. 4982 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4982.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4982 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 4982, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:05 a.m., on motion of Senator Vognild, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:30 p.m. by President Cherberg.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

February 12, 1986

Mr. President:

The House has passed:

HOUSE BILL NO. 1899,

HOUSE BILL NO. 1954,

HOUSE BILL NO. 1962, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 12, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1986, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 12, 1986

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1345, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 12, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1342,

HOUSE BILL NO. 1462,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870,

ENGROSSED HOUSE BILL NO. 1919,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1950, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 12, 1986

Mr. President:

The House has adopted:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 19, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1342 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick, Locke, Wineberry, Appelwick, Dellwo, Niemi, Gallagher, O'Brien, Isaacson, Jacobsen, C. Smith, Armstrong, Nealey, Doty, Unsoeld, Lux, Crane and Fisch)

Affording exhibitors a fair opportunity to bid for motion pictures released in this state.

Referred to Committee on Commerce and Labor.

EHB 1345 by Representatives Belcher, Madsen and Unsoeld

Transferring the legislative information system from the code reviser to a newly created legislative systems committee.

Referred to Committee on Governmental Operations.

HB 1462 by Representatives Lux, Winsley, Nutley, Holland, Locke, Zellinsky, Grimm, Dellwo, Van Luven, P. King, Addison, Crane, Fisch, Leonard, D. Nelson, Cole, Unsoeld, Fisher, Tilly, Allen, R. King, Wineberry, Wang, Vekich and Rayburn

Establishing regulations to govern the sale of nursing home insurance policies.

Referred to Committee on Financial Institutions.

ESHB 1870 by Committee on Trade and Economic Development (originally sponsored by Representatives McMullen, Schmidt, Fisch, Haugen and May)

Requiring charter and tour operators to maintain an escrow account.

Referred to Committee on Commerce and Labor.

HB 1899 by Representatives Prince, Lux, Chandler, C. Smith, Vekich, Jacobsen and Nealey

Providing for the establishment of a state land bank.

Referred to Committee on Agriculture.

EHB 1919 by Representatives Walk, Hastings, Schmidt, Wineberry, Winsley and May

Requiring large, slow trucks on freeways to use hazard warning lights.

Referred to Committee on Transportation.

ESHB 1950 by Committee on Social and Health Services (originally sponsored by Representatives Brooks and May)

Revising provisions on medical practice.

Referred to Committee on Human Services and Corrections.

HB 1954 by Representatives J. King, Appelwick and Holland (by request of Governor Gardner)

Authorizing the use of the local tax on lodging for capital improvements the debt for which has already been incurred.

Referred to Committee on Ways and Means.

HB 1962 by Representatives Cole, Nutley, Patrick, Wang, Betrozoff, Chandler, Ebersole, J. Williams, Long, Fisch, R. King, Walker, O'Brien and Fisher

Modifying provisions regulating engineers and surveyors.

Referred to Committee on Commerce and Labor.

ESHB 1986 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Isaacson, Lux, Hankins, Winsley, May, Lewis, Jacobsen and Schoon)

Including adopted children within the definition "child of the insured" for insurance purposes.

Referred to Committee on Financial Institutions.

EHCR 19 by Representatives Fisch, Hargrove, Fisher, Miller, Schoon, Lux, Peery, J. King, Unsoeld, Brough, Allen, Sutherland, Winsley, Vekich, G. Nelson and Wang

Directing the department of ecology to report to the legislature on the prevention and cleanup of oil spills.

Referred to Committee on Parks and Ecology.

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

SECOND READING

SENATE BILL NO. 4456, by Senators Rasmussen, Warnke and Conner

Removing the age requirement for veterans' disability passes to state parks.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 4456 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4456.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4456 and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yeas: Senators Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Bauer, Bender, Kreidler - 3.

SENATE BILL NO. 4456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3878, by Senators Stratton and Saling

Exempting military installations on the national register of historic places from property taxation.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3878 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3878.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3878 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Kreidler - 1.

SENATE BILL NO. 3878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4737, by Senator Talmadge

Revising provisions relating to child abuse information.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4737 was substituted for Senate Bill No. 4737 and the substitute bill was placed on second reading and read the second time.

Senator Thompson moved that the following amendments by Senators Thompson and Hayner be considered simultaneously and adopted:

On page 1, line 10, after "employee" strike "or volunteer"

On page 3, line 2, after "employees" strike ", licenses, or volunteers" and insert "or licensees"

On page 3, line 5, after "employee's" strike "or volunteer's"

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Talmadge, would there be, within this bill, any reason or occasion that all the people that are volunteers would have to be fingerprinted as part of applying to be a volunteer from the way this bill is?"

Senator Talmadge: "Senator, in order to be effective in checking out the background of an individual, fingerprinting would probably be required to utilize the State Patrol's criminal information system. That is the only way you can be sure that the person you have before you has not changed his or her name or done something else to disguise his or her identity. That's what they said last year; that's what they say this year."

Senator Kiskaddon: "Would there be any way of removing the requirements for fingerprinting only from this bill, so that it would still then apply to volunteers in everything except the fingerprints?"

Senator Talmadge: "Not if you wanted to have an effective check of the individual's background. That is, in fact, the testimony that we had in the committee and in the Judiciary Committee's Task Force from the Washington State Patrol, who testified on this issue. What you might want to do is think about making the volunteers submit the affidavit that says they have or have not been convicted of the offenses because if, in fact, they submit that and they lied they are guilty of perjury, which is a punishable offense in Washington State."

POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, does this amendment remove from the volunteers the necessity of signing the affidavit or the fingerprinting or both?"

Senator Talmadge: "Both. It simply removes them entirely from the ambit of the bill, as I understand the amendment."

Senator Metcalf: "Thank you, Senator Talmadge."

Further debate ensued.

POINT OF INQUIRY

Senator DeJarnatt: "Senator Talmadge, are these fingerprint cards permanently retained?"

Senator Talmadge: "My understanding is that they are not, that in fact the fingerprint cards, once utilized to check the background of the individual, are discarded by the State Patrol."

Senator DeJarnatt: "Thank you."

On motion of Senator Zimmerman, Senator Barr was excused.

Further debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Talmadge, since the bill came through your committee, if you look at New Section 1, sub (1), when and if 'volunteer' is stricken out on line 13, what would the words 'or involvement'--what meaning would that have with an applicant? Would that cause a legal or technical problem with that section with the word 'volunteer' out?"

Senator Talmadge: "Could you give me the site again, Senator McCaslin?"

Senator McCaslin: "It's line 13, page 1, Section 1, sub (1), it says, 'Employment or involvement with the business or organization.' I don't know what involvement would mean if you're not a volunteer and you're not an employee."

Senator Talmadge: "That's right. I think it's meant to deal exclusively with the issue of the volunteer. Employment has a special meaning under the common law, but involvement is, I suppose, as accurate a description of what a volunteer has with an organization as we could come up with in this area."

Senator McCaslin: "A further question, Senator. If the word 'volunteer' is stricken, should the word 'or involvement' be out of there to clarify it?"

Senator Talmadge: "I would certainly agree with that."

Senator McCaslin: "Thank you, Senator Talmadge."

MOTION

On motion of Senator McCaslin, the following amendment was adopted:
On page 1, line 12, after "employment" strike "or involvement"

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Thompson and Hayner.

ROLL CALL

The Secretary called the roll and the motion by Senator Thompson carried and the amendments were adopted by the following vote: Yeas, 37; nays, 10; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Thompson, Vogniold, von Reichbauer, Warnke, Williams, Zimmerman - 37.

Voting nay: Senators Bluechel, Fleming, Garrett, Kreidler, Metcalf, Moore, Pullen, Rasmussen, Talmadge, Wajahn - 10.

Absent: Senator Lee - 1.

Excused: Senator Barr - 1.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 4737 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4737.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4737 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Bottiger, Craswell, McDermott, Pullen, Rasmussen - 5.

Excused: Senator Barr - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4737, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4556, by Senators Vognild, Zimmerman, Rasmussen, Peterson, Granlund, Sellar, Wojahn and Moore

Requiring spas, hot tubs, swimming pools, and hydromassage bathtubs to be certified by an electrical products testing laboratory before sale or exchange.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 4556 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4556.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4556 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Hayner - 1.

Excused: Senator Barr - 1.

SENATE BILL NO. 4556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4579, by Senators Halsan, Owen, Warnke, Peterson and Vognild

Revising prohibitions on bait fishing.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 4579 was substituted for Senate Bill No. 4579 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 4579 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4579.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4579 and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 34.

Voting nay: Senators Bailey, Craswell, Deccio, Kiskaddon, McCaslin, Metcalf, Patterson, Pullen, Rinehart, Saling, Stratton, Thompson, Zimmerman - 13.

Absent: Senator Hansen - 1.

Excused: Senator Barr - 1.

SUBSTITUTE SENATE BILL NO. 4579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4582, by Senators Moore, Sellar, Bender and Newhouse

Prohibiting fraud in the acquisition of benefits or payments in health care coverage and insurance.

The bill was read the second time.

MOTION

Senator Moore moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that the welfare of the citizens of this state is threatened by the spiraling increases in the cost of health care. It is further recognized that fraudulent health care claims contribute to these increases in health care costs. In recognition of these findings, it is declared that special attention must be directed at eliminating the unjustifiable costs of fraudulent health care claims by establishing specific penalties and deterrents. This chapter may be known and cited as "the health care false claim act."

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Claim" means any attempt to cause a health care payer to make a health care payment.

(2) "Deceptive" means presenting a claim to a health care payer that contains a statement of fact or fails to reveal a material fact, leading the health care payer to believe that the represented or suggested state of affairs is other than it actually is. For the purposes of this chapter, the determination of what constitutes a material fact is a question of law to be resolved by the court.

(3) "False" means wholly or partially untrue or deceptive.

(4) "Health care payment" means a payment for health care services or the right under a contract, certificate, or policy of insurance to have a payment made by a health care payer for a specified health care service.

(5) "Health care payer" means any insurance company authorized to provide health insurance in this state, any health care service contractor authorized under chapter 48.44 RCW, any health maintenance organization authorized under chapter 48.46 RCW, any legal entity which is self-insured and providing health care benefits to its employees, or any individual person responsible for paying for health care services.

(6) "Person" means an individual, corporation, partnership, association, or other legal entity.

(7) "Provider" means any person lawfully licensed or authorized to render any health service.

NEW SECTION. Sec. 3. (1) A person shall not make or present or cause to be made or presented to a health care payer a claim for a health care payment knowing the claim to be false.

(2) No person shall knowingly present to a health care payer a claim for a health care payment that falsely represents that the goods or services were medically necessary in accordance with professionally accepted standards. Each claim that violates this subsection shall constitute a separate offense.

(3) No person shall knowingly make a false statement or false representation of a material fact to a health care payer for use in determining rights to a health care payment. Each claim that violates this subsection shall constitute a separate violation.

(4) No person shall conceal the occurrence of any event affecting his or her initial or continued right under a contract, certificate, or policy of insurance to have a payment made by a

health care payer for a specified health care service. A person shall not conceal or fail to disclose any information with intent to obtain a health care payment to which the person or any other person is not entitled, or to obtain a health care payment in an amount greater than that which the person or any other person is entitled.

(5) A person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

(6) This section does not apply to statements made on an application for coverage under a contract or certificate of health care coverage issued by an insurer, health care service contractor, health maintenance organization, or other legal entity which is self-insured and providing health care benefits to its employees.

NEW SECTION. Sec. 4. In a prosecution under this chapter, circumstantial evidence may be presented to demonstrate that a false statement or claim was knowingly made. Such evidence may include but shall not be limited to the following circumstances:

(1) Where a claim for a health care payment is submitted with the person's actual, facsimile, stamped, typewritten, or similar signature on the form required for the making of a claim for health care payment; and

(2) Where a claim for a health care payment is submitted by means of computer billing tapes or other electronic means if the person has advised the health care payer in writing that claims for health care payment will be submitted by use of computer billing tapes or other electronic means.

NEW SECTION. Sec. 5. This chapter shall not be construed to prohibit or limit a prosecution of or civil action against a person for the violation of any other law of this state.

NEW SECTION. Sec. 6. Upon the conviction under this chapter of any provider, the prosecutor shall provide written notification to the appropriate regulatory or disciplinary agency of such conviction.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 48 RCW."

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Moore, just to clarify one of the issues that was brought up in committee. This bill is certainly not intended for those people who may be covered by more than one policy and while they're waiting for one policy to pay and they present a claim under another policy, or by inadvertently placing claims under one or more policies, would not constitute a fraudulent act. Is that correct?"

Senator Moore: "Definitely not a fraudulent act under those circumstances."

Senator Deccio: "Thank you."

POINT OF INQUIRY

Senator Pullen: "Senator Moore, I notice on page 2 of your amendment, near the top of the page, in subsection (2) of Section 3, it says, 'No person shall knowingly present to a health payer a claim for a health care payment that falsely represents that the goods or services are medically necessary, in accordance with professionally accepted standards.' Would this make it illegal for a doctor who, say, believes in less conventional treatment--say a nutritional approach to health care--if he were to treat a patient nutritionally which may not fall into the usual customary kind of treatment, would that claimant then be in violation of this law if he--"

Senator Moore: "No, I think not. You will notice down in subsection (7) we speak to provider. It means any person lawfully licensed or authorized to render any health service."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "I think you missed the point of Senator Pullen's question. If I am a medical doctor and falling under the definition of a provider, but because of some idiosyncrasy of mine, I submit a charge for a heart examination to cover up for giving someone some vitamins, that would be a fraudulent claim because the vitamins would not be a legitimate charge under that insurance policy. I'm presuming that."

Senator Moore: "That did not come up specifically in committee. I would presume that you are right, Senator."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Moore.

The motion by Senator Moore carried and the amendment was adopted.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Senate Bill No. 4582 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4582.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4582 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Barr - 1.

ENGROSSED SENATE BILL NO. 4582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4619, by Senators Bender, Sellar, Bluechel and Rinehart

Authorizing exchange of land for institutional purposes and declaring an emergency.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 1, line 6, after "lands" insert "and state forest lands acquired pursuant to RCW 76.12.030"

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 4619 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4619.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4619 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Barr - 1.

ENGROSSED SENATE BILL NO. 4619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Bluechel was excused.

SECOND READING

SENATE BILL NO. 4721, by Senators Warnke, Newhouse, Vognild and Bauer
Modifying provisions relating to appeals and penalties under the Washington
industrial safety and health act.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4721
was advanced to third reading, the second reading considered the third, and the
bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Lee: "I'm sorry, Senator Vognild, this was one of those that I didn't find
out, because I wasn't there for all of the testimony. Could you tell me if these are
maximum amounts, if there's any flexibility for the director in any case or must he
assess the maximal amount?"

Senator Vognild: "Every penalty that is listed here is a scale that the director
can levy. For instance, the large one that I mentioned, the willful violation that
results in death, the director has the ability to levy from ten thousand up to a hundred
thousand."

Senator Lee: "Thank you very much. I did want to know if that was the case,
because it's important that there'll be some kind of flexibility, depending upon the
circumstances in the case, just as we allow that kind of flexibility for our court
system."

Senator Vognild: "Senator, I definitely agree."

Further debate ensued.

The President declared the question before the Senate to be the roll call on
final passage of Senate Bill No. 4721.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4721 and the
bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell,
Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner,
Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore,
Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge,
Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Sellar, Warnke - 2.

Excused: Senators Barr, Bluechel - 2.

SENATE BILL NO. 4721, having received the constitutional majority, was
declared passed. There being no objection, the title of the bill was ordered to stand
as the title of the act.

SECOND READING

SENATE BILL NO. 4977, by Senators Gaspard, Warnke and Vognild

Establishing hotline to report hazardous working conditions.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4977
was advanced to third reading, the second reading considered the third, and the
bill was placed on final passage.

The President declared the question before the Senate to be the roll call on
final passage of Senate Bill No. 4977.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4977 and the
bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell,
Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Benitz - 1.

Absent: Senator Sellar - 1.

Excused: Senator Bluechel - 1.

SENATE BILL NO. 4977, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4626, by Senators Warnke, Fleming, Moore and Williams

Establishing the housing trust fund to assist low-income persons to obtain housing.

MOTIONS

On motion of Senator Warnke, Second Substitute Senate Bill No. 4626 was substituted for Senate Bill No. 4626 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, further consideration of Second Substitute Senate Bill No. 4626 was deferred.

SECOND READING

SENATE BILL NO. 4661, by Senators Fleming, Granlund, Bender, Wojahn, Zimmerman, Deccio, Bottiger, McDermott, Talmadge, McManus, Bauer and Kreidler

Extending the authority of the Washington state housing finance commission.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4661 was substituted for Senate Bill No. 4661 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4661 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, I know that you are very familiar with the bill. You had your name on it and I presume you've been following the loans of six million, seven million and ten million. That's going to the poor people. They won't be poor any longer, because most of it's going to investment trusts--250 or 300 unit apartments and I can tell you some of the names of them that are not poor any more. In fact, they weren't poor to start with.

"How much of this money, this one billion that they authorized now--you know we're going up to two billion now, and it might not be much money to you, but I can't even count that high. What I want to know is how much of it is gone to single-family housing? How much is now in like HUD? They take full-page ads to get rid of the houses and if they can't get rid of them, they give them away for a dollar a piece. There is a lot of that going on and my concern is with all we're doing for the poor people and the people who can't afford to buy housing. You tell me how it's working, will you? And, why they need another billion on top of the billions they are already authorized for?

"I understand they issue bonds and the same people that are building these apartment houses are buying these tax exempt bonds, so they're getting it both ways, so you can't beat the system. How many of these houses are coming back? Do you know? How many single family homes are being built under this plan? O.K., Senator McCaslin is quite familiar with this."

Senator McCaslin: "No. 1, I want everyone to look at the bill. Senator McCaslin's name is not on the bill. I don't know where you got that information."

Senator Rasmussen: "You said it was on last time and I presumed--"

Senator McCaslin: "That was two years ago, but this isn't the bill two years ago. Senator. No. 1, my name is not on the bill; No. 2, we had all that information provided to the Governmental Operations Committee when we passed this out, Senator, and let's correct something else. All this money, and I can't tell you the specific amount, does not go to poor people. There are many, many, many young families out there in the moderate income levels that are benefiting from this legislation. So, this particular legislation is not socialistic; it is not costing the state government any money and you're getting your dollar value on this particular bill. But, we do have information on it--Senator Fleming may have it or Senator Deccio may have it."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, since this is a measure dealing with bonds and bonding authorities, I wonder what the requirements for passage are--whether it's fifty percent or sixty percent?"

The President did not respond.

Editors Note: (See Reply by President when Substitute Senate Bill No. 4661 is resumed later in the day)

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 4661 was deferred.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 4626, deferred earlier today.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 4, line 28, after "organizations" insert ": PROVIDED, That no application by a local government for assistance under this act will be accepted unless the applicant demonstrates that it has utilized eighty percent or more of its legal debt limitation"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, you mentioned that they could not issue bonds. My understanding, and maybe it's in error, that if they want to exceed the one hundred and six percent limit, all they have to do is put it on the ballot and ask the people. Do you think this project's worthwhile? Will you vote for the bonds over the one hundred and six percent? Is that correct?"

Senator Warnke: "That's correct, Senator. My point is being made, however, that if a community is going to go above the hundred and six, they would have to go so far at eighty percent of the bonding capacities of some of the counties that are now at fourteen percent, for example, on the average across the state to move immediately to an eighty-five or ninety percent even on one vote obviously would not pass."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Warnke, under the bill--I have read clear through it but--it says that the moneys shall be deposited into the state treasury. How is this money distributed after it's collected?"

Senator Warnke: "The program is being run through the Department of Community Development. Grants and applications are made to that department."

Senator Deccio: "So then it would not be distributed on a pro rata basis? It would be just based on the approval of the applications?"

Further debate ensued.

Senator Deccio demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Cantu.

ROLL CALL

The Secretary called the roll and the motion by Senator Cantu failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; absent, 2; excused, 1.

Voting yea: Senators Bailey, Benitz, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Barr, Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Absent: Senators Bottiger, Peterson - 2.

Excused: Senator Bluechel - 1.

MOTION

Senator Goltz moved that the following amendment by Senators Goltz, Sellar, Hayner, Rasmussen and Johnson be adopted:

On page 5, after line 33, strike everything down to and including "commingled." on page 9, line 4

Renumber remaining sections appropriately.

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Goltz, if I am reading your amendment correctly, page 5, after line 33 is Section 13, Section 13, and if you turn the page to page 6, (1) there, this is old language. This requires me as a real estate broker to keep records and if this is stricken, I think you pretty well gut the real estate law, as far as brokers keeping records. Would you agree to that?"

Senator Goltz: "I would have to have someone else respond because I've not examined the amendment. I asked for it to be drawn and frankly, I haven't read it that way, but I will ask somebody else to respond."

Senator McCaslin: "I think we should look at that very carefully before this amendment is voted on."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Goltz, Sellar, Hayner, Rasmussen and Johnson.

The motion by Senator Goltz carried and the amendment was adopted.

MOTIONS

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 1 of the title, after "fund;" strike everything down to and including "59.18-.270;" on line 2.

On motion of Senator Warnke, the rules were suspended, Engrossed Second Substitute Senate Bill No. 4626 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 4626.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 4626 and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 38.

Voting nay: Senators Barr, Craswell, Deccio, McCaslin, Newhouse, Owen, Patterson, Pullen, Rasmussen, Zimmerman - 10.

Excused: Senator Bluechel - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4933, by Senators Fleming, Zimmerman, Rinehart, Deccio and Garrett

Authorizing counties and cities to assist in low-income housing.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4933 was substituted for Senate Bill No. 4933 and the substitute bill was placed on second reading and read the second time.

Senator Pullen moved that the following amendment be adopted:

On page 1, line 14 after "exceed" strike "eighty" and insert "fifty"

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Fleming, I'm confused about the eighty percent and the fifty percent and the definitions in the federal law. Could you clarify that?"

Senator Fleming: "Mr. President and members of the body. As far as I know, the other bill that Senator Pullen was dealing with, the housing trust fund, and Senator Warnke can correct me if I'm wrong on this, that fifty percent is the federal government's definition of the very low income--you're way down there. That is the people that we're trying to work with in the housing trust fund. In terms of eighty percent, that is the federal government's definition of the low income and that's what we're trying to deal with in this measure and that's what they've been dealing with in the past with federal dollars. All we want to do is with local dollars, so there's not really an inconsistency--you're dealing with different economic levels in terms of the people being able to afford housing."

Further debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Pullen.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 23; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Guess, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 23.

Absent: Senators Bottiger, Hayner, Moore - 3.

Excused: Senator Bluechel - 1.

MOTION

Senator Pullen moved that the following amendments be considered simultaneously and adopted:

On page 1, line 17 after "shall" strike "not"

On page 1, line 20 beginning with the colon strike all language through "process" on line 22

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Garrett, as a former mayor--there is another statute that says that any city or county money that is used over a certain limit--they must go to bids. Would this affect that? There are no repealers in here, so that statute would still stand?"

Senator Garrett: "Well, I don't know. You would have to ask Senator Pullen; he is more legal than I am, Senator Rasmussen, but you are right, the statute regulating cities says that they must award the bid to the lowest responsible bidder. I do not believe, though, that this would affect this statute."

Senator Rasmussen: "Without repealing that statute, it would not have any effect?"

Senator Garrett: "I don't think so. If you went out for water or street projects, you would still award it to the lowest responsible bidder."

The President declared the question before the Senate to be adoption of the two amendments by Senator Pullen.

The motion by Senator Pullen failed and the amendments were not adopted.

MOTION

On motion of Senator Fleming, the rules were suspended, Substitute Senate Bill No. 4933 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4933.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4933 and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Benitz, Cantu, Craswell, Guess, Hayner, McDonald, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar - 13.

Absent: Senator Metcalf - 1.

SUBSTITUTE SENATE BILL NO. 4933, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4661 and the parliamentary inquiry by Senator McDonald, deferred earlier today.

REPLY BY THE PRESIDENT

President Cherberg: "In response to Senator McDonald's parliamentary inquiry, the President believes that only a constitutional majority twenty-five members of the elected Senators is necessary."

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, is there a citation on that?"

President Cherberg: "These bonds--the state is not contracting any general obligation indebtedness in this matter."

PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, it would appear to me that the previous bill, the one that we are amending, allowed a one billion dollar bond issue and authorized it and required a sixty percent vote at that time. In this measure, we are amending the one billion to a two billion dollar authorization, so it would appear to me that the additional billion dollars, as authorized by this measure, would require no further authorization of the Legislature, and therefore, should require a sixty percent vote."

REPLY BY THE PRESIDENT

President Cherberg: "To the best of my knowledge, Senator Newhouse, the President did not require a sixty percent majority. There were thirty-five votes on the bill. The record shows that the President said that the constitutional majority was received. Otherwise, the President would have specified if it had sixty percent."

Senator Newhouse: "But, Mr. President, the point is that is there any further authorization required from the Legislature for the sale of these bonds, if this measure is passed? I think the answer is 'no,' therefore, this is an authorization to sell bonds."

President Cherberg: "It is the President's understanding that the Supreme Court ruled that this was not a state debt and, therefore, a sixty percent majority was not required."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "What I'm wondering, Mr. President, is under the new construction for tax exempt bonds if this will not impact the ability of the state to issue bonds--general obligation--and also there is going to be a limit on the amount that can be issued. In fact, I think that's the limit that's retroactive back to January 1st."

REPLY BY THE PRESIDENT

President Cherberg: "That is not my decision, Senator."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4661.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4661 and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; absent, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, McCaslin, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vogtild, von Reichbauer, Warneke, Williams, Wojahn, Zimmerman - 30.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Guess, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar - 18.

Absent: Senator Stratton - 1.

SUBSTITUTE SENATE BILL NO. 4661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE JOINT RESOLUTION NO. 128, by Senators Fleming, McDermott, Saling, Zimmerman, Owen, Stratton and Lee

Amending the Constitution to permit current use valuation of low-income housing.

The resolution was read the second time.

MOTION

Senator Pullen moved that the following amendments by Senators Pullen and Metcalf be considered simultaneously and adopted:

On page 1, line 15, after "to" strike "low-income" and after "housing" and before the comma insert "for the poor"

On page 1, line 16, after "more" strike "low-income" and after "units" and before the comma insert "for the poor"

MOTION

On motion of Senator Fleming, further consideration of Senate Joint Resolution No. 128 was deferred.

SECOND READING

SENATE BILL NO. 4467, by Senator Zimmerman

Modifying provisions on port district industrial development levies.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4467 was substituted for Senate Bill No. 4467 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 4467 was deferred.

SECOND READING

SENATE BILL NO. 4525, by Senators Bottiger and McDermott

Enacting provisions relating to legal representation of the legislature.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4525 was substituted for Senate Bill No. 4525 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4525 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4525.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4525 and the bill passed the Senate by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Melcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Newhouse, Patterson, Sellar - 14.

SUBSTITUTE SENATE BILL NO. 4525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4526, by Senators McCaslin, Thompson, Saling, Bailey and Garrett

Permitting noncharter counties to have five-member legislative authorities.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4526 was substituted for Senate Bill No. 4526 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 4526 was deferred.

SECOND READING

SENATE BILL NO. 4561, by Senators Hansen, Gaspard, Barr, Newhouse, Bauer, Goltz, Bailey, Benitz and Conner

Repealing the sunset of the fairs commission.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 4561 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4561.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4561 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 4561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4467, deferred earlier today.

MOTION

Senator Bluechel moved that the following amendment be adopted:
On page 2, line 14, following "during the" strike "five-year" and insert "two-year"

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Zimmerman, this additional development levy--this is a port levy. Is this a levy voted by the people?"

Senator Zimmerman: "They are allowed to proceed with this levy without a vote. Let me explain why it arose in the first place. The ports put the levy on by referendum. Eight percent of the people got a petition and said we would like to vote on the issue. Then they had to go to a vote. The vote was turned down--seventy percent turned down--of the port's request, yet the port does have the privilege under present law to come right back around and say, 'Shall we do it?' That's too bad. They have extensive power now.

"My thought was, with the requests of the constituency down there, hey, they should have a limit as to how soon they can come back and put the levy back on you, and it seemed to me that there was a logical wait--a delay--of five years before they could proceed in the usual fashion. We're not taking away their fashion, we're just saying they have this delay."

Senator Metcalf: "Thank you, very much."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bluechel.

The motion by Senator Bluechel failed and the amendment was not adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4467 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4467.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4467 and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Bailey, Barr, Bottiger - 3.

SUBSTITUTE SENATE BILL NO. 4467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4584, by Senators Benitz and Thompson

Revising provisions relating to library districts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4584 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4584.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4584 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 4584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4590, by Senators Thompson, Zimmerman and Rasmussen (by request of State Treasurer)

Revising provisions relating to local government investments.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4590 was substituted for Senate Bill No. 4590 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4590 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Thompson, I notice on page 2, Section 4, line 21, that the bill states, 'The State Treasurer shall invest the funds in such manner as to effectively maximize the yield to the investment pool.' It seemed to me, recently, Clallam County got into a great deal of difficulty through its efforts to maximize the yield without due consideration to the safety of the investment. Do you feel that there is some danger with respect to not adequately considering the safety of the investment pool?"

Senator Thompson: "I feel confident that we're safe in providing this authority. It extends no change with regard to the prudence that they must follow presently. The possibility of making judgmental errors exists now and I guess we have to rely on their individual confidence in dealing with those matters, but this doesn't alter existing law with regard to that."

Senator Pullen: "Well, I guess my concern is that, if I were State Treasurer and I saw a statute that directed me to maximize the yield without some clear language that requires me to give due consideration to the safety, I would head for rather speculative investments and would feel that the statutes require me to do that."

"I feel with the economic times that we've seen in the last several years and with the economic times that are ahead of us, we may be getting into situations where there is increased risks to public monies and that does worry me. We may just be seeing the tip of the iceberg here, as far as the Clallam County situation was

concerned, and I hope the State Treasurer and others will go beyond ordinary prudence as times get more and more dangerous."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4590.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4590 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Hansen - 1.

Absent: Senator McDermott - 1.

SUBSTITUTE SENATE BILL NO. 4590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senator Johnson was excused.

SECOND READING

SENATE BILL NO. 4591, by Senators Thompson, Zimmerman and Rasmussen (by request of State Treasurer)

Revising provisions relating to state warrants.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended. Senate Bill No. 4591 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4591.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4591 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Guess - 1.

Excused: Senator Johnson - 1.

SENATE BILL NO. 4591, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4526, deferred earlier today.

MOTION

Senator Saling moved that the following amendments be considered simultaneously and adopted:

On page 2, line 24 after "nominated" strike everything through "districts" on line 26 and insert "according to RCW 36.32.040 and elected according to RCW 36.32.050"

On page 1, line 16 after "nominated" strike everything through "districts" on line 17 and insert "according to RCW 36.32.040 and elected according to RCW 36.32.050"

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Saling, your describing this concern, would that be like trying to get their share of the money for their district, as opposed to county wide?"

Senator Saling: "For those people that feel that way, yes, it would."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Saling.

The motion by Senator Saling failed and the amendments were not adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4526 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4526.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4526 and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Barr, Benitz, Guess, McDermott, Newhouse, Patterson, Pullen, Saling - 8.

Excused: Senator Johnson - 1.

SUBSTITUTE SENATE BILL NO. 4526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4693, by Senators Thompson, Talmadge and Zimmerman (by request of Office of Financial Management)

Transferring filing of claims against the state from OFM to the risk management office.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4693 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4693.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4693 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Bender - 1.

Excused: Senator Johnson - 1.

SENATE BILL NO. 4693, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4455, by Senators Rasmussen, Conner and Granlund

Authorizing organ donation advisement procedures in state hospitals.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4455 was substituted for Senate Bill No. 4455 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 4455 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Rasmussen, first of all I would like to compliment you on your sponsorship of this bill that deals with such an important subject and one that can help out so many other people who are in need of organs. The only question I have concerns the issue of pressure, which you alluded to in your remarks. Is there any language in the bill or any other requirements that you can cite that would guarantee that there would be no undue pressure on the next of kin?"

"The concern I have is that the next of kin is in a relatively bereaved state frequently when they're approached by the hospital officials. In such a bereaved state, I suspect the next of kin could be unusually sensitive to pressure and I want to make sure that there will be no undue pressure put on the next of kin."

Senator Rasmussen: "No, Senator Pullen, I do not expect any undue pressure. It could be handled very easily with just somebody getting a slip of paper saying, 'Would you like to donate,' but at least it makes it known to them that somebody else needs very badly these organs. They have a chance to donate if they'd like to and it doesn't have to be—it isn't compulsory. It just says, 'You shall ask.'"

MOTION

On motion of Senator Vognild, Senator Bender was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4455.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4455 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCasin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Benitz, Lee - 2.

Excused: Senators Bender, Johnson - 2.

SUBSTITUTE SENATE BILL NO. 4455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4758, by Senator Conner

Repealing provisions on collection of tax on special fuel dispensed from a keylock metered pump.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4758 was substituted for Senate Bill No. 4758 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 4758 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4758.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4758 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Johnson - 2.

SUBSTITUTE SENATE BILL NO. 4758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4779, by Senators Warnke, Barr, Bottiger and Rasmussen

Providing increased consumer protection by regulating auctioneers and auction companies.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4779 was substituted for Senate Bill No. 4779 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4779 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4779.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4779 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Garrett, Hansen, Pullen, Talmadge - 4.

Excused: Senators Bender, Johnson - 2.

SUBSTITUTE SENATE BILL NO. 4779, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3574, by Committee on Ways and Means (originally sponsored by Senators Gaspard, Sellar, Thompson, Warnke, Johnson, Rasmussen and Wojahn)

Modifying provisions on leasehold excise taxation.

MOTIONS

On motion of Senator McDermott, Second Substitute Senate Bill No. 3574 was substituted for Senate Bill No. 3574 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the following amendment by Senators Wojahn and Rasmussen was adopted:

On page 2, line 29, following the word "lessee", insert "or expenditures for improvements and protection made pursuant to a lease or an agreement which requires that the use of the

improved property be open to the general public and that no profit will inure to the lessee from the lease"

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3574 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator von Reichbauer, Senator Lee was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3574.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3574 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Bender, Johnson, Lee - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4458, by Senators Thompson, McDonald and Zimmerman

Modifying provisions on forest land taxations.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4458 was substituted for Senate Bill No. 4458 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4458 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4458.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4458 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bender, Johnson, Lee - 3.

SUBSTITUTE SENATE BILL NO. 4458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:16 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Friday, February 14, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 14, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Kreidler, Lee, Pullen and Thompson. On motion of Senator von Reichbauer, Senators Lee and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages John Garrett and Pam Joselyn, presented the Colors. Mr. William Jolly, a member of Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

PERSONAL PRIVILEGE

Senator Hansen: "A point of personal privilege, Mr. President and ladies and gentlemen of the Senate. I want to thank the people that put the gifts together for all of our Senators and Representatives today. They are all donated by our agricultural commissions and are gathered and packaged and put together by the Women for Survival of Agriculture.

"A few statistics, I think, that should be pertinent today is that in 1920 seventy-five percent of the people were involved in agriculture for their own subsistence—a lot. Today there's about four percent of our public actually raising the food for the balance of us. Twenty-five percent of the people who are working today in the state of Washington are working as a result of our agricultural ability, and that's from the processing plants to the retail grocers, the truckers and everything, so agriculture is the number one industry in the state. We're very much interested in holding our water rights, keeping our options open for more agriculture in the state of Washington, which is our natural resource. At the present time, we're in a distressed area. The cost of production is exceeding the amount that we can sell our products for. I'm sure this is going to turn around, so I appreciate the Senate being sympathetic to our water bills that I've been allowed to run here in the Senate and the cooperation of the full Senate for our agricultural problems and for our agricultural needs.

"At this time I would like to have the Senate give an applause to the ladies that put this together—that worked in the interim to help us put our legislation together. Study groups and things like this are a very vital part of the agricultural community and I would appreciate a good round of applause for our women in the front rows of the gallery."

MESSAGES FROM THE HOUSE

February 13, 1986

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 529,

SUBSTITUTE HOUSE BILL NO. 711

SUBSTITUTE HOUSE BILL NO. 771,

SUBSTITUTE HOUSE BILL NO. 1218,

HOUSE BILL NO. 1392,

ENGROSSED HOUSE BILL NO. 1475,

SECOND SUBSTITUTE HOUSE BILL NO. 1505, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 13, 1986

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1368,

SUBSTITUTE HOUSE BILL NO. 1413,

HOUSE BILL NO. 1424,

HOUSE BILL NO. 1440,

HOUSE BILL NO. 1441,

HOUSE BILL NO. 1482,

HOUSE BILL NO. 1485,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 13, 1986

Mr. President:

The House has passed:

HOUSE BILL NO. 43,

HOUSE BILL NO. 483,

SUBSTITUTE HOUSE BILL NO. 614,

SUBSTITUTE HOUSE BILL NO. 621,

HOUSE BILL NO. 1058,

HOUSE BILL NO. 1337,

SUBSTITUTE HOUSE BILL NO. 1349,

SUBSTITUTE HOUSE BILL NO. 1356,

HOUSE BILL NO. 1374,

SUBSTITUTE HOUSE BILL NO. 1391,

SUBSTITUTE HOUSE BILL NO. 1403,

SUBSTITUTE HOUSE BILL NO. 1433,

HOUSE BILL NO. 1567,

SUBSTITUTE HOUSE BILL NO. 1618,

ENGROSSED HOUSE BILL NO. 1630,

HOUSE BILL NO. 1635,

ENGROSSED HOUSE BILL NO. 1656,

SUBSTITUTE HOUSE BILL NO. 1673,

SUBSTITUTE HOUSE BILL NO. 1680,

SUBSTITUTE HOUSE BILL NO. 1866, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 13, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1148, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

SECOND READING

SENATE BILL NO. 4629, by Senators Talmadge, Sellar, McDermott, Granlund, Zimmerman and Lee

Reauthorizing the examining board of psychology.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4629 was substituted for Senate Bill No. 4629 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 4629 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I note in the digest here that it says, 'Which informs clients of financial requirements.' Is that the client or is that the psychologist to know whether he has enough resources--and then you could have the right to refuse treatment resources?"

Senator Talmadge: "No, Senator, I think that pertains to the cost of the service to be provided. It's similar to what is an ethical requirement, for example, for the legal profession that with respect to a contingency fee contract, that has to be negotiated up front, the client has to be advised that he or she can receive an hourly rate as an alternative to a contingency contract. Similarly here, the psychologist has to advise in advance what the financial arrangements will be as to costs and arrangements for payment of the service."

Senator Rasmussen: "Do we require that of doctors also?"

Senator Talmadge: "I don't know what the ethical requirements are in the medical profession, but I would certainly hope that that would be the case. I don't know, Senator Rasmussen."

Senator Rasmussen: "It says they have to post their rate on the wall."

Senator Talmadge: "I don't know."

Senator Rasmussen: "No, I mean this."

Senator Talmadge: "Well, in effect they would have to advise the patient up front. Yes."

Senator Rasmussen: "It's a good provision. It's like buying gasoline. You know what price you pay when you go in. Thank you."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4629.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4629 and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bender, Fleming, Kreidler - 3.

Excused: Senators Lee, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 4629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4528, by Senators Talmadge, Newhouse, Barr, Conner and Granlund (by request of Public Disclosure Commission)

Consolidating public disclosure reporting exemptions for small political subdivisions.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4528 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognil, Senators Bender and Kreidler were excused.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "I note, Senator Talmadge, there's a fiscal note requested. Was that ever received and, hopefully, consolidation would mean a reduction in the cost of operation. I just wonder whether or not we have any idea whether this will cost more or less."

Senator Talmadge: "I'm trying to recall if I ever saw the fiscal note, Senator Patterson, but I would believe with you that it would have no fiscal impact. In fact, it might be a small reduction."

Senator Patterson: "Thank you."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4528.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4528 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bender, Kreidler, Lee, Pullen - 4.

SENATE BILL NO. 4528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4627, by Senators Warnke, Hayner, Vognlid and Garrett

Changing regulation of the cigarette industry to eliminate predatory cigarette pricing.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4627 was substituted for Senate Bill No. 4627 and the substitute bill was placed on second reading and read the second time.

Senator Wojahn moved that the following amendment be adopted:

On page 2, line 31, after "all" strike everything through "cash," on line 32 and insert "discounts for whatever purpose."

Debate ensued.

Senator Warnke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Wojahn.

ROLL CALL

The Secretary called the roll and the motion by Senator Wojahn carried and the amendment was adopted by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bailey, Bauer, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Metcalf, Moore, Patterson, Rasmussen, Rinehart, Saling, Talmadge, von Reichbauer, Williams, Wojahn - 27.

Voting nay: Senators Barr, Bender, Benitz, Bluechel, Conner, Garrett, Guess, Halsan, Hayner, McCaslin, McDonald, McManus, Newhouse, Owen, Peterson, Sellar, Stratton, Thompson, Vognlid, Warnke, Zimmerman - 21.

Excused: Senator Pullen - 1.

MOTION

Senator Wojahn moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 36, after "section" strike everything through "The" on page 4, line 3 and insert "or in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the"

On page 4, line 7, after "cost" strike everything through "cost;)" on line 9 and insert ", in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, there's an old saying--'what evils we get into follow us through life.'"

"This is the original and only price-fixing bill, but nobody is challenging for constitutionality. Doesn't the constitution say we may not fix prices--or should not?"

Senator Hayner: "I don't believe there's anything in the constitution with respect to that. What this bill is doing now is saying that in five years this whole thing will go away and we will have no more price setting with respect to cigarettes whatsoever--and I think that's appropriate, but I do think that to chop it off now and to say we're going to go to a system where everybody can go as low as they want is going to kill those who are still somewhat dependent, and incidentally, as far as I know, there are not any little wholesalers who are just selling cigarettes. They have long since tried to get into other fields, but they are still somewhat dependent upon that. This is fair notice to them to get out of the business."

Senator Rasmussen: "Thank you."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Wojahn.

ROLL CALL

The Secretary called the roll and the motion by Senator Wojahn carried and the amendments were adopted by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Rasmussen, Rinehart, Talmadge, von Reichbauer, Williams, Wojahn - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Bottiger, Deccio, Garrett, Guess, Halsan, Hayner, McCaslin, McDonald, Newhouse, Owen, Patterson, Peterson, Saling, Sellar, Stratton, Thompson, Vognilid, Warnke, Zimmerman - 22.

Excused: Senator Pullen - 1.

MOTION

On motion of Senator Vognilid, further consideration of Substitute Senate Bill No. 4627 was deferred.

SECOND READING

SENATE BILL NO. 4676, by Senators Bender, Bluechel, Kreidler, Hansen, McManus and Owen

Modifying worker right to know employer fee provisions.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 4676 was substituted for Senate Bill No. 4676 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 4676 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4676.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4676 and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Bailey, Benitz, McCaslin - 3.

Excused: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 4676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4741, by Senators Goltz, Metcalf and Rasmussen

Granting commercial fishing licenses to owners of vessels seized by a foreign government.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 4741 was substituted for Senate Bill No. 4741 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 4741 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4741.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4741 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 46.

Voting nay: Senator Zimmerman - 1.

Absent: Senator Hayner - 1.

Excused: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 4741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4923, by Senators Warnke, Zimmerman and Thompson

Authorizing an interim alternative allocation mechanism for tax exempt bonds.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4923 was substituted for Senate Bill No. 4923 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4923 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Warnke, you know I have some concerns about the allocation of what will now be a relatively scarce amount of bonds pursuant to House Resolution 3838. May we assume from this allocation process--looking to the federal legislation--that the Governor in doing the allocation will take into consideration on a priority basis, things like public health, environmental protection and other critical public needs as opposed to some of the more frivolous purposes to which the Legislature has permitted industrial development revenue bonds to be put?"

Senator Warnke: "Yes, Senator, I think that the Governor would use the existing recommendations that we have in the law now and would make sure that the small amount of bills, and you are correct, under the new allocation formula would be used for public health, safety and welfare."

POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, is it necessary that the Legislature authorize Executive Orders? The reason I asked is that because the Governor made a very queer Executive Order on Christmas Eve when everybody was decorating the Christmas tree. In that order, you recall, he said that there were no laws and no rules and so he was going to make his own rules. Why would it be necessary, at this time, to authorize Executive Orders? In fact, the Constitution gives no right of Executive Orders, but I'm wondering if you know something I don't?"

Senator Warnke did not respond.

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "I would attempt to answer that this way, and I have the same qualms that you do. The Legislature is the only one authorized to make these changes and we probably will not be in session and we can't really write the bill now because we don't know what Congress is going to put in that 3838. Temporarily, by this measure, we are authorizing the Governor by Executive Order to perform what could be called a function of the Legislature--the right to draft the rules by which these tax-exempt bonds will be authorized and who will get the authority to authorize them."

Senator Rasmussen: "Thank you, Senator Newhouse, that explains that he has no right of Executive Orders and that the Legislature is the only one. I'm glad to hear that."

"I need another question of Senator Warnke though. Let us assume, Senator Warnke, that the state of Washington, which is practically up to its bond limit, would issue 250 or 300 million dollars worth of bonds and the City of Tacoma wants to issue a hundred million dollars to invest in a new dam project. Which bond issue would be cut down or would they be cut down percentage wise?"

REPLY BY SENATOR WARNKE

Senator Warnke: "I have no idea which bond issue would be cut down, Senator. I know that the issuance of both bonds could not surpass the ceiling that's in existence today. I can only assume that those people making the decision on the allocation would issue the amount of bonds necessary to keep the projects going until the new allocation system is brought forward."

Senator Rasmussen: "I thought we authorized another billion dollars worth of bonds for the Housing Commission. Would those be reduced?"

Senator Warnke: "It's not a state debt, Senator."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4923.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4923 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Sellar - 1.

Excused: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 4923, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4941, by Senators Granlund, DeJarnatt, Bender, Fleming, Kreidler, Wojahn and Rinehart (by request of Governor Gardner)

Providing for school districts to operate child care programs.

MOTIONS

On motion of Senator Gaspard, Second Substitute Senate Bill No. 4941 was substituted for Senate Bill No. 4941 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Stratton, the following amendment was adopted:

On page 1, line 8, after "care" insert ", especially for school age children and the children of teenage parents"

Senator Stratton moved that the following amendments be considered simultaneously and adopted:

On page 1, line 17, after "of" strike "minors" and insert "students enrolled in the common school program"

On page 1, line 17, after "before" strike ", during."

Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Stratton, my understanding is that there are a number of programs around the state now in school districts, in various ways of using schools for day care--that are currently operating. Would this amendment put any of those programs out of business?"

Senator Stratton: "This amendment applies only to the schools using the facilities of the school for the latch key program. Whatever is off the school premises or other programs, I would not think--"

Senator Kiskaddon: "But some of them I believe, may be using the school facilities and extra room now for a program during the day and would this stop that from happening?"

Senator Stratton: "If they were able to do it now, then I guess we would not need the bill, would we?"

Senator Kiskaddon: "I have the sense that that may be an accurate way of looking at it."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Second Substitute Senate Bill No. 4941 was deferred.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 4242 and the pending McDermott amendments on page 3, line 4, and page 11, line 2, deferred February 12, 1986.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Second Substitute Senate Bill No. 4242 is a measure relating to health care cost control in state government including cost controls with regard to drug purchases and reimbursement.

"The amendments proposed by Senator McDermott establish a committee in DSHS to review and control therapeutic drug use.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and that the point of order is not well taken."

The amendments by Senator McDermott were ruled in order.

MOTIONS

On motion of Senator Vognild, further consideration of Second Substitute Senate Bill No. 4242 was deferred.

At 10:33 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:27 a.m. by President Cherberg.

MOTION

At 11:37 a.m., on motion of Senator Vognild, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by President Pro Tempore Goltz.

SECOND READING

SENATE BILL NO. 4713, by Senators Warnke and Newhouse (by request of Board of Industrial Insurance Appeals)

Modifying industrial insurance appeal procedures.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4713 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4713.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4713 and the bill passed the Senate by the following vote: Yeas, 43; absent, 6.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Barr, Benitz, DeJarnatt, Garrett, Guess, Kiskaddon - 6.

SENATE BILL NO. 4713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bender, Senator Peterson was excused.

On motion of Senator Zimmerman, Senator Bluechel was excused.

SECOND READING

SENATE BILL NO. 4446, by Senators Thompson, Saling, DeJarnatt, Zimmerman, Garrett, McCaslin, Bailey, McManus and Vognild

Requiring maintenance of fire hydrants.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4446 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4446.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4446 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Barr, Guess - 2.

Excused: Senators Bluechel, Peterson - 2.

SENATE BILL NO. 4446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4722, by Senators Warnke, Newhouse and Vognild
Modifying provisions on contractor infractions.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4722 was substituted for Senate Bill No. 4722 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the following amendment was adopted:
On page 1, line 16, after "is" strike "impaired" and insert "suspended"

On motion of Senator Warnke, the following amendment was adopted:
On page 4, line 10, after "the" strike "department" and insert "office of administrative hearings"

On motion of Senator Newhouse, the following amendment by Senators Newhouse and Warnke was adopted:

On page 8, starting on line 17, strike everything through line 25 and insert the following:
"Sec. 15, Section 4, chapter 392, Laws of 1955 as amended by section 4, chapter 280, Laws of 1985 and RCW 19.30.040 are each amended to read as follows:

(1) The director shall require the deposit of a surety bond by any person acting as a farm labor contractor under this chapter to insure compliance with the provisions of this chapter. Such bond shall be in an amount specified by the director in accordance with such criteria as the director adopts by rule but shall not be less than five thousand dollars. The bond shall be payable to the state of Washington and shall be conditioned (~~that the contractor will comply with this chapter and will pay all sums legally owing to any person recruited, solicited, employed, supplied, or hired by the contractor, or the contractor's agent or subcontractor, and will pay all damages arising out of the violation of any provision of this chapter, or false statements or misrepresentations made in the procurement of the contractor's license~~) on payment in full of all sums legally due on wage claims of employees under this chapter and RCW 49.52-.050 et seq. The aggregate liability of the surety upon such bond for all claims which may arise thereunder shall not exceed the face amount of the bond.

(2) The amount of the bond may be raised or additional security required by the director, upon his or her own motion or upon petition to the director by any person, when it is shown that the security or bond is insufficient to satisfy the contractor's potential liability for the licensed period.

(3) No surety insurer may provide any bond, undertaking, recognizance, or other obligation for the purpose of securing or guaranteeing any act, duty, or obligation, or the refraining from any act with respect to a contract using the services of a farm labor contractor unless the farm labor contractor has made application for or has a valid license issued under RCW 19.30.030 at the time of issuance of the bond, undertaking, recognizance, or other obligation.

(4) ~~(During the period for which a bond is executed, the bond may not be canceled or otherwise terminated, unless alternative security arrangements are approved by the director)~~ The bond is written for a one-year term and may be renewed or extended by continuation certification at the option of the surety.

(5) In lieu of the surety bond required by this section, the contractor may file with the director a deposit consisting of cash or other security acceptable to the director. The deposit shall not be less than five thousand dollars in value. The security deposited with the director in lieu of the surety bond shall be returned to the contractor at the expiration of three years after the farm labor contractor's license has expired or been revoked if no legal action has been instituted against the contractor or on the security deposit at the expiration of the three years.

(6) If a contractor has deposited a bond with the director and has failed to comply with the conditions of the bond as provided by this section, and has departed from this state, service may be made upon the surety as prescribed in RCW 4.28.090.

Sec. 16, Section 8, chapter 280, Laws of 1985 and RCW 19.30.081 are each amended to read as follows:

Farm labor contractors may hold either a one-year license or a two-year license, at the director's discretion.

The one-year license shall run to and include the 31st day of December next following the date thereof unless sooner revoked by the director. A license may be renewed each year upon the payment of the annual license fee, but the director shall require that a new application (~~and a renewed bond~~) be submitted and that the contractor have a bond in full force and effect.

The two-year license shall run to and include the 31st day of December of the year following the year of issuance unless sooner revoked by the director. This license may be renewed every two years under the same terms as the one-year license, except that a farm labor contractor possessing a two-year license shall (~~renew his or her bond each year~~) have

a bond in full force and effect, and file an application on which he or she shall disclose all information required by RCW 19.30.030 (1)(b), (4), and (7).

Sec. 17. Section 15, chapter 280, Laws of 1985 and RCW 19.30.160 are each amended to read as follows:

(1) In addition to any criminal penalty imposed under RCW 19.30.150, the director may assess against any person who violates this chapter, or any rule adopted under this chapter, a civil penalty of not more than one thousand dollars for each violation.

(2) The person shall be afforded the opportunity for a hearing, upon request to the director made within thirty days after the date of issuance of the notice of assessment. The hearing shall be conducted in accordance with chapter 34.04 RCW.

(3) If any person fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the agency, the director shall refer the matter to the state attorney general, who shall recover the amount assessed by action in the appropriate superior court. In such action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

~~((4) Without regard to any other remedy otherwise provided in this chapter, the director may bring suit upon the surety bond filed by the farm labor contractor on behalf of any worker whose rights under this chapter have been violated by the contractor. Such action may be commenced in any court of competent jurisdiction. In any such action, the notice and service requirements set forth in RCW 19.30.170(3) shall be complied with:))~~

NEW SECTION. Sec. 18. A new section is added to chapter 19.30 RCW to read as follows:

(1) Any person, having a claim for wages pursuant to this act or RCW 49.52.050 et seq. may bring suit upon the surety bond or security deposit filed by the contract pursuant to RCW 19.30.040, in any court of competent jurisdiction of the county in which the claim arose, or in which either the claimant or contractor resides: PROVIDED, That the right of action shall not be included in any suit or action against the farm labor contractor but must be exercised independently after first procuring a judgment, decree or other form of adequate proof of liability established after notice and hearing under RCW 19.30.160. The filing of such an action against the farm labor contractor tolls the three-year statute of limitations referred to in RCW 19.30.170.

(2) The right of action is assignable in the name of the director or any other person, and must be included with an assignment of a wage claim, any other appropriate claim, or of a judgment thereon.

(3) An action upon the bond or security deposit shall be commenced by serving and filing the complaint within three years from the date of expiration or cancellation of the bond, or in the case of a security deposit, within three years of the date of expiration or revocation of the license.

(4) A copy of the complaint in any such action shall be served upon the director at the time of commencement of the action and the director shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the farm labor contractor and the surety for suit upon the bond and the director shall transmit the complaint or a copy thereof to the contractor at the address listed in his or her application and to the surety within forty-eight hours after it has been received.

(5) The surety upon the bond may, upon notice to the director and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated.

(6) If the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, the claims shall be satisfied from the bond in the order that judgment was rendered.

(7) If any final judgment impairs the liability of the surety upon the bond so furnished so that there is not in effect a bond undertaking in the full amount prescribed by the director, the director shall suspend the license of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims has been furnished. If such bond becomes fully impaired, a new bond must be furnished.

(8) If the farm labor contractor has filed other security with the director in lieu of a surety bond, any person having an unsatisfied final judgment against the contractor for any violation of this chapter may execute upon the security deposit held by the director by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the director. Upon the receipt of service of such certified copy, the director shall pay or order paid from the deposit, through the registry of the court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the director shall be the order of receipt by the director, but the director shall have no liability for payment in excess of the amount of the deposit.

NEW SECTION. Sec. 19. There is appropriated from the general fund to the department of labor and industries for the biennium ending June 30, 1987, the sum of forty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 1 through 14 of this act.

NEW SECTION. Sec. 20. Sections 1 through 14 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, line 3 of the title, strike "and"

On page 1, line 3 of the title, after "18.27.110" insert ", 19.30.040, 19.30.081, and 19.30.160"

On page 1, line 4 of the title, after "18.27 RCW:" insert "adding a new section to chapter 19.30 RCW:"

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 4722 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4722.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4722 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Barr - 1.

Excused: Senator Peterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4925, by Senators Warnke, Stratton, Thompson, Bender, Gaspard and Owen

Designating Mt. Frances to honor Frances North.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 4925 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4925.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4925 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Peterson - 1.

SENATE BILL NO. 4925, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore introduced former Senator Frances North who was seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Senator North to address the Senate.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 4941 and the pending two amendments by Senator Stratton on page 1, line 17, deferred earlier today.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senator Stratton.

ROLL CALL

The Secretary called the roll and the motion by Senator Stratton carried and the amendments were adopted by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 27.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Kreidler, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 22.

MOTION

Senator Craswell moved that the following amendments by Senators Craswell, Benitz, Deccio, Stratton, Owen and McCaslin be considered simultaneously and adopted:

On page 1, line 26, strike "and special tax levy revenues" and insert "revenues from special tax levies approved by the electorate of the school district for the sole purpose of funding child care programs"

On page 2, line 30, strike "special tax levy revenues" and insert "revenues from special tax levies approved by the electorate of the school district for the sole purpose of funding child care programs"

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senators Craswell, Benitz, Deccio, Stratton, Owen and McCaslin.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendments were not adopted by the following vote: Yeas, 24; nays, 24; absent, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

Absent: Senator Fleming - 1.

MOTION

Senator Saling moved that the following amendment by Senators Saling, Benitz, Bailey, Craswell, Deccio, McCaslin, Stratton and Owen be adopted:

On page 1, line 28, after "programs" insert ": PROVIDED, That no classroom or school building necessary for the regular instruction of students in grades kindergarten through twelve may be considered surplus school facilities under this section"

Renumber remaining sections consecutively and correct internal references.

Debate ensued.

POINT OF INQUIRY-

Senator Gaspard: "Senator Saling, the question I'd like to ask concerns your definition or understanding in offering this amendment of what 'surplus school facilities' means. As you know, we had some discussion in committee and it was felt in committee that it can be a classroom within a building. Is that your definition or understanding also?"

Senator Saling: "The intent of this is not only a classroom within a building, but an entire building in some cases is being used for this purpose, if it is not currently being used in the K-12 instructional program. So, it would be any facility, room or building--should have a first call for the K-12 instructional program."

Senator Gaspard: "But that wouldn't preclude that if they aren't surplus and the first priority would be for the K-12 program, then if that is not needed then it doesn't preclude from the day care program that could take place?"

Senator Saling: "This amendment does not speak directly to that. It merely says that any of the space that is provided by the public for K-12 education should be used for that, if it is needed by the school district."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Saling, Benitz, Bailey, Craswell, Deccio, McCaslin, Stratton and Owen.

The motion by Senator Saling carried and the amendment was adopted.

MOTION

Senator Patterson moved that the following amendment by Senators Patterson and Stratton be adopted:

On page 2, beginning with line 26, strike all of subsection (4) through line 28. Renumber remaining subsections consecutively and correct internal references.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Granlund, most of these children probably would be under five. Does your school district now transport these children?"

Senator Granlund: "Yes, there is a program that's in operation that's called 'Discovery School' and they are transported. They are brought in with the mother when she comes into school and we do that and I'm sure there are many others, Slim."

Senator Rasmussen: "And it has not affected your liability?"

Senator Granlund: "It has not been an impact on liability. That's a question asked in all cases but this, in fact, allows that to happen. If you say you cannot do it, which is what taking this out of the bill would do, then I would suggest that we're going to eliminate, in the case of South Kitsap, thirteen to fifteen young persons who are presently getting to school and are completing their education and hopefully moving down the road to a better life than they've had up to this point in their lives."

Senator Rasmussen: "Thank you, Senator Granlund."

Further debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Patterson and Stratton.

ROLL CALL

The Secretary called the roll and the motion by Senator Patterson carried and the amendment was adopted by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 26.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 23.

MOTION

Senator Deccio moved that the following amendment by Senators Deccio, Craswell, Stratton and Granlund be adopted:

On page 3, following line 28, insert the following:

"**NEW SECTION, Sec. 8.** Priority for participation within child care programs provided for in this chapter shall be as follows: (1) the children of low-income single women who are the head of households; (2) the children of low-income single parents; and (3) all other children as space permits."

Renumber the remaining sections consecutively and correct internal references.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Deccio, Craswell, Stratton and Granlund.

The motion by Senator Deccio carried and the amendment was adopted.

MOTION

Senator Saling moved that the following amendment by Senators Saling, Bailey, Benitz, Craswell, Deccio, Stratton, McCaslin and Owen be adopted:

On page 3, after line 28, insert the following:

NEW SECTION, Sec. 8. A school district operating a child care program under this chapter shall not be liable for damages caused in connection with such program unless such damages were the result of gross negligence or wilful misconduct on the part of the school district or its employees."

Renumber remaining sections consecutively and correct internal references.

Debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator Talmadge, if we were to take out the 'gross,' would you then approve this amendment?"

Senator Talmadge: "Senator, then you have existing law. It really doesn't do anything. I'm not the floor manager for the bill, as is Senator Gaspard, but I certainly suggest that if you delete the word 'gross,' you really haven't done anything of any significance. That is, in fact, the law at the present time."

Senator Saling: "Thank you."

Further debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Saling, Benitz, Bailey, Craswell, Deccio, Stratton, McCaslin and Owen.

ROLL CALL

The Secretary called the roll and the motion by Senator Saling carried and the amendment was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Peterson, Pullen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

MOTION

Senator Stratton moved that the following amendment by Senators Stratton, Craswell and Hansen be adopted:

On page 3, after line 28, insert the following:

NEW SECTION, Sec. 8. Any local school district participating in providing child care programs provided under this chapter shall allocate space within the program giving priority to children whose custodial parent(s) or guardian(s) are employed during the hours in which the child care program services are provided; PROVIDED, That such priority shall not be given in programs established prior to the effective date of this act."

Renumber remaining sections accordingly and correct internal references.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Stratton, Craswell and Hansen.

The motion by Senator Stratton carried and the amendment was adopted.

MOTION

On motion of Senator Gaspard, the rules were suspended. Engrossed Second Substitute Senate Bill No. 4941 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Granlund, is it the intention of this bill that the day cares be contracted out to private operators?"

Senator Granlund: "That's one of the options. Yes."

Senator Rasmussen: "One of the options, but it's not the intention?"

Senator Granlund: "Well, it could be an option. It spells out the other things that the school district could develop. Again, the citizens of that community are going to develop that program, not you or I. We're not going to dictate. They can develop the program but the needs assessment has to be made by the people who want this program within the school district. Now, the school district is going to be cooperative. They will work to develop this. Parent cooperatives are involved with the development of the program."

Senator Granlund: "Thank you."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 4941.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 4941 and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; absent, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Sellar, Zimmerman - 19.

Absent: Senator Guess - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4941, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Rasmussen assumed the chair.

SECOND READING

SENATE BILL NO. 4990, by Senator Goltz

Regulating river running.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 4990 was substituted for Senate Bill No. 4990 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 4990 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Goltz, is there any language in the bill that would affect the rights of an individual citizen to raft down the river?"

Senator Goltz: "No, this bill does not cover people who raft on their own. This is only for those who provide the service for others."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Goltz, would it not be possible for an attorney to draw up a well-worded waiver that each person riding these rafts could sign before the trip holding the operator or equipment harmless of any liability, rather than go through this process?"

Senator Goltz: "I would have to have an attorney answer that, I think, but I don't think you can waive away a person's legal rights, if that was the question.

Maybe you should ask someone like Senator Bottiger or Senator Talmadge, or Senator Hayner. I'm not sure that I can answer that question to give you a legal opinion."

POINT OF INQUIRY

Senator Newhouse: "You have in this bill Section 3, Senator Goltz, a rather unique liability section in which the owner and any member of his immediate family mentioned explicitly shall be jointly and severally liable. My question is, what happens if an employee is operating this craft, is he liable, or is the owner liable?"

Senator Goltz: "Again I would have to ask someone with better legal training than I have to respond to that."

Further debate ensued.

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "On the two questions that were raised, first with respect to waivers of negligence. There is a Washington Supreme Court case called 'Baker v. the City of Seattle,' involving the lease of a golf cart, where the courts struck down some small language that provided for the waiver of one's rights with respect to an action for negligence against the City of Seattle.

"More recently, however, there is a case called 'Shorter v. Drury,' that the Washington Supreme Court decided involving the consequences attached to a patient refusing to having a blood transfusion--the patient was a Jehovah's Witness. The court said the physician could legitimately contract to deal with the consequences or conditions of that person refusing to have a blood transfusion, but the court reserved its opinion with respect to the issue of whether or not a negligence could be waived or a negligence could be contracted away.

"We'll probably have a good idea as to whether or not this area is possible, whether you can draft an effective waiver of negligence when the Supreme Court gets the case involving the Seattle School Districts' language of waiver with respect to athletic events. They drafted a very tight waiver proviso that students have to sign before they can participate in school athletics in the Seattle School Districts, so we will know about that, I believe shortly.

"As to the concerns about Section 3 of the bill, it is a very common section, that, in effect, imputes fault to the owner of the watercraft. There is a distinction between the owner and the operator of the craft and says that if the watercraft is being operated by a member, in effect of the immediate family, the owner of the watercraft, the fault will be imputed--not unusual at all."

Further debate ensued.

MOTION

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4990.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4990 and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vogniild, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Zimmerman - 19.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 4990, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Goltz assumed the chair.

SECOND READING

SENATE BILL NO. 4792, by Senators Wojahn, Kiskaddon, Stratton, Deccio, Granlund, Barr, Zimmerman, Vognild and Peterson

Relating to public health and environment.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4792 was substituted for Senate Bill No. 4792 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the following amendments by Senators Wojahn and Kiskaddon were considered simultaneously and adopted:

On page 10, line 2, after "Sec. 17. (1)" insert "The fees authorized by this section are limited to licensing programs or activities transferred by the division of health of the department of social and health services to the department of public health and environment.

On page 10, line 7, strike "(2)" and insert "(b)"

On page 10, line 16, strike "(3)" and insert "(c)"

On page 10, line 19, strike "(4)" and insert "(d)"

On page 10, after line 21, insert the following:

"(2) Nothing in this section shall be construed to modify the methods used by the department of ecology to set fees for any programs transferred from the department of ecology to the department of public health and environment."

On page 18, line 7, after "Sec. 32." insert "(1) The fees authorized by this section are limited to licensing programs or activities transferred by the division of health of the department of social and health services to the department of public health and environment."

On page 18, after line 16, insert the following:

"(2) Nothing in this section shall be construed to modify the methods used by the department of ecology to set fees for any programs transferred from the department of ecology to the department of public health and environment."

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Bill No. 4792 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Bluechel was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4792.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4792 and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Kreidler, McDonald, Newhouse, Owen, Pullen, Thompson - 5.

Absent: Senators Williams, Rinehart - 2.

Excused: Senator Bluechel - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:38 p.m., on motion of Senator Vognild, the Senate recessed until 4:00 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 4:23 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4529, by Senators Talmadge, Newhouse, Halsan and Johnson

Revising registered nurse privileged communications provisions.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4529 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4529.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4529 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Craswell, Peterson - 2.

SENATE BILL NO. 4529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Craswell was excused.

SECOND READING

SENATE BILL NO. 4645, by Senators Warnke, Newhouse and Vognild (by request of Employment Security Department)

Modifying provisions on unemployment coverage of corporate officers.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 2, line 6, after "effect" strike "January 1, 1987" and insert "July 1, 1986"

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 4645 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4645.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4645 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Bottiger, McCaslin - 2.

Absent: Senators Bauer, Peterson - 2.

Excused: Senator Craswell - 1.

ENGROSSED SENATE BILL NO. 4645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4872, by Senators Gaspard, Talmadge and Conner (by request of Governor Gardner)

Revising school governance.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 4872 was substituted for Senate Bill No. 4872 and the substitute bill was placed on second reading and read the second time.

Senator Stratton moved that the following amendments by Senators Stratton and Gaspard be considered simultaneously and adopted:

On page 1, line 15, strike "nonvoting" and insert ((nonvoting)) voting

On page 5, line 24, after "state," insert "and the member appointed to represent private schools meeting the requirements of RCW 28A.02.201"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Stratton and Gaspard.

The motion by Senator Stratton carried and the amendments were adopted.

MOTIONS

Senator Bender moved that the following amendments by Senators Bender and Saling be considered simultaneously and adopted:

On page 1, beginning on line 10, strike all material through "appointed." on page 5, line 7, and insert:

"The state board of education shall be ((comprised)) composed of two members from each congressional district of the state, not including any congressional district at large, elected by the members of the boards of directors of school districts thereof, as hereinafter in this chapter provided, ((and)) one nonvoting member to represent all private schools in the state meeting the requirements of Rcw 28A.02.201, elected at large, as hereinafter in this chapter provided, by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.02.201, as now or hereafter amended, the superintendent of public instruction as provided for under RCW 28A.03.030(6), and the governor or his or her designee."

Renumber the remaining sections consecutively.

On page 5, line 24, after "state" insert "and the governor or his or her designee"

On page 8, line 14, after "(1)", strike all material through "(5)" on line 26

On motion of Senator Stratton, the following amendment to the first amendment by Senators Bender and Saling was adopted:

On line 8 of the amendment by Senator Bender and Saling, strike "nonvoting" and insert "((nonvoting)) voting"

The President declared the question before the Senate to be adoption of the amendments by Senators Bender and Saling, as amended.

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Bender and Saling, as amended.

ROLL CALL

The Secretary called the roll and the motion by Senator Bender failed and the amendments, as amended, were not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vogniild, Warnke, Williams, Wojahn - 25.

Excused: Senator Craswell - 1.

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 4872 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Kreidler, in response to my remarks--I think some of yours were a response--I think it was either you or Senator Gaspard said that this is

a move towards the appointment of the Superintendent of Schools. At what point do you see that coming?"

Senator Kreidler: "Senator Deccio, I have no idea when I would anticipate that coming, but it's a move that I was expressing my own personal feelings on, and my personal feelings are that that's the kind of decision that should be made at some point in time."

POINT OF INQUIRY

Senator Deccio: "Mr. President, with your permission, I would like to ask Senator Gaspard the same question.

"Senator Gaspard, the same question I put to Senator Kreidler--he indicated that this was a move towards the appointment of the State Superintendent of Public Instruction. Number 1, do you agree with that and Number 2, at what point do you see this happening?"

Senator Gaspard: "Senator Deccio, I think that Senator Kreidler was expressing a personal preference and I don't agree with that position. If you will look at the Report from the 3609 Committee, for example, when they looked at school government and they looked at the issue of having the State School Board appointed rather than elected--they viewed that it has to be a constitutional amendment, and we all know that. The State Constitution allows for the SPI to be a state-wide elected official and, secondly, when they ran a poll to find out what kind of public support there would be for the SPI to be appointed, they found out that sixty-nine percent of the public thought that the SPI ought to be elected the way it is now.

"The polls that I have looked at--conducted in my own district--are very similar in responses, in that high 60's low 70's range. Quite frankly, I don't think the public, at least the public in this state, that has a very populous background and we look at all of the elected officials that we do elect in elections, that the public is very unlikely to give up their opportunity to vote for public officials, so I don't see that change coming about."

Further debate ensued.

Senators McDermott, Gaspard and Bottiger demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4872.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4872 and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Bender, Benitz, Cantu, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Excused: Senator Craswell - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4872, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4875, by Senators Granlund, Garrett, Conner, Wojahn, Peterson, DeJarnatt, Talmadge, Gaspard, Goltz, Williams, Vognilid and McManus (by request of Governor Gardner)

Providing for the appointment by the governor of the secretary of transportation, the director of game, and the director of parks and recreation.

The bill was read the second time.

MOTION

Senator McDermott moved that the following amendment be adopted:

On page 6, line 26, after "management," insert "The lieutenant governor shall be one of the nine members of the committee and shall be its chairman"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDermott.

The motion by Senator McDermott carried and the amendment was adopted.

MOTION

Senator Zimmerman moved that the following amendment by Senators Zimmerman, McCaslin, Saling, Bailey and Pullen be adopted:

Beginning on page 7, line 7, strike all material through "immediately" on line 10.

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Thompson, would you then want to state, so we can categorically state for the record that in no way you would have any intention to have the referendum right of the people affected by this emergency clause or by this bill at this point? In other words, the right of the people to have a referendum on this issue?"

Senator Thompson: "On the issue of the appointive authority, I so categorically state."

Senator Zimmerman: "All other sections, but Sections 8 and 9?"

Senator Thompson: "Yes."

Senator Zimmerman: "Fine. Thank you very much."

Senator Zimmerman demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Zimmerman, McCaslin, Saling, Bailey and Pullen.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Excused: Senator Craswell - 1.

MOTION

Senator Cantu moved that the following amendment by Senators Cantu, Zimmerman, Bailey, McCaslin and Saling be adopted:

On page 6, line 35, after "resources," insert the following and renumber the following subsections consecutively:

"(3) Develop recommendations for reducing supervisory personnel in the departments of transportation, game and parks and recreation and placing these supervisors in direct-service positions with regard to the constituencies of the respective departments. These recommendations shall insure that this transfer of responsibilities shall not violate the equal pay provisions of the Fair Labor Standards Act."

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Cantu, Zimmerman, Bailey, McCaslin and Saling.

ROLL CALL

The Secretary called the roll and the motion by Senator Cantu failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Deccio, Guess, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 25.

Absent: Senators Hansen, Johnson - 2.

Excused: Senator Craswell - 1.

MOTION

Senator Bailey moved that the following amendment by Senators Bailey, Zimmerman, Saling and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. It is the purpose of this chapter to create a department of marine transportation.

NEW SECTION, Sec. 2. As used in this chapter, unless the context indicates otherwise:

(1) "Department" means the department of marine transportation; and

(2) "Director" means the director of marine transportation.

NEW SECTION, Sec. 3. There is hereby created a department of state government to be known as the department of marine transportation. The department shall be vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

NEW SECTION, Sec. 4. The executive head and appointing authority of the department shall be the director. The director shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. If a vacancy occurs in the position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate.

NEW SECTION, Sec. 5. It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the director in order that the director may institute therein the flexible, alert, and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever the director's authority is not specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director considers appropriate, except as otherwise specified by law. The director may employ such assistants and personnel as may be necessary for the general administration of the department. This employment shall be in accordance with the state civil service law, chapter 41.06 RCW, except as otherwise provided.

NEW SECTION, Sec. 6. The director shall appoint a deputy director and such assistant directors as may be needed to administer the department. The deputy director shall have charge and general supervision of the department in the absence or disability of the director and, in case of a vacancy in the office of director, shall continue in charge of the department until a successor is appointed and qualified, or until the governor appoints an acting director.

NEW SECTION, Sec. 7. Any power or duty vested in or transferred to the director by law, or executive order, may be delegated by the director to the deputy director or to any other assistant or subordinate; but the director shall be responsible for the official acts of the officers and employees of the department.

NEW SECTION, Sec. 8. The director may appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The director may also appoint state-wide committees or councils on such subject matters as are or come within the department's responsibilities. The state-wide committees and councils shall have representation from both major political parties and shall have substantial consumer representation. The committees or councils shall be constituted as required by federal law or as the director may determine. The members of the committees or councils shall hold office as follows: One-third to serve one year; one-third to serve two years; and one-third to serve three years. Upon expiration of the original terms, subsequent appointments shall be for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member may serve more than two consecutive terms.

Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 9. In furtherance of the policy of the state to cooperate with the federal government in all of the programs under the jurisdiction of the department, such rules as may become necessary to entitle the state to participate in federal funds may be adopted, unless expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of law dealing with the department which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any law dealing with the department is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to

the state, or to any departments or agencies thereof, the conflicting part is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. Sec. 10. All powers, duties, and functions of the department of transportation and the transportation commission pertaining to marine transportation are transferred to the department and director of marine transportation. All references to the secretary or department of transportation and the transportation commission in the Revised Code of Washington shall be construed to mean the director or department of marine transportation when referring to the functions transferred in this section.

NEW SECTION. Sec. 11. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of transportation and the transportation commission pertaining to the powers, functions, and duties transferred by section 10 of this act shall be delivered to the custody of the department and director of marine transportation. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of transportation and the transportation commission in carrying out the powers, functions, and duties transferred by section 10 of this act shall be made available to the department and director of marine transportation. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred by section 10 of this act shall be assigned to the department and director of marine transportation.

Any appropriations made to the department of transportation and the transportation commission for carrying out the powers, functions, and duties transferred by section 10 of this act shall, on the effective date of this act, be transferred and credited to the department and director of marine transportation.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 12. All classified employees of the department of transportation and the transportation commission engaged in performing the powers, functions, and duties transferred by section 10 of this act are transferred to the jurisdiction of the department and director of marine transportation. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department and director of marine transportation to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 13. All rules and all pending business before the department of transportation and the transportation commission pertaining to the powers, functions, and duties transferred by section 10 of this act shall be continued and acted upon by the department and director of marine transportation. All existing contracts and obligations shall remain in full force and shall be performed by the department and director of marine transportation.

NEW SECTION. Sec. 14. The transfer of the powers, duties, functions, and personnel of the department of transportation and the transportation commission shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION. Sec. 15. If apportionments of budgeted funds are required because of the transfers directed by sections 11 through 14 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 16. Nothing contained in sections 10 through 15 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 17. Section 1, chapter 10, Laws of 1979 as last amended by section 47, chapter 466, Laws of 1985 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of trade and economic development, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, ~~((and))~~ (15) the department of community development, and (16) the department of marine transportation, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 18. Section 2, chapter 10, Laws of 1979 as last amended by section 48, chapter 466, Laws of 1985 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of trade and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, ~~(and)~~ (15) the director of community development, and (16) the director of marine transportation.

Such officers, except the secretary of transportation and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041, and the director of game shall be appointed by the game commission.

NEW SECTION. Sec. 19. A new section is added to chapter 47.60 RCW to read as follows:

As used in this chapter, unless the context indicates otherwise:

- (1) "Department" means the department of marine transportation; and
- (2) "Director" means the director of marine transportation.

Sec. 20. Section 1, chapter 341, Laws of 1981 and RCW 47.60.013 are each amended to read as follows:

The governor is authorized to take such actions as may be necessary to insure the continued operation of the Puget Sound ferry and toll bridge system under any emergency circumstances which threaten the continued operation of the system. In the event of such an emergency, the governor may assume all the powers granted by law to the ~~((transportation commission and))~~ department ~~((of transportation))~~ with respect to the ferry system. In addition, notwithstanding the provisions of chapters 47.60 and 47.64 RCW, the governor may contract with any qualified persons for the operation of the Washington state ferry system, or any part thereof, or for ferry service to be provided by privately owned vessels. Administrative costs to the office of the governor incurred in the exercise of this authority shall be reimbursed by the department.

Sec. 21. Section 47.60.130, chapter 13, Laws of 1961 as last amended by section 6, chapter 189, Laws of 1979 ex. sess. and RCW 47.60.130 are each amended to read as follows:

Such ferry system, including any toll bridges, approaches, and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the department ~~((of transportation))~~ may determine, and such ferry system together with any toll bridge hereafter constructed by the department upon or across the waters of Puget Sound or Hood Canal, or any part of either, replacing one or more presently operated ferry routes, is declared to be a continuous project within the meaning of RCW 47.56.070. The department is empowered to rent, lease, or charter any property acquired under this chapter. If the department determines that any real property (including lands, improvements thereon, and any interests or estates) originally acquired for the ferry system is no longer required for the purposes of the ferry system, the department shall offer it for sale in the manner and with the authority authorized to the department by RCW 47.12.063 or 47.12.283. The ~~((secretary of transportation))~~ director may adopt rules further implementing this section. The proceeds of all such sales shall be paid into the separate trust fund of the state treasury established pursuant to RCW 47.60.150.

Sec. 22. Section 1, chapter 210, Laws of 1982 and RCW 47.60.145 are each amended to read as follows:

(1) An "historic ferry" is any vessel in the Washington state ferries fleet which has been listed in the Washington state register of historic places.

(2) When the department ~~((of transportation))~~ determines that an historic ferry is surplus to the needs of Washington state ferries, the department shall call for proposals from persons who wish to acquire the historic ferry. Proposals for the acquisition of an historic ferry shall be accepted only from persons or organizations that (a) are a governmental entity or a nonprofit corporation or association dedicated to the preservation of historic properties; (b) agree to a contract approved by the state historic preservation officer, which requires the preservation and maintenance of the historic ferry and provides that title to the ferry reverts to the state if the ~~((secretary of transportation))~~ director determines that the contract has been violated; and (c) demonstrate the administrative and financial ability successfully to comply with the contract.

(3) The department shall evaluate the qualifying proposals and shall select the proposal which is most advantageous to the state. Factors to be considered in making the selection shall include but not be limited to:

- (a) Extent and quality of restoration;
- (b) Retention of original design and use;
- (c) Public access to the vessel;
- (d) Provisions for historical interpretation;
- (e) Monetary return to the state.

(4) If there are no qualifying proposals, an historic ferry shall be disposed of in the manner provided by state law.

Sec. 23. Section 47.60.250, chapter 13, Laws of 1961 as last amended by section 319, chapter 7, Laws of 1984 and RCW 47.60.250 are each amended to read as follows:

As a condition to a recovery thereon, a verified claim against the department growing out of such damages, loss, injuries, or death must first be presented to the department and filed with the ~~((secretary))~~ director within one hundred twenty days after the time when the claim accrued. If the claimant is incapacitated from verifying and filing a claim within the one hundred twenty days, or if the claimant is a minor, then the claim may be verified and presented on behalf of the claimant by his or her relative, attorney, or agent. Each claim must accurately locate and describe the event or defect that caused the damage, loss, injury, or death, reasonably describe the damage, loss, or injury, and state the time when the damage, loss, or injury occurred, give the claimant's residence for the last six months, and contain the items of damages claimed. No action may be maintained against the department upon the claim until the claim has been presented to, and filed with, the department and sixty days have elapsed after the presentation and filing, nor more than three years after the claim accrued.

With respect to the content of the claims, this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 24. Section 5, chapter 344, Laws of 1981 as amended by section 25, chapter 15, Laws of 1983 and RCW 47.60.326 are each amended to read as follows:

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, including the Hood Canal bridge, the department ~~((of transportation))~~ each year shall conduct a full review of such charges.

(2) ~~((Prior to February 1st of each odd-numbered year))~~ The department ~~((shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing biennium. The commission))~~ on or before July 1st of ~~((that))~~ each odd-numbered year shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing biennium commencing July 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, July 1st.

(3) The department in ~~((making its review and formulating recommendations and the commission in))~~ adopting a schedule of charges may consider any of the following factors:

- (a) The amount of subsidy available to the ferry system for maintenance and operation;
- (b) The time and distance of ferry runs;
- (c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;
- (d) The efficient distribution of traffic between cross-sound routes;
- (e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;
- (f) The effect of proposed fares in increasing walk-on and vehicular passenger use;
- (g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;
- (h) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected toll revenues from the ferry system, together with the appropriation from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries, will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. ~~((The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.))~~

(5) The provisions of RCW 47.60.330 relating to public participation shall apply to the process of revising ferry tolls under this section.

Sec. 25. Section 76, chapter 15, Laws of 1983 and RCW 47.60.330 are each amended to read as follows:

(1) Before a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges, the department ~~((of transportation))~~ shall consult with affected ferry users. The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c).

(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members

thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.

(3) Before increasing ferry tolls the department (~~(of transportation)~~) shall consider all possible cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450. Before including any toll increase in a budget proposal (~~(by the commission)~~), the department (~~(of transportation)~~) shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1) (a) or (c) of this section.

Sec. 26. Section 2, chapter 27, Laws of 1979 and RCW 47.60.503 are each amended to read as follows:

The department (~~(of transportation)~~) is authorized and directed to take all necessary steps to obtain federal emergency relief funds to assist the state of Washington in restoring transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas, including both interim measures and the ultimate reconstruction or replacement of the Hood Canal bridge.

Sec. 27. Section 1, chapter 184, Laws of 1981 and RCW 47.60.504 are each amended to read as follows:

(1) There is hereby created in the motor vehicle fund the Hood Canal bridge account to the credit of which shall be deposited all property damage insurance proceeds received by the state as a result of the partial destruction of the Hood Canal bridge in February, 1979, together with the income from the investment of the insurance proceeds. All moneys deposited in this account shall be used by the department (~~(of transportation)~~) for the reconstruction of the Hood Canal bridge on state route number 104 or to reimburse in part the United States for federal funds used for the reconstruction of the bridge.

(2) Any moneys in the Hood Canal bridge account available for investment may be loaned to treasury funds, including the motor vehicle fund (~~(in accordance with the provisions for interfund loans contained in RCW 43.84.100 and 43.84.110)~~).

(3) The state investment board may invest and reinvest in accordance with RCW 43.84.150 the surplus moneys in the Hood Canal bridge account as the (~~(secretary of transportation)~~) director deems appropriate. All income from said investments shall be deposited to the credit of the Hood Canal bridge account in the motor vehicle fund.

Sec. 28. Section 2, chapter 85, Laws of 1970 ex. sess. as last amended by section 3, chapter 27, Laws of 1979 and RCW 47.60.505 are each amended to read as follows:

There is hereby created in the motor vehicle fund the Puget Sound capital construction account. All moneys hereafter deposited in said account shall be used by the department (~~(of transportation)~~) for:

(1) Reimbursing the motor vehicle fund for all transfers therefrom made in accordance with RCW 47.60.620; and

(2) Improving the Washington state ferry system including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, terminal construction and improvements, and reconstruction or replacement of, and improvements to, the Hood Canal bridge, reimbursement of the motor vehicle fund for any state funds, other than insurance proceeds, expended therefrom for reconstruction or replacement of and improvements to the Hood Canal bridge, pursuant to proper appropriations: PROVIDED, That any funds accruing to the Puget Sound capital construction account after June 30, 1979, which are not required to reimburse the motor vehicle fund pursuant to RCW 47.60.620 as such obligations come due nor are required for capital improvements of the Washington state ferries pursuant to appropriations therefor shall from time to time as shall be determined by the department (~~(of transportation)~~) be transferred by the state treasurer to the Puget Sound ferry operations account in the motor vehicle fund.

Sec. 29. Section 8, chapter 27, Laws of 1979 and RCW 47.60.544 are each amended to read as follows:

The department (~~(of transportation)~~) shall each quarter report to and consult with the legislative transportation committee on the implementation of (~~(sections 1 through 7 of this 1979 act)~~) RCW 47.60.502 through 47.60.543.

Sec. 30. Section 1, chapter 133, Laws of 1983 and RCW 47.60.680 are each amended to read as follows:

No contract for the construction, improvement, or repair of a ferry, ferry terminal, or other facility operated by the Washington state ferries or for the repair, overhaul, or the dry-docking of any ferry operated by Washington state ferries may be awarded to any contractor who has not first been prequalified to perform the work by the department (~~(of transportation)~~). No bid or proposal for such a contract may be received from any contractor who has not first been prequalified to perform the work by the department (~~(of transportation)~~).

Sec. 31. Section 2, chapter 133, Laws of 1983 and RCW 47.60.690 are each amended to read as follows:

The ~~((secretary of transportation))~~ director shall adopt rules prescribing standards and criteria to assure that each ferry system construction and repair contract described in RCW 47.60.680 shall be awarded to a competent and responsible contractor who has all of the following qualifications:

(1) Adequate financial resources, which may take into account the ability of the contractor to secure such resources;

(2) The necessary organization, personnel, equipment, facilities, experience, and technical ~~((qualification(s)))~~ qualifications to perform ferry system construction and repair contracts generally and with respect to any specific contract such additional special qualifications as may be necessary to perform the contract;

(3) The ability to comply with the department's performance schedules taking into account the outstanding work on all of the contractor's construction and repair contracts;

(4) A satisfactory record of performing previous contracts;

(5) A satisfactory record of integrity, judgment, and skills; and

(6) Such other qualifications as the secretary may prescribe to assure that prequalified contractors are competent and responsible.

Sec. 32. Section 5, chapter 133, Laws of 1983 and RCW 47.60.720 are each amended to read as follows:

Upon receipt of an application by a contractor for prequalification to perform ferry system construction and repair contracts, the department shall conduct such additional investigation as it deems necessary. If it finds that the applicant is qualified in accordance with the rules as adopted by the ~~((secretary))~~ director, the department shall prequalify the contractor to perform the contracts for a period of one year. The prequalification shall fix the aggregate dollar amount of work, including any contract let by the department, that the contractor may have under contract and uncompleted at any one time and may limit the contractor to the submission of bids or proposals upon a certain class of work. Subject to any restrictions on the dollar amount or class of work specified thereunder, the prequalification shall authorize a contractor to bid or submit proposals on all ferry system construction and repair contracts mentioned in RCW 47.60.680 except contracts requiring special prequalification. If the department determines that an applicant is not entitled to prequalification, it shall give written notice of the determination to the applicant.

Sec. 33. Section 9, chapter 133, Laws of 1983 and RCW 47.60.760 are each amended to read as follows:

The department ~~((of transportation))~~ shall not be required to make available for public inspection and copying financial information supplied by any person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750.

NEW SECTION. Sec. 34. A new section is added to chapter 47.61 RCW to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Department" means the department of marine transportation; and

(2) "Director" means the director of marine transportation.

Sec. 35. Section 2, chapter 15, Laws of 1983 and RCW 47.64.011 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the definitions in this section shall apply.

(1) "Arbitration" means the procedure whereby the parties involved in an impasse submit their differences to a third party for a final and binding decision or as provided in this chapter.

(2) "Arbitrator" means either a single arbitrator or a panel of three arbitrators as provided in RCW 47.64.240.

(3) "Collective bargaining representative" means the persons designated by the ~~((secretary of transportation))~~ director and employee organizations to be the exclusive representatives during collective bargaining negotiations.

(4) "Department ~~((of transportation))~~" means the department ~~((as defined in RCW 47.01.021))~~ of marine transportation.

(5) "Ferry employee" means any employee of the ~~((marine transportation division of the))~~ department ~~((of transportation))~~ who is a member of a collective bargaining unit represented by a ferry employee organization and does not include an exempt employee pursuant to RCW 41.06.079.

(6) "Ferry employee organization" means any labor organization recognized to represent a collective bargaining unit of ferry employees.

(7) "Ferry system management" means those management personnel of the ~~((marine transportation division of the))~~ department ~~((of transportation))~~ who have been vested with the day-to-day management responsibilities of the Washington state ferry system ~~((by the transportation commission))~~ and who are not members of a collective bargaining unit represented by a ferry employee organization.

(8) "Lockout" means the refusal of ferry system management to furnish work to ferry employees in an effort to get ferry employee organizations to make concessions during collective bargaining, grievance, or other labor relation negotiations. Curtailment of employment of ferry employees due to lack of work resulting from a strike or work stoppage, as defined in subsection (11) of this section, shall not be considered a lockout.

(9) "Marine employees' commission" means the commission created in RCW 47.64.280.

(10) "Office of financial management" means the office as created in RCW 48.41.050.

(11) "Strike or work stoppage" means a ferry employee's refusal, in concerted action with others, to report to duty, or his or her wilful absence from his or her position, or his or her stoppage or slowdown of work, or his or her abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of his, her, or any other ferry employee's employment. A refusal, in good faith, to work under conditions which pose an endangerment to the health and safety of ferry employees or the public, as determined by the master of the vessel, shall not be considered a strike for the purposes of this chapter.

~~((12) "Transportation commission" means the commission as defined in RCW 47.01.021.))~~

Sec. 36. Section 47.64.090, chapter 13, Laws of 1961 as amended by section 27, chapter 15, Laws of 1983 and RCW 47.64.090 are each amended to read as follows:

If any party assumes the operation and maintenance of any ferry or ferry system by rent, lease, or charter from the department (~~(of transportation)~~), such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the department shall provide that the wages to be paid, hours of employment, working conditions and seniority rights of employees will be established by the marine employees' commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated in accordance with chapter 47.64 RCW.

Sec. 37. Section 5, chapter 15, Laws of 1983 and RCW 47.64.140 are each amended to read as follows:

(1) It is unlawful for any ferry system employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike or work stoppage against the ferry system.

(2) It is unlawful for ferry system management to authorize, consent to, or condone a strike or work stoppage; or to conduct a lockout; or to pay or agree to pay any ferry system employee for any day in which the employee participates in a strike or work stoppage; or to pay or agree to pay any increase in compensation or benefits to any ferry system employee in response to or as a result of any strike or work stoppage or any act that violates subsection (1) of this section. It is unlawful for any official, director, or representative of the ferry system to authorize, ratify, or participate in any violation of this subsection. Nothing in this subsection prevents new or renewed bargaining and agreement within the scope of negotiations as defined by this chapter, at any time. No collective bargaining agreement provision regarding suspension or modification of any court-ordered penalty provided in this section is binding on the courts.

(3) In the event of any violation or imminently threatened violation of subsection (1) or (2) of this section, any citizen domiciled within the jurisdictional boundaries of the state may petition the superior court for Thurston county for an injunction restraining the violation or imminently threatened violation. Rules of civil procedure regarding injunctions apply to the action. However, the court shall grant a temporary injunction if it appears to the court that a violation has occurred or is imminently threatened; the plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him or her; and no bond may be required of the plaintiff unless the court determines that a bond is necessary in the public interest. Failure to comply with any temporary or permanent injunction granted under this section constitutes a punishable contempt. The punishment shall not exceed ten thousand dollars for an employee organization or the ferry system, for each day during which the failure to comply continues, or imprisonment in a county jail for officials thereof not exceeding six months, or both such fine and imprisonment. The punishment for a ferry employee found to be in contempt shall be as provided in chapter 7.20 RCW. An individual or an employee organization which makes an active good faith effort to comply fully with the injunction shall not be deemed to be in contempt.

(4) The right of ferry system employees to engage in strike or work slowdown or stoppage is not granted and nothing in this chapter may be construed to grant such a right.

(5) Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

(6) In addition to the remedies and penalties provided by this section the successful litigant is entitled to recover reasonable attorney fees and costs incurred in the litigation.

(7) Notwithstanding the provisions of chapter 88.04 RCW and chapter 88.08 RCW, the department (~~(of transportation)~~) shall promulgate rules and regulations allowing vessels, as defined in RCW 88.04.300, as well as other watercraft, to engage in emergency passenger

service on the waters of Puget Sound in the event ferry employees engage in a work slowdown or stoppage. Such emergency rules and regulations shall allow emergency passenger service on the waters of Puget Sound within seventy-two hours following a work slowdown or stoppage. Such rules and regulations that are promulgated shall give due consideration to the needs and the health, safety and welfare of the people of the state of Washington.

Sec. 38. Section 8, chapter 15, Laws of 1983 and RCW 47.64.170 are each amended to read as follows:

(1) Any ferry employee organization certified as the bargaining representative shall be the exclusive representative of all ferry employees in the bargaining unit and shall represent all such employees fairly.

(2) A ferry employee organization or organizations and the ~~((secretary of transportation))~~ director may each designate any individual as its representative to engage in collective bargaining negotiations.

(3) Negotiating sessions, including strategy meetings of ferry system management or employee organizations, mediation, and the deliberative process of arbitrators are exempt from the provisions of chapter 42.30 RCW. Hearings conducted by arbitrators may be open to the public by mutual consent of the parties. Any meeting ~~((of))~~ held by the ~~((transportation commission))~~ department, during which a collective bargaining agreement is subject to ratification, shall be open to the public.

(4) Terms of any collective bargaining agreement may be enforced by civil action in Thurston county superior court upon the initiative of either party.

~~((Ferry system employees or any employee organization shall not negotiate or attempt to negotiate directly with a member of the transportation commission if the commission has appointed or authorized a bargaining representative for the purpose of bargaining with the ferry employees or their representative, unless the member of the commission is the designated bargaining representative of the ferry system.~~

~~((6))~~ (6) The negotiation of a proposed collective bargaining agreement by representatives of ferry system management and a ferry employee organization shall commence in each odd-numbered year immediately following adoption by the legislature and approval by the governor of the biennial budget.

~~((7))~~ (6) Until a new collective bargaining agreement is negotiated, or until an award is made by the arbitrator, the terms and conditions of the previous collective bargaining agreement shall remain in force. The wage and benefit provisions of any collective bargaining agreement, or arbitrator's award in lieu thereof, that is concluded after July 1st of an odd-numbered year shall be retroactive to July 1st. It is the intent of this section that the collective bargaining agreement or arbitrator's award shall commence on July 1st of each odd-numbered year and shall terminate on June 30th of the next odd-numbered year to coincide with the ensuing biennial budget year, as defined by RCW 43.88.020(7), to the extent practical.

~~((8))~~ (7) Any ferry union contract terminating before July 1, 1983, shall, with the agreement of the parties, remain in effect until a contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120 through 47.64.280. The contract may be retroactive to the expiration date of the prior contract, and the cost to the department of three months retroactive compensation and benefits for this 1983 contract negotiation only shall not be included in calculating the limitation imposed by RCW 47.64.180. If the parties cannot agree to contract extension, any increase agreed to for the three-month period shall be included in calculating the limit imposed by RCW 47.64.180.

~~((9))~~ (8) Any ferry union contract which would terminate after July 1, 1983, may, by agreement of the parties, be terminated as of July 1, 1983, and a new contract concluded pursuant to RCW 47.64.006, 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating after July 1, 1983, is subject to this chapter only upon its expiration and shall not be renewed for a period beyond July 1, 1985.

Sec. 39. Section 9, chapter 15, Laws of 1983 and RCW 47.64.180 are each amended to read as follows:

(1) No collective bargaining agreement or arbitrator's award is valid or enforceable if its implementation would be inconsistent with any statutory limitation on the ~~((department of transportation's))~~ department's funds, spending, or budget. The department ~~((of transportation))~~ shall, in good faith, exercise its administrative discretion with full public participation as required by RCW 47.60.330, subject only to legislative limitations and conditions, to implement the terms of any collective bargaining agreement or arbitrator's award.

(2) In no event may ~~((the transportation commission or))~~ the department ~~((of transportation))~~ authorize an increase in tolls after the enactment of the budget that is in excess of the Seattle consumer price index for the preceding twelve months for the purpose of providing revenue to fund a collective bargaining agreement or arbitrator's award. The ~~((commission or the))~~ department may increase tolls after the first fiscal year of the biennium by the amount that the Seattle consumer price index increased after the previous toll increase. This subsection shall not be construed to prevent increases due to items that are not labor-related and that are beyond the direct control of the department.

Sec. 40. Section 10, chapter 15, Laws of 1983 and RCW 47.64.190 are each amended to read as follows:

(1) No negotiated agreement or arbitration order may become effective and in force until five calendar days after an agreement has been negotiated or an arbitration order entered for each and every ferry employee bargaining unit.

(2) Upon the conclusion of negotiations or arbitration procedures with all ferry employee bargaining units, the ((secretary)) director shall ascertain whether the cumulative fiscal requirements of all such agreements and arbitration orders are within the limitations imposed by RCW 47.64.180.

(3) If the ((secretary)) director finds that budgetary or fare restrictions will be exceeded, he shall, within five calendar days of completion of negotiations or arbitration with the last bargaining unit to conclude an agreement, submit all agreements and arbitration awards to the marine employees' commission for a binding determination whether the limitations of RCW 47.64.180 have been exceeded.

(4) The marine employees' commission shall review all negotiated agreements and arbitration orders, and may take written or oral testimony from the parties, regarding compliance with RCW 47.64.180. Within fifteen calendar days of receiving the ((secretary's)) director's request for review, the commission shall determine by a majority vote of its members whether or not the cumulative effect of all such agreements and orders exceeds the limitations of RCW 47.64.180.

(5) If the marine employees' commission determines that the limitations of RCW 47.64.180 would be exceeded if all agreements and arbitration orders were given full force and effect, it shall order the minimum percentage reduction in straight time wage provisions applied equally across the board to all agreements or arbitration orders which will result in compliance with RCW 47.64.180.

(6) Whenever the ((secretary)) director requests a determination by the marine employees' commission pursuant to this section, the effect of all agreements and arbitration orders shall be stayed, pending the commission's final determination.

Sec. 41. Section 15, chapter 15, Laws of 1983 and RCW 47.64.240 are each amended to read as follows:

(1) If impasse persists fourteen days after the mediator has been appointed, or beyond any other date mutually agreed to by the parties, all impasse items shall be submitted to arbitration pursuant to this section, and that arbitration shall be binding upon the parties.

(2) Each party shall submit to the other within four days of request, a final offer on the impasse items with proof of service of a copy upon the other party. Each party shall also submit a copy of a draft of the proposed collective bargaining agreement to the extent to which agreement has been reached and the name of its selected arbitrator. The parties may continue to negotiate all offers until an agreement is reached or a decision rendered by the panel of arbitrators.

As an alternative procedure, the two parties may agree to submit the dispute to a single arbitrator. If the parties cannot agree on the arbitrator within four days, the selection shall be made pursuant to subsection (5) of this section. The full costs of arbitration under this provision shall be shared equally by the parties to the dispute.

(3) The submission of the impasse items to the arbitrators shall be limited to those issues upon which the parties have not reached agreement. With respect to each such item, the arbitration panel award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitration board on each impasse item.

(4) The panel of arbitrators shall consist of three members appointed in the following manner:

- (a) One member shall be appointed by the ((secretary of transportation)) director;
- (b) One member shall be appointed by the ferry employee organization;
- (c) One member shall be appointed mutually by the members appointed by the ((secretary of transportation)) director and the employee organization. The last member appointed shall be the chairman of the panel of arbitrators. No member appointed may be an employee of the parties;

(d) Ferry system management and the employee organization shall each pay the fees and expenses incurred by the arbitrator each selected. The fee and expenses of the chairman of the panel shall be shared equally by each party.

(5) If the third member has not been selected within four days of notification as provided in subsection (2) of this section, a list of seven arbitrators shall be submitted to the parties by the marine employees' commission. The two arbitrators selected by ferry system management and the ferry employee organization shall determine by lot which arbitrator shall remove the first name from the list submitted by the marine employees' commission. The second arbitrator and the first arbitrator shall alternately remove one additional name until only one name remains. The person whose name remains shall become the chairman of the panel of arbitrators and shall call a meeting within thirty days, or at such time mutually agreed to by the parties, at a location designated by him or her. In lieu of a list of seven nominees for the third member being submitted by the marine employees' commission, the parties may mutually agree to

have either the Federal Mediation and Conciliation Service or the American Arbitration Association submit a list of seven nominees.

(6) If a vacancy occurs on the panel of arbitrators, the selection for replacement of that member shall be in the same manner and within the same time limits as the original member was chosen. No final award under subsection (3) of this section may be made by the panel until three arbitrators have been chosen.

(7) The panel of arbitrators shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in this section.

(8) From the time of appointment until such time as the panel of arbitrators makes its final determination, there shall be no discussion concerning recommendations for settlement of the dispute by the members of the panel of arbitrators with parties other than those who are direct parties to the dispute. The panel of arbitrators may conduct formal or informal hearings to discuss offers submitted by both parties.

(9) The panel of arbitrators shall consider, in addition to any other relevant factors, the following factors:

(a) Past collective bargaining contracts between the parties including the bargaining that led up to the contracts;

(b) Comparison of wages, hours, employee benefits, and conditions of employment of the involved ferry employees with those of private sector employees within the state and Washington state employees doing directly comparable work, giving consideration to factors peculiar to the area and the classifications involved;

(c) The interests and welfare of the public, the ability of the ferry system to finance economic adjustments, and the effect of the adjustments on the normal standard of services;

(d) The right of the legislature to appropriate and to limit funds for the conduct of the ferry system; and

(e) The limitations on ferry toll increases and operating subsidies as may be imposed by the legislature.

(10) The chairman of the panel of arbitrators may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such powers to other members of the panel of arbitrators. The chairman of the panel of arbitrators may petition the superior court in Thurston county, or any county in which any hearing is held, to enforce the order of the chairman compelling the attendance of witnesses and the production of records.

(11) A majority of the panel of arbitrators shall within thirty days after its first meeting select the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties.

(12) The selections by the panel of arbitrators and items agreed upon by the ferry system management and the employee organization shall be deemed to be the collective bargaining agreement between the parties.

(13) The determination of the panel of arbitrators shall be by majority vote and shall be final and binding, subject to RCW 47.64.180 and 47.64.190. The panel of arbitrators shall give written explanation for its selection and inform the parties of its decision.

Sec. 42. Section 16, chapter 15, Laws of 1983 and RCW 47.64.250 are each amended to read as follows:

(1) Any ferry employee organization and the department (~~(of transportation)~~) may sue or be sued as an entity under this chapter. Service upon any party shall be in accordance with law or the rules of civil procedure. Nothing in this chapter may be construed to make any individual or his assets liable for any judgment against the department (~~(of transportation)~~) or a ferry employee organization if the individual was acting in his official capacity.

(2) Any legal action by any ferry employee organization or the department (~~(of transportation)~~) under this chapter shall be filed in Thurston county superior court within ten days of when the cause of action arose. The court shall consider those actions on a priority basis and determine the merits of the actions within thirty days of filing.

Sec. 43. Section 18, chapter 15, Laws of 1983 and RCW 47.64.270 are each amended to read as follows:

Absent a collective bargaining agreement to the contrary, the department (~~(of transportation)~~) shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state employees' insurance board, under chapter 41.05 RCW. The ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW 47.64.180. However, after July 1, 1984, any amount by which the employer contribution for ferry system employees' and dependents' insurance and health care plans exceeds that provided for other state agencies shall reduce the funds available for compensation purposes, pursuant to RCW 47.64.180.

Sec. 44. Section 19, chapter 15, Laws of 1983 as amended by section 95, chapter 287, Laws of 1984 and RCW 47.64.280 are each amended to read as follows:

(1) There is created the marine employees' commission. The governor shall appoint the commission with the consent of the senate. The commission shall consist of three members: One member to be appointed from labor, one member from industry, and one member from the public who has significant knowledge of maritime affairs. The public member shall be chairman of the commission. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Commission members are eligible for reappointment. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members are not eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission. Members of the commission shall be compensated in accordance with RCW 43.03.250 and shall receive reimbursement for official travel and other expenses at the same rate and on the same terms as provided for the transportation commission by RCW 47.01.061. The payments shall be made from the Puget Sound ferry operations account.

(2) The marine employees' commission shall: (a) Adjust all complaints, grievances, and disputes between labor and management arising out of the operation of the ferry system as provided in RCW 47.64.150; (b) provide for impasse mediation as required in RCW 47.64.210; (c) conduct fact-finding and provide salary surveys as required in RCW 47.64.220; and (d) provide for the selection of an impartial arbitrator as required in RCW 47.64.240(5).

(3) In adjudicating all complaints, grievances, and disputes, the party claiming labor disputes shall, in writing, notify the marine employees' commission, which shall make careful inquiry into the cause thereof and issue an order advising the ferry employee, or the ferry employee organization representing him or her, and the department ((of transportation)), as to the decision of the commission.

The parties are entitled to offer evidence relating to disputes at all hearings conducted by the commission. The orders and awards of the commission are final and binding upon any ferry employee or employees or their representative affected thereby and upon the department.

The commission shall adopt rules of procedure under chapter 34.04 RCW.

The commission has the authority to subpoena any ferry employee or employees, or their representatives, and any member or representative of the department, and any witnesses. The commission may require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission are enforceable by order of any superior court in the state of Washington for the county within which the proceeding may be pending. The commission may hire staff as necessary, appoint consultants, enter into contracts, and conduct studies as reasonably necessary to carry out this chapter.

Sec. 45, Section 5, chapter 123, Laws of 1965 ex. sess. as amended by section 75, chapter 151, Laws of 1977 ex. sess. and RCW 47.72.050 are each amended to read as follows:

In its capacity as successor to the canal commission, the department of marine transportation may:

(1) Adopt rules and regulations necessary to carry out the purposes of this chapter.

(2) Make such investigations, surveys, and studies it deems necessary to determine the feasibility of the development of a navigation canal, or systems of navigation canals within the state of Washington.

(3) Construct, maintain, and/or operate any navigation canal, or navigation canal systems deemed feasible by the department of marine transportation.

(4) Acquire by gift, purchase, or condemnation from any person, municipal, public, or private corporation, or the state of Washington, or lease from the United States of America, any lands, rights of way, easements, or property rights in, over, or across lands or waters necessary for the construction, operation, or maintenance of any navigation canal, or navigation canal system. The acquisition of such rights is for a public use. The exercise of the right of eminent domain shall be in the manner provided by chapter 8.04 RCW, and all actions initiated thereunder shall be brought in the name of the department of marine transportation.

(5) Hold public hearings. Prior to a determination of feasibility for any proposed project, the department shall hold a public hearing so that members of the public may present their views thereon.

(6) Accept and expend moneys appropriated by the legislature or received from any public or private source, including the federal government, in carrying out the purposes of this chapter.

(7) Negotiate and cooperate with the United States of America for the purpose of inducing the United States to undertake the construction, operation, or maintenance of any navigation canal, or navigation canal system provided for in this chapter.

(8) As a local sponsor cooperate, contract, and otherwise fully participate on behalf of the state of Washington with the United States of America, in any study relating to a determination of feasibility of a navigation canal or navigation canal system, and in any project relating to

the construction, operation, or maintenance of a navigation canal, or navigation canal system to be undertaken by the United States of America.

The authority granted herein includes, but is not limited to, contributing such moneys to the United States of America as may be required and appropriated for that purpose by the legislature and furnishing without cost to the United States of America all lands, easements, and rights of way, performing all necessary alterations to utilities arising from any project, and holding the United States of America free from any claims for damages arising out of the construction of any project.

NEW SECTION, Sec. 46. A new section is added to chapter 47.64 RCW to read as follows:

The marine employees' commission shall be reviewed jointly by the legislative transportation committee and the legislative budget committee according to criteria established jointly by these committees before December 1, 1987.

NEW SECTION, Sec. 47. Sections 1 through 10 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION, Sec. 48. This act shall take effect July 1, 1987."

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order that the amendment changes the scope and object of the bill. The bill is a bill dealing with reorganization of government, consolidating and changing certain departments. The striking amendment strikes all of that and inserts only a new department of marine transportation and, in fact, creates another new department."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Senate Bill No. 4875 is a measure providing for the appointment by the Governor of the Secretary of Transportation, the Director of Game and the Director of Parks and Recreation.

"The amendment proposed by Senators Bailey, Zimmerman, Saling and McCaslin creates a Department of Marine Transportation.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Bailey, Zimmerman, Saling and McCaslin was ruled out of order.

MOTION

Senator Saling moved that the following amendment by Senators Saling, Zimmerman, Bailey and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. There is established a joint study committee to be composed of the members of the House State Government Committee and the Senate Governmental Operations Committee. The committee shall study the Department of Game and the Department of Transportation and the Parks and Recreation Commission to determine whether or not there is a need to restructure the organization of these entities and, in particular, whether the public interest would be served by granting the Governor the authority to appoint the directors to serve at his pleasure.

Meetings of the committee shall be held for the purpose of eliciting state-wide views and affording all areas of the state the opportunity to participate.

The committee shall report to the Legislature by January 2, 1987, on its findings."

Debate ensued.

Senators Bottiger, McDermott and Talmadge demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendment by Senators Saling, Zimmerman, Bailey and McCaslin.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Saling, Zimmerman, Bailey and McCaslin.

MOTION

On motion of Senator Zimmerman, Senator Johnson was excused.

ROLL CALL

The Secretary called the roll and the motion by Senator Saling failed and the amendment was not adopted by the following vote: Yeas, 20; nays, 26; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Deccio, Guess, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Absent: Senator von Reichbauer - 1.

Excused: Senators Craswell, Johnson - 2.

MOTIONS

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

On motion of Senator Thompson, the rules were suspended, Engrossed Senate Bill No. 4875 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Bottiger, Wojahn and Bender demand the previous question and the demand was sustained on a rising vote.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4875.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4875 and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 24; excused, 3.

Voting yea: Senators Bauer, Bender, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, Guess, Hansen, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Zimmerman - 24.

Excused: Senators Craswell, Johnson, von Reichbauer - 3.

ENGROSSED SENATE BILL NO. 4875, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Senator Bottiger, having voted on the prevailing side, moved to immediately reconsider the vote by which Engrossed Senate Bill No. 4875 failed to pass the Senate.

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Saling: "Mr. President, what is the vote necessary for this motion?"

REPLY BY THE PRESIDENT

President Cherberg: "Two-thirds majority of the Senators present."

Senator Saling: "Thank you."

Further debate ensued.

MOTION

On motion of Senator Bottiger, and there being no objection, the motion to immediately reconsider the vote by which Engrossed Senate Bill No. 4875 failed to pass the Senate, was withdrawn.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bottiger served notice that he would move to reconsider the vote by which Engrossed Senate Bill No. 4875 failed to pass the Senate.

MOTION

On motion of Senator Zimmerman, Senator Patterson was excused.

SECOND READING

SENATE BILL NO. 4938, by Senators Thompson, Goltz, Conner, Rinehart, Garrett, DeJarnatt, Owen and Kreidler (by request of Governor Gardner)

Revising provisions relating to various boards and commissions.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4938 was substituted for Senate Bill No. 4938 and the substitute bill was placed on second reading and read the second time.

Senator McManus moved that the following amendments be considered simultaneously and adopted:

On page 4, line 8, strike "nine" and insert "eight"

On page 4, line 31, after "Washington" strike ":" and insert "(:)."

On page 4, line 31, strike "and one member shall be the state chief electrical inspector." and insert "~~((and one member shall be the state chief electrical inspector))~~"

Debate ensued.

Senator Thompson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator McManus.

ROLL CALL

The Secretary called the roll and the motion by Senator McManus carried and the amendments were adopted by the following vote: Yeas, 23; nays, 22; excused, 4.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Deccio, Guess, Hansen, Hayner, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Pullen, Rasmussen, Saling, Sellar, Stratton, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 22.

Excused: Senators Craswell, Johnson, Patterson, von Reichbauer - 4.

MOTION

Senator Saling moved that the following amendment by Senators Saling and Zimmerman be adopted:

On page 2, after line 7, strike all material down through line 17, page 17

Renumber the sections and parts, and correct internal references accordingly.

Debate ensued.

Senator Bailey demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Saling and Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Saling failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 24; excused, 3.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Deccio, Guess, Hansen, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

Excused: Senators Craswell, Johnson, von Reichbauer - 3.

MOTIONS

On motion of Senator Thompson, the following amendment was adopted:

On page 64, after line 26, insert the following:

"PART VIII
BOARD OF EXAMINERS FOR
WASTEWATER OPERATOR CERTIFICATION

Sec. 801. Section 2, chapter 139, Laws of 1973 and RCW 70.95B.020 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) ~~((Board means the water and wastewater operator certification board of examiners established by RCW 70.95B.070.~~

~~((4))~~ "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((5))~~ (4) "Waste treatment plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.

~~((6))~~ (5) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials as the person on-site in responsible charge of the actual operation of a waste treatment plant.

~~((7))~~ (6) "Nationally recognized association of certification authorities" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

Sec. 802. Section 4, chapter 139, Laws of 1973 and RCW 70.95B.040 are each amended to read as follows:

The director ~~((with the approval of the board,))~~ shall adopt and enforce such rules and regulations as may be necessary for the administration of this chapter. The rules and regulations shall include, but not be limited to, provisions for the qualification and certification of operators for different classifications of waste treatment plants.

Sec. 803. Section 7, chapter 139, Laws of 1973 as last amended by section 106, chapter 287, Laws of 1984 and RCW 70.95B.070 are each amended to read as follows:

~~((For the purpose of carrying out the provisions of this chapter, a board of examiners for wastewater operator certification shall be appointed. This board may serve in a common capacity for the certification of both water and wastewater plant and system operators. One member shall be named from the department of ecology, by its director to serve at his pleasure, and one member from the department of social and health services by its secretary, to serve at his pleasure, and one member who is required to employ a certified operator and who holds the position of city manager, city engineer, director of public works, superintendent of utilities, or an equivalent position who will be appointed by the governor. The governor shall also appoint two members who are operators holding a certificate of at least the second highest operator classification for wastewater plant operators established by regulation of the director, and if authorized in a water supply system operator certification act, two members who are operators holding a certificate of at least the second highest classification for water-works operators established pursuant to such act.~~

The employer representative shall be appointed for an initial one year term and the operators for initial terms of two and three years respectively. Thereafter, the members appointed by the governor shall serve for a three year period. Vacancies shall be filled for the remainder for an unexpired term by the appointing authorities.

~~This board shall assist in the development of)~~ The director of the department of ecology shall develop rules and regulations, shall prepare, administer, and evaluate examinations of operator competency as required in this chapter, and shall ~~((recommend the issuance or revocation of))~~ issue and revoke certificates. The ~~((board))~~ director shall determine when and where the examinations shall be held. The examination shall be held at least three times annually.

~~((Each member appointed by the governor shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses while engaged in the business of the board as prescribed in RCW 43.03.050 and 43.03.060.))~~

Sec. 804. Section 10, chapter 139, Laws of 1973 and RCW 70.95B.100 are each amended to read as follows:

The director may ~~((with the recommendation of the board and after a hearing before the same,))~~ revoke a certificate found to have been obtained by fraud or deceit, or for gross negligence in the operation of a waste treatment plant, or for violating the requirements of this

chapter or any lawful rule, order or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of this final order or revocation.

Sec. 805. Section 13, chapter 139, Laws of 1973 and RCW 70.95B.130 are each amended to read as follows:

On or after July 1, 1973, certification of operators by any state which, as determined by the director, accepts certifications made or certification requirements deemed satisfied pursuant to the provisions of this chapter, shall be accorded reciprocal treatment and shall be recognized as valid and sufficient within the purview of this chapter, if in the judgment of the director the certification requirements of such state are substantially equivalent to the requirements of this chapter or any rules or regulations promulgated hereunder.

In making determinations pursuant to this section, the director ~~((shall consult with the board and))~~ may consider any generally applicable criteria and guidelines developed by the nationally recognized association of certification authorities.

Sec. 806. Section 2, chapter 99, Laws of 1977 ex. sess. as amended by section 2, chapter 292, Laws of 1983 and RCW 70.119.020 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) ~~((“Board” means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.~~

~~((2))~~ “Certificate” means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ (2) “Department” means the department of social and health services.

~~((4))~~ (3) “Distribution system” means that portion of a public water supply system which stores, transmits, pumps and distributes water to consumers.

~~((5))~~ (4) “Nationally recognized association of certification authorities” shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((6))~~ (5) “Certified operator” means an individual employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

~~((7))~~ (6) “Public water supply system” means any water supply system intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single family residence.

~~((8))~~ (7) “Purification plant” means that portion of a public water supply system which treats or improves the physical, chemical or bacteriological quality of the system’s water to bring the water into compliance with state board of health standards.

~~((9))~~ (8) “Secretary” means the secretary of the department of social and health services.

Sec. 807. Section 5, chapter 99, Laws of 1977 ex. sess. as amended by section 4, chapter 292, Laws of 1983 and RCW 70.119.050 are each amended to read as follows:

The secretary shall adopt ~~((with the approval of the board,))~~ such rules and regulations as may be necessary for the administration of this chapter and shall enforce such rules and regulations. The rules and regulations shall include provisions establishing minimum qualifications and procedures for the certification of operators, criteria for determining the kind and nature of continuing educational requirements for renewal of certification under RCW 70.119.100(2), and provisions for classifying water purification plants and distribution systems.

Rules and regulations adopted under the provisions of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW.

Sec. 808. Section 8, chapter 99, Laws of 1977 ex. sess. as amended by section 6, chapter 292, Laws of 1983 and RCW 70.119.080 are each amended to read as follows:

~~((For the purpose of carrying out the provisions of this chapter, the membership of the water and wastewater operator certification board of examiners established under RCW 70.95B.070, shall, pursuant to RCW 70.95B.070:~~

~~((1) Be expanded to include two waterworks operators;~~

~~((2) Serve in a common capacity for the certification of both water and wastewater plant and system operators; and~~

~~((3) Be expanded to include one commissioner from a water district and one commissioner from a sewer district operating under Title 56 or 57 RCW.~~

~~In addition to the powers and duties in RCW 70.95B.070, the board shall assist in the development of rules and regulations implementing this chapter.)~~ The secretary shall prepare, administer and evaluate examinations of operator competency as required in this chapter, and shall ~~((recommend the issuance or revocation of))~~ issue and revoke certificates. The

~~(the board)~~ secretary shall determine where and when the examinations shall be held. Such examinations shall be held at least three times annually.

Sec. 809. Section 11, chapter 99, Laws of 1977 ex. sess. as amended by section 9, chapter 292, Laws of 1983 and RCW 70.119.110 are each amended to read as follows:

The secretary may ~~(with the recommendation of the board and after hearing before the same.)~~ revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for an intentional violation of the requirements of this chapter or any lawful rules, order, or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for six months from the effective date of the final order of revocation.

Sec. 810. Section 14, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.140 are each amended to read as follows:

Operators certified by any state under provisions that, in the judgment of the secretary, are substantially equivalent to the requirements of this chapter and any rules and regulations promulgated hereunder, may be issued, upon application, a certificate without examination.

In making determinations pursuant to this section, the secretary ~~(shall consult with the board and)~~ may consider any generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities."

Renumber the parts and sections consecutively.

On motion of Senator Williams, the following amendment was adopted:

On page 64, beginning on line 31, strike all of "PART IX - CAPITOL COMMITTEE" down through and including "RCW 79.24.320." on page 76, line 12.

Renumber the remaining sections and parts consecutively.

MOTIONS

On motion of Senator Thompson, the following title amendments were considered simultaneously and adopted:

On page 1, line 14, after "70.107.070," strike everything down to and including "79.24.666;" on line 18

On page 1, line 21, after "43.22.475" strike everything down to and including "79.24.320" on line 22 and insert "and 76.09.200"

On page 1, line 14 of the title, after "70.107.070," insert:

"70.95B.020, 70.95B.040, 70.95B.070, 70.95B.100, 70.95B.130, 70.119.020, 70.119.050, 70.119.080, 70.119.110, 70.119.140."

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 4938 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4938.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4938 and the bill passed the Senate by the following vote: Yeas, 37; nays, 5; absent, 4; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Barr, Deccio, Hayner, McCaslin, Saling - 5.

Absent: Senators Benitz, Guess, Metcalif, Patterson - 4.

Excused: Senators Craswell, Johnson, von Reichbauer - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4938, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3157, by Committee on Ways and Means (originally sponsored by Senators Moore, Johnson, Bottiger, McDonald, Thompson, Cantu, Conner, Bluechel and McManus)

Establishing registration fees for watercraft.

MOTIONS

On motion of Senator Vognild, Second Substitute Senate Bill No. 3157 was substituted for Engrossed Substitute Senate Bill No. 3157 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Second Substitute Senate Bill No. 3157 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Sellar: "Senator Moore, I just want a clarification. If a fisherman has a twelve-foot car-top boat on his car, does he pay a tax under this new plan?"

Senator Moore: "No, anything under sixteen feet and under--no tax."

Senator Sellar: "Hallelujah. Thank you, Senator."

POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, you mentioned the car-top boat. Doesn't he have to pay tax if he uses it in salt water?"

Senator Moore: "I believe not."

Senator Rasmussen: "Under the Coast Guard control?"

Senator Moore: "The Coast Guard is dropping out of this, I think it was last summer."

Senator Rasmussen: "The waters are under the Coast Guard, the rivers and some of the bigger lakes."

Senator Moore: "But it's my understanding that he can register with the Coast Guard, but I think this would be only state tax."

Senator Rasmussen: "My real question is, is there a forgiveness clause in this for those who did not register prior to this bill going into effect in July of '86?"

Senator Moore: "That's being left up to the Department of Revenue."

Senator Rasmussen: "Well, I think we've run into a lot of trouble with that. They were trying to make it retroactive last time and--"

Senator Moore: "There's no attempt to do that this time. We are trying to start fresh and to get them all to come in."

Senator Rasmussen: "The chairman of the committee says they shouldn't do it. Is that right?"

Senator Moore: "Yes."

Senator Rasmussen: "Thank you, Senator Moore. We've made law right on the floor here."

Senator Moore: "Indeed--a beautiful exchange."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3157.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3157 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Wojahn, Zimmerman - 42.

Voting nay: Senators Gaspard, McDermott, Rinehart, Williams - 4.

Excused: Senators Craswell, Johnson, von Reichbauer - 3.

SECOND SUBSTITUTE SENATE BILL NO. 3157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:14 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Saturday, February 15, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, February 15, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Conner, Gaspard, Hayner, Kiskaddon, Owen, Talmadge, Thompson and von Reichbauer. On motion of Senator Bender, Senator Owen was excused. On motion of Senator Zimmerman, Senators Hayner, Kiskaddon and von Reichbauer were excused. On motion of Senator Vognild, Senators Bottiger, Talmadge and Thompson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Gilbert Leggett and Susan Wyborney, presented the Colors. Mrs. Mary Lynn Reiner, a member of Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

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

SECOND READING

SENATE BILL NO. 4635, by Senators Williams and Saling (by request of Utilities and Transportation Commission)

Establishing certain jurisdictional issues under the utilities and transportation commission to be questions of fact.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 4635 was substituted for Senate Bill No. 4635 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 4635 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4635.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4635 and the bill passed the Senate by the following vote: Yeas, 40; absent, 2; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Vognild, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Conner, Gaspard - 2.

Excused: Senators Bottiger, Hayner, Kiskaddon, Owen, Talmadge, Thompson, von Reichbauer - 7.

SUBSTITUTE SENATE BILL NO. 4635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4636, by Senators Williams and Saling (by request of Utilities and Transportation Commission)

Increasing penalties of the utilities and transportation commission.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Bill No. 4636 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4636.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4636 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senator Hansen - 1.

Excused: Senators Bottiger, Hayner, Kiskaddon, Owen, Thompson, von Reichbauer - 6.

SENATE BILL NO. 4636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4647, by Senators Warnke, Newhouse and Vognild (by request of Employment Security Department)

Modifying employer experience rating definitions.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 4647 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4647.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4647 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bottiger, Kiskaddon, Owen, von Reichbauer - 4.

SENATE BILL NO. 4647, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4649, by Senator Pullen

Permitting voters to deposit their own ballots in the ballot box.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4649 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

On motion of Senator Bender, Senators Stratton and Wojahn were excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4649.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4649 and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Zimmerman - 42.

Absent: Senator McDonald - 1.

Excused: Senators Bottiger, Kiskaddon, Owen, Stratton, von Reichbauer, Wojahn - 6.

SENATE BILL NO. 4649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3495, by Senators Kreidler and Gaspard

Providing for the licensing and regulation of amusement rides.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 262, Laws of 1985 and RCW 67.42.020 are each amended to read as follows:

Before operating any amusement ride or structure, the owner or operator shall:

(1) Obtain a permit pursuant to RCW 67.42.030;

(2) Have the amusement ride or structure inspected for safety at least once annually by an insurer ((or)), a person with whom the insurer has contracted, or a person who meets the qualifications set by the department and obtain from the insurer or person a written certificate that the inspection has been made and that the amusement ride or structure meets the standards for coverage and is covered by the insurer as required by subsection (3) of this section;

(3) Have and keep in effect an insurance policy in an amount not less than one million dollars per occurrence insuring: (a) The owner or operator; and (b) any municipality or county on whose property the amusement ride or structure stands, or any municipality or county which has contracted with the owner or operator against liability for injury to persons arising out of the use of the amusement ride or structure;

(4) File with the department the inspection certificate and insurance policy required by this section; and

(5) File with each sponsor, lessor, landowner, or other person responsible for an amusement structure or ride being offered for use by the public a certificate stating that the insurance required by subsection (3) of this section is in effect.

NEW SECTION. Sec. 2. A new section is added to chapter 67.42 RCW to read as follows:

(1) An amusement ride that has been inspected in any state, territory, or possession of the United States that, in the discretion of the department, has a level of regulation comparable to this chapter, shall be deemed to meet the inspection requirement of this chapter.

(2) An amusement ride inspector who is authorized to inspect amusement rides in any state, territory, or possession of the United States, who, in the discretion of the department, has a level of qualifications comparable to those required under this chapter, shall be deemed qualified to inspect amusement rides under this chapter."

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 1 of the title, after "rides;" strike the remainder of the title and insert "amending RCW 67.42.020; and adding a new section to chapter 67.42 RCW."

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 3495 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3495.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3495 and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Zimmerman - 41.

Voting nay: Senators Craswell, Pullen - 2.

Excused: Senators Bottiger, Kiskaddon, Owen, Stratton, von Reichbauer, Wojahn - 6.

ENGROSSED SENATE BILL NO. 3495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator McDonald was excused.

SECOND READING

SENATE BILL NO. 4479, by Senators McManus and Moore

Permitting broadcast and communications facilities to qualify as public corporations for purposes of industrial development revenue bonds.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 4479 was substituted for Senate Bill No. 4479 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McManus, the rules were suspended, Substitute Senate Bill No. 4479 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4479.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4479 and the bill passed the Senate by the following vote: Yeas, 36; nays, 7; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Zimmerman - 36.

Voting nay: Senators Benitz, Cantu, Craswell, McCaslin, Metcalf, Pullen, Rasmussen - 7.

Excused: Senators Bottiger, Kiskaddon, McDonald, Owen, von Reichbauer, Wojahn - 6.

SUBSTITUTE SENATE BILL NO. 4479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4720, by Senators Warnke, Newhouse, Vognild and Bauer

Establishing a certificate of coverage for industrial insurance.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4720 was substituted for Senate Bill No. 4720 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4720 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, in the short title here it says, 'Employers are required to pay all taxes, penalties and interests before initiating any court action, unless the court rules prepayment to be an undue hardship on the employer.' What you're saying here is they may be protesting the taxes and penalties, but they have to pay them before they can institute court action or else they have to go in there and plead with the court that it would be a hardship. Well, that's kind of contrary to general law isn't it?"

Senator Warnke: "It's identically the same procedure and powers that are given presently to the Department of Revenue and Employment Security."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4720.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4720 and the bill passed the Senate by the following vote: Yeas, 34; nays, 8; absent, 1; excused, 6.

Voting yea: Senators Bauer, Bender, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Zimmerman - 34.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Hansen, Patterson, Pullen, Rasmussen - 8.

Absent: Senator Sellar - 1.

Excused: Senators Bottiger, Kiskaddon, McDonald, Owen, von Reichbauer, Wojahn - 6.

SUBSTITUTE SENATE BILL NO. 4720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4958, by Senators Vognild and Peterson

Authorizing municipalities to permit directional signs to motorist service businesses.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

On page 1, line 17, strike the word "commission" and insert "department"

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 4958 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4958.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4958 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bottiger, Kiskaddon, Owen, von Reichbauer - 4.

ENGROSSED SENATE BILL NO. 4958, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4746, by Senators Gaspard and Saling

Removing the requirement that the regional universities and TESC's extension departments be assigned territories.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 4746 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bender, Senator Williams was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4746.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4746 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Wojahn, Zimmerman - 43.

Absent: Senator Bluechel - 1.

Excused: Senators Bottiger, Kiskaddon, Owen, von Reichbauer, Williams - 5.

SENATE BILL NO. 4746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 4242 and the pending McDermott amendments on page 3, line 4, and page 11, line 2, ruled in order and deferred February 14, 1986.

MOTION

On motion of Senator McDermott, the following amendments by Senator Thompson to the amendments were considered simultaneously and adopted:

On line 2 of Senator McDermott's amendment after "establish" insert "policies and procedures for therapeutic drug utilization and establish"

On line 3 strike "a" through "establishing" on line 4

On line 8 strike "committee" and insert "department"

The President declared the question before the Senate to be adoption of the amendments by Senator McDermott, as amended.

The motion by Senator McDermott carried and the amendments, as amended, were adopted.

MOTIONS

On motion of Senator McDermott, the following amendment was adopted:

On page 4, line 11, strike "7" and insert "8"

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute Senate Bill No. 4242 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 4242.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 4242 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Kiskaddon, Owen, von Reichbauer - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4503, by Senator Warnke

Revising provisions on the taxation of mobile homes, travel trailers, and campers.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4503 was substituted for Senate Bill No. 4503 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the following amendment was adopted:

On page 1, line 22, after "home" insert "and which is not required to be moved under the sales agreement"

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 4503 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, in the summary it says that county assessors are required to remove from the tax rolls used mobile homes that apparently become part of the dealer's inventory. I am a real estate investor and I have eight or ten homes, how do I get them off the tax rolls? It doesn't matter if they are vacant or whatever and they're for sale. Is this old law or new law?"

Senator Warnke: "You know, Senator, I just can't answer that. I cannot answer that question."

Senator Rasmussen: "Well, I would hope that somebody takes a look at it, because it seems some of these mobile homes, you know, are forty or fifty thousand dollars and if you take them off the tax rolls--"

Senator Warnke: "This bill only deals with those mobile homes that are in inventory. Now, if you are talking about a real estate person that has ten mobile homes that are out there for rent, they are not off the tax rolls."

Senator Rasmussen: "Well it merely said here they are being held for sale apparently and it says the county assessors are required to remove from the tax rolls used mobile homes and it doesn't seem fair that you might have eight or ten homes for sale and you continue to pay the taxes on them, but on a mobile home of equal value, you don't. I would hope that you would have checked this further."

Senator Warnke: "Senator, this bill deals with mobile homes under dealer's inventory. What you are talking about are privately held homes and you'd have to look into different statutes for that."

Senator Rasmussen: "Senator Warnke, as I read the summary, it says that the assessor removes them from the tax rolls, so they have been on the tax rolls and then they're removed, because they have to be empty and for sale, but if I'm in real estate and I've got eight or ten homes--nobody removes them from the tax rolls. It's kind of contradictory. Evidently, if they're in the inventory, they've never been on the tax rolls--if they're new, but then the assessor is directed to remove them from the rolls if they become used and go back on the lot. I don't understand. I would hope that you would check it."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4503.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4503 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan,

Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Pullen - 1.

Excused: Senators Kiskaddon, Owen, von Reichbauer - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4503, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4450, by Senators Thompson, Rasmussen and Granlund

Establishing procedures for filing of candidacy by mail and ordering the appearance of names on ballots.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4450 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4450.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4450 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Metcalf, Pullen - 7.

Excused: Senators Kiskaddon, Owen, von Reichbauer - 3.

SENATE BILL NO. 4450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4639, by Senators Granlund, Zimmerman and Thompson

Revising procedures for filling vacancies in elective offices.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4639 was substituted for Senate Bill No. 4639 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4639 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4639.

POINT OF INQUIRY

Senator McDonald: "Senator Thompson, in just looking at the summary in here and I'm not familiar with this bill at all, but the appointees may serve until a general election rather than the next general election. Could you explain that?"

Senator Thompson: "It has the same affect, Senator McDonald. A general election would be the next general election."

Senator McDonald: "So, it's just technical language and not that they're going to be going on--past a couple of--"

Senator Thompson: "Certainly not, but should the Legislature ever wish to change the general election laws, of course, that would have to be addressed, but this--a general election--would be the next general election in any case."

Senator McDonald: "Thank you."

REMARKS BY SENATOR GRANLUND

Senator Granlund: "Mr. President and members of the Senate, I do rise to speak in favor of the bill. I was the most recently involved, but there are other members on the floor here who were involved in like-situations of appointment to the Senate. This bill does impact twenty of the forty-nine legislative districts and you are probably more aware of that than the general public is and actually thirty-one out of the thirty-nine counties are affected by how an appointment may happen, but twenty of those are--there are eight districts with two counties, four with three, six with at least four and two with six, and I'm sure that those of you from the east side at least are very conscious of the spread that you have in gaining an election or in covering the bases, so to speak.

"One of the things it does is prevent the bickering that does take place and I will just use the two counties that I'm involved in--Kitsap and Pierce. As one of the media put it after a lengthy article about the selection process and so forth, and I'm quoting, 'Once again Pierce County says they will name the Senator with its seven council members over Kitsap's three commissioners, and once again Kitsap says, go blow it out your ear.' So, see, the problem very literally deals with the numbers game and this does correct that. It gives proportional representation in the selection and it gets down to fractional votes, but at least it is equitable as far as the population is concerned within the counties that are represented. I urge your support."

POINT OF INQUIRY

Senator Pullen: "Senator Thompson, there appears to be many excellent features to this bill and most of the discussion is centered around Section 2 of the bill. I'm interested in the deleted language in Section 1 of the bill. For example, in subsection (3) of subsection (1), the language is deleted which says that, 'If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the Governor shall appoint the third commissioner.' With that deletion of the language, what would happen if two commissioners are unable to agree? Would that situation cause any special problems that we would need to be aware of?"

Senator Thompson: "No, the deleted language is that I referred to in my other remarks. The five-day requirement is in contradiction to the time provided by the Constitution. Also, if there is failure to agree on the part or the outcome results somehow in a tie vote or in any way there's a failure to comply with the exercise of the legislative authorities responsible in this area, the responsibility is bumped up to the Governor."

Senator Pullen: "Senator Thompson, we deleted the language though that says that the Governor shall appoint the third commissioner. I don't have any problem with the five-day deletion. I agree that five days is such a short time that that is, in effect, ridiculous, but it appears to me that we're deleting the language that says that the Governor shall appoint the third commissioner if the two commissioners are unable to agree, and if that's the case it would appear that we have no way in resolving--"

Senator Thompson: "I think you'll find it set forth elsewhere, Senator Pullen."

Senator Pullen: "Oh, in another statute that is not set forth in the bill?"

Senator Thompson: "Yes."

Senator Pullen: "O.K. Thank you very much."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4639.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4639 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Barr - 1.

Absent: Senator Deccio - 1.

Excused: Senators Kiskaddon, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:21 a.m., on motion of Senator Bottiger, the Senate recessed until 10:45 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:18 a.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4897, by Senators Bender, Newhouse and Bottiger

Requiring certification of process servers.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4897 was substituted for Senate Bill No. 4897 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4897 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Bender, does this give the process server the right to go into, say a manufacturing plant and serve papers on an employee during working hours?"

Senator Bender: "I can't address--let me ask Senator Talmadge on that particular situation. I was dealing with the situation dealing with private property.

"Senator Talmadge, could you answer that question?"

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "I wasn't listening to Senator Bluechel's question. What is that?"

Senator Bluechel: "Would this give a process server the right to go into a manufacturing plant and serve papers on an employee while working?"

Senator Talmadge: "Senator, my understanding, at least based on the bill, is that there are three things that the bill does. It talks about the dates the subpoena can be served. It also talks about assaults on people who are serving process and in circumstances where they're serving process at a facility, as you say, and somebody commits an assault on them--somebody who is guilty of a crime and is served with respect to the crime of criminal trespassing. This is a defense that would be available to the process server who is lawfully serving process. So in the circumstances you are suggesting, if they were lawfully serving process, they would be permitted to do so and it would constitute to defense any action for criminal trespassing."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, just so everybody understands, you can serve process two ways. Either you give it to the deputy sheriff, who is too busy and doesn't want it or you can give it to a private processor. If a deputy sheriff could have gone in there and served the employee, then so could the private processor."

FURTHER REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, if I could follow up. One other thing I noted. The defense does not apply so long as the person does not enter into a private residence or other building not open to the public, and the entry to the premises is reasonable and necessary to the service of legal process. So, the follow up of my answer, if the plant were open to the general public, in one sense or another and a

person entered it to serve process, that would be appropriate. If it were clearly closed to the general public, with no permission to have access, say to an assembly line or something like that, I would say the person could not do so and the defense would not apply."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4897.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4897 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Hayner, Johnson, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Bluechel, Craswell, Garrett, Guess, Halsan, Hansen, Kreidler, Lee, Pullen, Rasmussen, Sellar - 11.

Excused: Senators Kiskaddon, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4897, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Bottiger moved to reconsider the vote by which Engrossed Senate Bill No. 4875 failed to pass the Senate February 14, 1986.

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger to reconsider the vote by which Engrossed Senate Bill No. 4875 failed to pass the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 21.

Excused: Senators Kiskaddon, von Reichbauer - 2.

MOTION

Senator Bottiger moved that the rules be suspended and Engrossed Senate Bill No. 4875 be returned to second reading.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a parliamentary inquiry, how many votes to roll back to amend?"

REPLY BY THE PRESIDENT

President Cherberg: "A simple majority."

Senator McDonald: "What authority, Mr. President?"

President Cherberg: "Rule 61, Senator McDonald."

Senator McDonald: "Mr. President, are you ruling that Rule 61 allows a roll back or bump procedure by majority vote for four days, the day of the cutoff and three full days prior to that?"

President Cherberg: "Three days prior, Senator."

Senator McDonald: "And so my reading of three days would be Tuesday, Monday, Sunday, but your interpretation is three days prior to the Tuesday?"

President Cherberg: "The President's interpretation is Saturday, Sunday, Monday."

Senator McDonald: "Thank you, Mr. President."

The President declared the question before the Senate to be the motion by Senator Bottiger to suspend the rules and return Engrossed Senate Bill No. 4875 to second reading.

The motion by Senator Bottiger carried and Engrossed Senate Bill No. 4875 was returned to second reading and read the second time.

MOTION

Senator Bottiger moved that the following amendment be adopted:

On page 7, beginning on line 9, strike all material down to and including "immediately" on line 10 and insert the following:

"NEW SECTION. Sec. 9. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a parliamentary inquiry--there are three amendments here. All of them come before Senator Bottiger's amendment, which is on page 7. Are we not out of order in the order to taking those things in succession?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger's amendment was on the desk yesterday, also, Senator."

Senator McDonald: "Mr. President, the timing of the placement--"

President Cherberg: "The other amendments, the Secretary advises, came up today."

Senator McDonald: "Mr. President, is it your interpretation that the time of placement on the desk is the important thing and not the area in which it is amending the bill?"

President Cherberg: "Well, the President has always believed first come, first served."

Senator McDonald: "Thank you, Mr. President."

POINT OF INFORMATION

Senator Patterson: "Mr. President, a point of information, I have an amendment on the desk that was circulated--I dropped it in this morning. We were not in session at the time the notice was made last evening. It did not give me an opportunity to put it on the desk at the same time that Senator Bottiger's amendment was put on the desk. We had adjourned; you made the motion, and I did not have time to put it up there to have it timely and I am merely suggesting--"

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, there's no attempt here to deny the other amendments. One of the ways of getting people to put their amendments up to stop surprises was that we have considered amendments that were first put up. That was the way that everybody was going to lay their cards on the table ahead of time. So, I immediately--when we lost the vote--went up and placed my amendment there.

"Now, we all know how it works. We hold the amendments back to surprise people. One way we get them out early--I've asked people to put them out twenty-four hours ahead of time, so we'd have an honest discussion and I'm not suggesting that there is anything devious about waiting to put them up this morning, but I put my amendment up. We're not going to deny you the right to consider your amendment."

Senator Patterson: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

The motion by Senator Bottiger carried and the amendment was adopted.

MOTION

Senator Pullen moved that the following amendments by Senators Pullen, Rasmussen and Zimmerman be considered simultaneously and adopted:

On page 1, after line 18, strike all material down through line 27 and insert the following:

"Such officers, except ~~((the secretary of transportation and))~~ the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. ~~The ((secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041, and the))~~ director of game shall be appointed by the game commission."

On page 2, after line 18, strike all material down through line 13, page 30

Renumber the sections consecutively and correct internal references accordingly.

On page 6, after line 26, strike all material down through line 30 and insert the following:

"(1) Review the powers and duties of the transportation commission and the secretary of transportation and the parks and recreation commission and the director of parks and recreation;"

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Pullen, Rasmussen and Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendments were not adopted by the following vote: Yeas, 20; nays, 27; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Excused: Senators Kiskaddon, von Reichbauer - 2.

MOTION

Senator Patterson moved that the following amendments be considered simultaneously and adopted:

On page 1, after line 18, strike all material down through line 27 and insert the following:

"Such officers, except the secretary of transportation ~~((and the director of game))~~, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041~~((and the director of game shall be appointed by the game commission))~~."

On page 1, after line 27, strike all material down through line 18, page 2

Renumber the sections consecutively and correct internal references accordingly.

On page 6, after line 26, strike all material down through line 30 and insert the following:

"(1) Review the powers and duties of the game commission and the director of game and the parks and recreation commission and the director of parks and recreation;"

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Patterson.

ROLL CALL

The Secretary called the roll and the motion by Senator Patterson failed and the amendments were not adopted by the following vote: Yeas, 20; nays, 26; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vogniid, Warnke, Williams - 26.

Absent: Senator Wojahn - 1.

Excused: Senators Kiskaddon, von Reichbauer - 2.

MOTION

Senator Zimmerman moved that the following amendments be considered simultaneously and adopted:

On page 3, after line 13, strike all material down through line 22, page 6

Renumber the sections consecutively and correct internal references accordingly.

On page 6, after line 26, strike all material down through line 30 and insert the following:

"(1) Review the powers and duties of the transportation commission and the secretary of transportation and the game commission and the director of game."

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendments were not adopted by the following vote: Yeas, 20; nays, 27; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vogniid, Warnke, Williams, Wojahn - 27.

Excused: Senators Kiskaddon, von Reichbauer - 2.

POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, I note that with your referendum clause, Section 8 no longer has an emergency clause and would be a study which could not possibly go into effect until thirty days after the federal election, but must be completed by December 31st. Is your intent to have the referendum clause stricken in the House or must we have that kind of a study?"

Senator Bottiger: "Senator, obviously that won't work and so since the study probably can't be made unless the Governor can do it by executive order."

MOTIONS

On motion of Senator Bottiger, the following title amendment was adopted:

On page 1, line 4, strike "declaring an emergency" and insert "providing for submission of this act to a vote of the people."

On motion of Senator Thompson, the rules were suspended, Reengrossed Senate Bill No. 4875 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "Senator Thompson, usually when we think about reorganization, we think in terms of reduction in FTEs or fiscal savings, or some extra service to the public. We ask for these analyses of the Governor in the Government Committee on which both you and I serve and we didn't receive anything. Do you now have in your possession any information, so that we can make an intelligent decision on reorganization, as the Governor suggests?"

Senator Thompson: "The intelligent decision, Senator, is to offer this measure to the public to determine. These departments, at present, are impenetrable and giving the Governor the appointive power will enable him to ensure the carrying out

of efficiencies, for instance, as Senator Cantu spoke to so eloquently yesterday. This is something we can look forward to--should the public approve this measure."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Bottiger, I guess we all know that the referendum clause picks up a couple of votes and you indicated that the referendum was Governor approved, but can you advise us as to whether or not the referendum is House proof?"

Senator Bottiger: "Senator, I don't have any idea. It beats me. I do know that if they take it off and it comes back here notwithstanding that I might try to flip through the concurrences and still take twenty-five votes on final passage, and that's the problem without the referendum that we had before this."

Senators Vognild, Bottiger and Conner demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 4875.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 4875 and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Zimmerman - 20.

Excused: Senators Kiskaddon, von Reichbauer - 2.

REENGROSSED SENATE BILL NO. 4875, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, Reengrossed Senate Bill No. 4875 was ordered immediately transmitted to the House of Representatives.

MOTION

At 12:35 p.m., on motion of Senator Vognild, the Senate recessed until 1:45 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:45 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4535, by Senators Halsan, Newhouse and Talmadge

Changing provisions relating to professional service corporations.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4535 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4535.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4535 and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan,

Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Conner, Patterson, Sellar - 3.

Excused: Senators Kiskaddon, von Reichbauer - 2.

SENATE BILL NO. 4535, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4610, by Senators Halsan and Talmadge

Creating a joint select committee on decriminalization of misdemeanors.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4610 was substituted for Senate Bill No. 4610 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4610 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4610.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4610 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senator Conner - 1.

Excused: Senators Kiskaddon, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4610, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3905, by Senators Kreidler, Saling and McManus

Certifying radiologic technologists.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 3905 was substituted for Senate Bill No. 3905 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 3905 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3905.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3905 and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, McCaslin, McDermott, McDonald, Sellar - 5.

Excused: Senators Kiskaddon, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 3905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4660, by Senators Halsan and Newhouse

Exempting specified pension moneys from attachment.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, add a new subsection as follows:

* (3) Subsection (2) does not apply to any plan excluded from the federal employee retirement income security act of 1974, as reflected in 29 U.S.C. Section 10003(b)."

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4660 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4660.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4660 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, von Reichbauer - 2.

ENGROSSED SENATE BILL NO. 4660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4710, by Senators Talmadge, Newhouse, Deccio, Moore, Hansen, Halsan, DeJarnatt, Conner, Granlund, McManus, Bauer, Gaspard, Garrett, Vognild, Bender, Warnke, Bailey, Rasmussen and Lee

Establishing the automatic fingerprint information system.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4710 was substituted for Senate Bill No. 4710 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the following amendment was adopted:

On page 1, after line 22, insert the following:

"NEW SECTION, Sec. 2. A new section is added to chapter 43.43 RCW to read as follows:

(1) The automatic fingerprint information system account is established in the custody of the state treasurer. Moneys in the account may be spent only for the purposes of purchasing or leasing automatic fingerprint information systems after appropriation by the legislature.

(2) Any moneys received by the state from bureau of justice assistance grants shall be deposited in the automatic fingerprint information system account if not inconsistent with the terms of the grant."

Renumber the remaining section consecutively and correct any internal references accordingly.

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 2 of the title, strike "a new section" and insert "new sections"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 4710 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, could you tell me if the State Patrol intends to store in the Automatic Fingerprint Information System the fingerprints of applicants or just criminals, or both?"

Senator Talmadge: "My understanding, Senator Pullen, is that their intention is to maintain in their system only those people who are convicted offenders and certain individuals who might be required by state law to have their fingerprints maintained in that system, and that would include people who had been adjudicated civilly pursuant to the terms of the statute that we passed last year. My understanding is those would be the only people at this time who would be maintained in that system. It would be my intention to have the Senate Judiciary Committee explore the issue in the interim as to whether or not licensed applicants, such as Senator McCaslin, I think real estate people are required to do so and some others. Whether or not their fingerprints would be maintained in this system or separately, that's an issue that I think we should decide as a matter of public policy."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4710.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4710 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, von Reichbauer - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4710, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4948, by Senators Talmadge, Halsan and Newhouse

Modifying provisions on materialmen's lien to include recording of release of lien bond on real property.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4948 was substituted for Senate Bill No. 4948 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4948 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4948.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4948 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4948, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:24 p.m., on motion of Senator Vognild, the Senate recessed until 3:15 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 4:29 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4633, by Senators Talmadge, Newhouse and Bottiger (by request of Department of Licensing)

Relating to fees under the uniform commercial code.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4633 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4633.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4633 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Bluechel - 1.

Excused: Senators Kiskaddon, von Reichbauer - 2.

SENATE BILL NO. 4633, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4630, by Senator Talmadge

Revising provisions relating to civil actions.

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, in light of the very serious nature of the contents of Senate Bill No. 4630, I would request that the debate with respect to Senate Bill No. 4630 be included in the journal of the Senate verbatim."

PARLIAMENTARY INQUIRY

Senator Pullen: "I am not necessarily going to object. I think that it seems like an unusual request and I guess I'd like to know a little bit more about the reasons behind it. We do have a Senate Rule that limits the number of words that can be entered into the journal and perhaps your request is very appropriate, but maybe you could elaborate a little bit on what your idea behind that is."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "I'd be more than happy to, Senator. My sense is that we are about to undertake what amounts to a very serious change in the tort law of the state of Washington that was developed over decades in this state and centuries of Anglo-American law.

"In order to give some guidance to the courts as they will be interpreting the various sections of the bill that we have before us, because there is no section-by-section analysis of the bill as we did with the Product Liability and Tort Reform Act of 1981, I believe the remarks pro and con with respect to the amendments and the

discussion of the bill should be in the journal to give guidance to the Justices of the Supreme Court who will be interpreting it. I've been advised by the justices of the court that this is of substantial benefit to them as they deliberate on the interpretation of major enactments by the Legislature and, in fact, on the Product Liability and Tort Reform Act, they followed what I believe was our intention almost in every instance and I think we need to give them guidance in this area."

REPLY BY THE PRESIDENT

President Cherberg: "If there is no objection, the request will be granted."

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4630 was substituted for Senate Bill No. 4630 and the substitute bill was placed on second reading and read the second time.

Senator Thompson moved that the following amendment by Senators Thompson and Newhouse be adopted:

On page 1, line 8, after the enacting clause, insert a new section to read as follows:

"NEW SECTION. Sec. 100. PREAMBLE. Tort law in this state has generally been developed by the courts on a case-by-case basis. While this process has resulted in some significant changes in the law, including amelioration of the harshness of many common law doctrines, the legislature has periodically intervened in order to bring about needed reforms. The purpose of this chapter is to enact further reforms in order to create a more equitable distribution of the cost and risk of injury and increase the availability and affordability of insurance.

The legislature finds that counties, cities, and other governmental entities are faced with increased exposure to lawsuits and awards and dramatic increases in the cost of insurance coverage. These escalating costs ultimately affect the public through higher taxes, loss of essential services, and loss of the protection provided by adequate insurance. In order to ensure the continued availability and affordability of quality governmental services, comprehensive reform is necessary.

The legislature also finds comparable cost increases in professional liability insurance. Escalating malpractice insurance premiums discourage physicians and other health care providers from initiating or continuing their practice or offering needed services to the public and contribute to the rising costs of consumer health care. Other professionals, such as architects and engineers, face similar difficult choices, financial instability, and unlimited risk in providing services to the public.

The legislature also finds that general liability insurance is becoming unavailable or unaffordable to many businesses, individuals, and nonprofit organizations in amounts sufficient to cover potential losses. High premiums have discouraged socially and economically desirable activities and encourage many to go without adequate insurance coverage.

Therefore, it is the intent of the legislature to reduce costs associated with the tort system, while assuring that reasonable compensation for persons injured through the fault of others is available. Objective limits and greater predictability in the amount of awards is necessary. The costs of providing reasonable compensation should be reduced whenever it is possible and equitable by eliminating potential windfalls to persons and purposes for which awards were not intended."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Mr. President and members of the Senate, we have at the start of this discussion, this evening, a very important amendment. This New Section was the preamble of a piece of legislation that thirty-four members of this body signed for introduction. We have before us instead another title which causes no particular process difficulty, but it should begin with this preamble to express the intent of the Legislature in its finding with regard to conditions relating to the costs and availability of liability insurance and the intention of the Legislature to these modifications of the tort system to bring about cost control and to make insurance more available to the citizens of this state and the use of local governments in the state.

"This language, indeed, would make a good letter to your constituents to explain our actions here and also provides a message to the State Supreme Court of why we undertook this, because I believe all of us anticipate that this measure will be forced into consideration by the Supreme Court. I urge the adoption of the amendment."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. Speaking in opposition to this preamble, it is not often that I would quibble with the language of a preamble, however, after some ten hours of hearings over a number of days in the Senate Judiciary Committee, I am not persuaded that the testimony that was taken in the Senate Judiciary Committee bears out the preamble in the alleged legislative findings in the preamble with respect to the problem we face.

"We have been told repeatedly that the problem we are facing is one of insurance availability and affordability. That is, is insurance available first, and second, is insurance affordable, if available? The solution that is being offered by many is a substantial change in the tort law of the state of Washington enacted over decades in this state--over centuries in Anglo-American jurisprudence. I am not persuaded that the connection between changes in tort law and changes in insurance premium experience, either as to availability or affordability, is demonstrated. We know that the underwriters of insurance look to the national closed claims data that comes from the insurance service organization in San Francisco. We know that with respect to most minds of property and casualty insurance, the underwriting is done on a national basis and not with respect to the law of the state of Washington.

"The state of Washington has enacted substantial civil justice reform. We do not have punitive damages in this state, as most states in the United States do, and none of those factors--the aggressive attitude about dealing with claims in the civil justice system, the lack of punitive damages and the other efforts that this Legislature has undertaken since my service, at least in the Legislature that I can recall, to deal with the issue of tort. None of these have had a substantial impact on the so-called crisis that we now experience.

"I would simply submit, members of the Senate, that there is not a demonstrated relationship between what will be attempted to be accomplished in this piece of legislation and what is, in fact, happening in terms of the insurance premium experience of day-care operators, long-haul truckers, physicians, lawyers and others in our society who are adversely impacted by liability insurance issues."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, ladies and gentlemen. We have been informed and I think I first heard from Senator Talmadge that the states in New England adopted some tort reform. The court negated that decision of the Legislature partially, at least, on the basis that the Legislature had not stated its intent and the arguments of the previous speaker, I think, are probably for the record, but let us say that I think a majority of this body feels that this does state legislative intent and I urge your adoption."

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Thompson and Newhouse.

ROLL CALL

The Secretary called the roll and the motion by Senator Thompson carried and the amendment was adopted by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Guess, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Stratton, Thompson, Vognild, Zimmerman - 31.

Voting nay: Senators Bender, Bottiger, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, McDermott, Moore, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn - 16.

Excused: Senators Kiskaddon, von Reichbauer - 2.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 3, line 22, after "community and before the period insert ", In addition, the prevailing party is entitled to prejudgment interest at the rate of twelve percent per annum from the date of the final written offer of settlement"

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. In explaining the amendment, I believe I have to explain to some extent the section in which this amendment appears. We are providing in this bill for something called an offer of settlement or offer of judgment which is very similar to what is presently being proposed by the United States Supreme Court in federal civil rule 69 and the amendments thereto. We have this section already in Washington State law with respect to claims of ten thousand dollars or less, although this section would be a change in that policy.

"Basically, what we are suggesting here is that in order to provide some inducement to the parties to settle, either party, a plaintiff or defendant can make an offer of settlement to the other party. If the other party rejects that offer, then the case has to go to trial and if the party making the offer improves upon the offer at the time of trial, it will be able to recover its reasonable attorney fees and other costs from the losing party. This particular amendment expands that principal to include interest, so that either the plaintiff or the defendant would be able to recover, if they improved upon an offer of settlement made at the time of trial--interest on the offer from the time of the offer forward. I urge your support."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President. I also urge your support. I think the Senate should support any effort to achieve a pre-trial settlement. I'm convinced that this is a mechanism that would attribute to that end and certainly I urge your support."

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

Senator Thompson moved that the following amendment be adopted:

On page 3, beginning on line 20, strike everything through "community," on line 22 and insert "In the event costs, including attorneys' fees are awarded to the defendant, the court shall subtract the costs from the award in favor of the plaintiff, if there is an award of damages to the plaintiff. If there is no award of damages in favor of the plaintiff, the defendant shall receive a judgment against the plaintiff for its costs, as defined in this section."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President, this language provides for handling of attorney fees under the settlements just described in the explanation of the amendment by Senator Talmadge. It also removes some language that would prevent local governments from receiving the same consideration as private parties. I urge adoption of the amendment."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President. I certainly concur in Senator Thompson's amendment. I think that makes the amendment just that much fairer and what was intended by the offer of the settlement process."

The President declared the question before the Senate to be adoption of the amendment by Senator Thompson.

The motion by Senator Thompson carried and the amendment was adopted.

MOTION

Senator Thompson moved that the following amendments be considered simultaneously and adopted:

On page 6, after line 15, insert the following:

"(d) "Average annual wage" means the average annual wage in the state of Washington as determined under RCW 50.04.355 as now or hereafter amended."

On page 6, line 21, after "exceeding" strike "two hundred fifty thousand dollars" and insert "the average annual wage multiplied by the life expectancy of the claimant and then multiply the product of such calculation by 0.36"

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Mr. President, these amendments, if adopted, would change the cap on general damages that are provided in the legislation. They effectively raise that cap and adjust it at the same time to provide for a higher cap on general damages for a successful claimant of earlier years.

"Distributed at your desks is a model of such an arrangement--it's slightly off mathematically, but certainly represents the concept. I can assure you that as a result of the adoption of this language the economic effect of the cap is increased from \$250,000 to something over \$290,000. The numbers on the distributed sheet are not far off of the result that it provides for and the sheet is useful for that purpose of understanding this bill. It addresses the concern that many persons have, and that I certainly have, that there needs to be some acknowledgement that a person with longer life expectancy should receive greater consideration. I urge adoption of the amendment."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Aren't we addressing--I suspect it could be called two amendments one on page 6, line 15, and one on page 6, line 21, that are right together there? Thank you. I want to speak in favor of those amendments, too."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. I certainly support the amendments. It is a better alternative to a flat \$250,000 cap on non-economic damages, however, I must advise the members of the Senate that it is my view that any kind of cap on non-economic damages constitutes an invasion of the province of the jury of violation of the separation of powers doctrine as the Legislature attempts to intervene in the judicial process and also raises some severe questions about equal protection under the state and federal constitutions. However, I believe that this is a better approach to the problem than is the approach taken with a simple flat dollar cap of \$250,000."

The President declared the question before the Senate to be adoption of the amendments by Senator Thompson.

The motion by Senator Thompson carried and the amendments were adopted.

MOTION

On motion of Senator Talmadge, the following amendment (on the desk) was withdrawn:

On page 6 line 21, strike "two hundred fifty" and insert "five hundred"

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions for libel or slander."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President and members of the Senate. In reviewing the description of what constitutes non-economic damages, you should note that that does not simply confine itself to the term 'pain and suffering' as we've come to understand it in tort law, but rather it covers pain and suffering that a party might sustain. It impacts on the relationship between spouses that might be impaired by an injury to a party. It impacts on the relationship between children and parents and it also deals with the issue of loss of reputation or humiliation. I have to tell you that in the average defamation case involving libel or slander, it is my view that very seldom in that kind of case there are economic damages to be sustained. It is my view that we should not be covering actions for libel or slander defamation within the meaning of this non-economic damage limitation, because there can be a very severe impact on one's reputation or humiliation as a result of defamation. It should not be covered by this section. That's why I've offered this amendment. I think it should be exempted from the section on non-economic damages."

POINT OF INQUIRY

Senator Thompson: "Senator Talmadge, by the removal of this libel and slander language from its affect on general damages, do you think this provides a greater cause of action for recovery as economic damage?"

Senator Talmadge: "For liable and slander, do you mean?"

Senator Thompson: "Yes."

Senator Talmadge: "No, I don't think so, because I think it is very difficult, as some people have suggested, to prove economic damages in the case of defamation. Frequently, you have to demonstrate that someone has lost income--economic damages as a result of a defamation or slander. That's very difficult to demonstrate whereas someone's reputation, someone's standing in the community--the one great example being John Goldmark, for example, or some of the lawsuits that have been engendered by the National Inquirer--may not have their basis in economic loss, but rather in the person's reputation and the humiliation that they have sustained as a result of the defamation."

Senator Thompson: "Thank you, Senator Talmadge. I guess in my profession I am exposed to and subject to a cause of action for libel and have to deal with that as a condition of life and in my profession. I don't, however, consider they should be separated as a higher concern than some of the other matters under general damages and for which we all have sympathy and for which, I believe, we are reasonably providing some settlement within the limited resources that may be available for this purpose. I can't hold it as a higher hurt or harm than pain and suffering and, therefore, I urge opposition to the amendment."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President and ladies and gentlemen of the Senate. Obviously, this is a very difficult area. It deals with intangible injuries and if there are, indeed, economic losses certainly, and it can be proven, certainly that should be covered, but there is really no reason to exclude this from the provisions that we have made in the bill for non-economic limitations and I think there should be a finite limit to it. It is one of the areas that there can also be an enormous verdict and judgment and I think what we're trying to do is bring some sanity to this whole thing, so that there is affordable and available insurance. I think this is one of the areas we have to address and I would urge you to oppose it."

CLOSING REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and hopefully closing debate on the amendment. If any of you happened to read Bill Dwyer's book about the Goldmark trial over in Okanogan County, I think you would recognize that in that particular circumstance, the jury verdict was primarily rooted in non-economic damages--that is loss of reputation or humiliation. What this amendment does, is try to prevent that kind of thing from happening and certainly any time you have the area of defamation of issue, you have first amendment questions associated with it. It occurs to me that when we talk about personal injury, we talk about tort reform. We're talking about tangible injuries to people. We're not talking about issues like defamation and I don't believe that that was ever the intention of the parties representing to the Legislature that they wanted to see tort reform--that this was part of that effort, but what you're essentially doing in the area of defamation is putting a \$250,000 limit on recovery, because the opportunity or the ability of a person to prove economic loss in a defamation action is extraordinarily rare. I think you want to think about that very carefully before adopting such a policy and this amendment would preclude that from taking place."

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Talmadge.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the amendment was not adopted by the following vote: Yeas, 17; nays, 30; excused, 2.

Voting yea: Senators Bender, Bottiger, Conner, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, Moore, Rasmussen, Rinehart, Talmadge, Williams, Wojahn - 17.

Voting nay: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Guess, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Stratton, Thompson, Vogt, Warnke, Zimmerman - 30.

Excused: Senators Kiskaddon, von Reichbauer - 2.

MOTION

Senator Halsan moved that the following amendment be adopted:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions in which the claimant's injuries have rendered the claimant paraplegic."

REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, Mr. President, I would request, if possible, that there be a recorded roll call vote on this amendment and the following amendments bearing my signature."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Halsan has requested a roll call vote. Do one-sixth of the members join in the request? The roll call on this amendment is sustained."

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, this is kind of an unusual request. Is it your intention that all roll calls then with one particular Senator's signature will then--"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that he stated that the request for the roll call on this amendment was sustained and was specifically stated."

Senator McDonald: "I see, then all the others--"

President Cherberg: "Each amendment will have to be separate and requested."

Senator McDonald: "Thank you."

FURTHER REMARKS BY SENATOR HALSAN

Senator Halsan: "That's fine. Mr. President and ladies and gentlemen of the Senate. This is the first in a series of amendments that I would hope that you would take very serious consideration of. What we're talking about here, is we're talking about the cap on non-economic damages that is in this bill and has been modified by the amendments proposed by Senator Thompson. I agree with Senator Talmadge that this amendment is not as egregious as the one that previously existed in the bill, that of \$250,000, but I will point out in looking at the chart that Senator Thompson has, in fact, submitted for your looking over that what this amounts to is a situation in which I, at age approximately thirty-five would be limited to \$268,000 for non-economic damages for any injury caused by whatever negligence that a person might have.

"Those members of you in the body who, in fact, are age 60 would be limited to a \$133,000, but look at the next column. I have a life expectancy of forty-one years following today and those of you who are at 60 have a life expectancy of twenty years. This amendment would state that cap on non-economic damages does not apply if the negligence of some other person--a drunk driver, or some person doing some other type of conduct renders you to be a paraplegic. Each and everyone of you think how much you feel is appropriate to the quality of your life--if damage should be done to you that you should be rendered a paraplegic for either twenty years or forty years, because I would point out that non-economic damages, the non-medical damages, the non-loss of income damages--those are the damages to your quality of life--they're pain, they're suffering, they're the inability to do the things that you previously had done--hiking, boating, playing with your children, things such as that.

"Now, if I were to be damaged and made a paraplegic with forty more years of my life, it's worth a lot more to me and I would submit it's worth a lot more to

each and everyone of you than \$268,000 to be at a loss of all of those non-economic types of things and those of you, as I mentioned, who are sixty years of age, that would be living for twenty years with the total loss of the ability to use your arms or your legs, how much is that worth to you, a \$133,000? Would you take that today for the ability to be in a wheel chair for the next twenty years? I submit that when we're talking about a person who is a paraplegic, we're talking about a person who we want the jury to determine what's fair when that drunk driver put them in that wheel chair. I would urge your passage of this."

REMARKS BY SENATOR PULLEN

Senator Pullen: "I just wanted to correct Senator Halsan on his estimate in his life expectancy. He's failing to take into account the decrease of his life expectancy due to working Saturdays and Sundays."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. Senator Halsan has urged us to take this amendment seriously and the many that follow dealing with other grievous harm that can befall people for which fault may be discovered. We do take it seriously and I think we're taking all of these amendments in the substance of this measure seriously--as they should be taken.

"I think in offering these amendments Senator Halsan is providing us with a model of matters that are presented to juries and for which he finds sympathy, as he should, for the misfortune that befalls a person that comes to court to recover damages. All of us feel sympathy for those conditions. There are, however, a lot of other conditions for which fault cannot be found or for which a deep pocket cannot be found and we have sympathy for those as well. And we have sympathy for programs to which we must say 'no' and for which we don't have adequate funding, unfortunately.

"The resources of government are limited; private resources are limited. In fact, they have to be acknowledged when dealing with such matters. Juries, however, are dealing with injuries on an ad hoc basis and respond, as we would, sympathetically in answering to them. We have broader responsibilities, societal responsibilities to necessitate the maintenance of this cap which does provide a moderation of the provisions for general damages and I think does so very reasonably. I urge opposition of the amendment."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. You've heard articulated from both sides of the equation the concern in this area. Senator Thompson argues that we have a societal responsibility to reduce costs and somehow that will filter down to the rest of us, because of the insurance mechanism for spreading the risk. Senator Halsan articulates the need to recall the needs of the individual victims who have to bear the consequences of a wrongful act for the rest of his or her life.

"I have great concern for what Senator Thompson said. I think we have a societal responsibility when we deal with issues in the Legislature, when we establish the duty that people owe to other people in the society in which we live, but I think the first and foremost responsibility of the Legislature is to remember the individuals. We have a responsibility to the people who are the victims of wrongful conduct, as determined by the juries in the state of Washington--to remember those concerns. You are doing something very severely damaging to the rights of victims in this state if you impair the rights of victims to recover.

"The Constitution of this state in Article I, Section 21, talks about the right to trial by jury being inviolate, not being something that we can invade as members of the Legislature, and when you start to put limitations on what juries can do, you have, in fact, invaded the province of the jury and have not preserved the right to a trial by jury inviolate.

"I have to tell you something else from a practical standpoint. That is, juries are not ordinarily requested by plaintiff's counsel, in the average civil case, they are requested by defense counsel, like me, because juries are conservative despite the belief that some insurance people have and despite what you read, juries are very

conservative in their assessment of issues and their assessment of damages. I would urge you not to forget the rights of the victims to recover--quadraplegics, paraplegics and all the rest of the list that Senator Halsan has. I think you need to remember those victims, as we deliberate, because they are the ones least able to respond. They're not here with their lobbyists from powerful law firms in Seattle. They're not here talking to you in your offices. They can't get down here. They're the people you should not forget."

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Halsan.

ROLL CALL

The Secretary called the roll and the motion by Senator Halsan failed and the amendment was not adopted by the following vote: Yeas, 15; nays, 31; absent, 1; excused, 2.

Voting yea: Senators Bender, Bottiger, Fleming, Garrett, Gaspard, Granlund, Halsan, McDermott, Moore, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn - 15.

Voting nay: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Goltz, Guess, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Saling, Sellar, Stratton, Thompson, Vognild, Zimmerman - 31.

Absent: Senator Pullen - 1.

Excused: Senators Kiskaddon, von Reichbauer - 2.

MOTION

Senator Halsan moved that the following amendment be adopted:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions in which the claimant's injuries have rendered the claimant quadriplegic."

Senator Halsan demanded a roll call and the demand was sustained.

REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, Mr. President, as I mentioned, this is the second in a series of educational amendments, perhaps to test the level of concern of this body relative to the injured people in this state. I point out another fact relative to non-economic damages. As I mentioned in the debate on the last amendment, non-economic damages are the amount that is the value placed upon the reduction and the quality of your life should you be injured due to their negligence. This amendment deals with when a person is a quadraplegic as a result of a DWI or some other type of action that is not their fault and as I mentioned before, you can look down the list of caps relative to the particular age you are and the particular life expectancy in years, but I point out that that amount of \$6,500 per year which is listed in this cap as being the value of being permanently confined in a bed, or permanently confined in a wheel chair with the inability to move both your legs and your arms, that that \$6,500 is not what this bill would place as the value of that.

"One of the things that is being attacked in this particular legislation is the ability to get into court, the ability for a person who has no funds to have an attorney represent them. Now, clearly, the attorneys in this case, in these situations are going to be going by a contingent fee. Some people say some contingent fees are higher than others and the higher ones are perhaps inappropriate, but I would point out to you that if a contingent fee of twenty-five percent of what, in fact, was done and you had a situation where there was a million dollar judgment, that twenty-five percent, which might be a very reasonable contingent fee would be perhaps \$250,000 or around there. That's going to come out of the non-economic damages. It's not going to come out of the economic lost wages, the medical costs--it's going to come out of the non-economic damages. What you're having by this particular cap is, you are placing a value on being a quadraplegic of somewhere in the neighborhood of \$3,000 per year.

"Well, if you want to be a quadraplegic, I'll give you \$3,000 and see how you like it. This is a very serious amendment. I realize that Senator Thompson, I'm sure, will be arguing against each and every one of these, but we have to decide whether or not we want to approach the people who are the most aggressively

damaged in this state in order to clear up any insurance problem of their own making.

"We're not attacking the persons who have small nuisance suits--ones with little or no merit that settle on the courthouse steps for ten, fifteen or twenty thousand dollars. What we're attacking here, is the most seriously injured people in this state and what was termed to be negotiations in the last two days, that over the last two years with a \$250,000 cap, the amount of people in the state of Washington that we are penalizing amounts to six very seriously damaged people. If you are going to try and get at the problem of court congestion, if you're going to try and get at the problem of insurance rates that are unpredictable, don't go after the people who have the least hope of any kind of a fruitful life in the future. I urge your passage of the amendment."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President. I hope I can rely on the memory of the Senate on my previous remarks. I don't intend to respond to each one of these amendments. Also relying on the fact that Senator Talmadge has requested a record of these proceedings, I only want to say that I reject the idea that in voting against each one of these that we should feel or be characterized as being insensitive to the human problems that are identified in these amendments."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. I rise to speak against this amendment. Obviously, it's not an easy thing to do. Senator Halsan has laid out, I think, a strong argument for his position on this, but I think it's important that we discuss, just for a minute, what's happening in this state. We are having, right now, businesses that cannot buy insurance. We have cities and counties that cannot buy insurance. Now I believe that those of us who are supporting this bill are supporting it in the really solid feeling that the economics of this state literally can collapse if we continue on the road that we're on. I don't care who is making the problems. Some people say the insurance companies are making the problem. Some say that the judgments are making it. It really doesn't matter. The result is that we are having a starting of an economic collapse.

"As far as the injured parties are concerned, I think I'm supporting the injured parties in what I'm doing, because I can see the possibilities that an injured party--a paraplegic, for example, may wind up with no one to recover against--absolutely no one--joint and several or no matter which way you go--there just isn't any money out there and nobody--no recovery. I believe that putting caps in here, and we must keep in mind that this is a non-economic loss and this paraplegic we're talking about here will have an economic loss as well, so there will be more income of some type.

"I think if we're going to go through this--I'm not going to speak on any further amendments here. I'm going to vote against them. I just wanted to state my reasons."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and members of the Senate. I didn't intend to talk because I'm not an insurance expert, but I find it very strange. I find it unbelievable. You believe in the jury system. You believe in the jury system that finds a man guilty and then comes back a second time to find out whether he's entitled to live or die. What are we doing? We're saying the jury system no longer works, because somebody got a few dollars more than somebody else thinks he's deserving. I'll ask you--just think a little bit before you vote down all of these amendments. What's that jury system doing? It's the protection of the American way of life and you're willing to throw it out the door for a few dollars, because you think that maybe somebody got too large of a settlement, but you're not in that wheelchair or you're not even in a wheelchair--you're in bed with an attendant to take care of you, to take you to the toilet, do everything for you that you used to do for yourself.

"I am amazed that we can sit here on the floor and say that the jury system no longer is any good. Someday--someday you're going to regret that you threw the

jury system out. It's not perfect. I'll agree with you, the same way our judges are not perfect, but when you're willing to take the jury system in the case of a man or a woman in a life and death case--and then you are saying, "Throw the jury system out" when what the person has, the plaintiff, is much worse than death. I would ask you to take a good look down deep in your heart and say, "Do I really believe we should do away with the jury system?" That's what you're doing. It's serious. And if so, you're willing to go with a different method that they have in some countries. I think we should hang onto the jury system with all of its imperfections and hope that we do the right thing by the injured parties. I'm going to support the amendment and I've not made any pledges either way."

REMARKS BY SENATOR BENDER

Senator Bender: "Thank you, Mr. President and members of the Senate, also speaking in support of the amendment. I was going along this table dealing with non-economic caps and I was trying to put that in respect with my own grandmother who is now eighty-nine and will be ninety this year. I got to thinking if she was eighty years old and through no fault of her own or maybe just slightly at fault, she became a quadraplegic and I'm trying to determine how it is fair and just to allow her to only have \$51,364 between the years eighty and ninety right now. I guess I just don't understand how we can put that kind of a cap on pain and suffering. Now, I also question what type of value we put on our elderly people in this state. When you're old, your caps are so low, but if you're young, your caps are much larger. You know, I just don't understand where this body is going when we put those types of caps and those types of values on our older people. I urge you to support this amendment."

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Halsan.

ROLL CALL

The Secretary called the roll and the motion by Senator Halsan failed and the amendment was not adopted by the following vote: Yeas, 18; nays, 28; absent, 1; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, McDermott, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn - 18.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Guess, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, Thompson, Vognild, Zimmerman - 28.

Absent: Senator McManus - 1.

Excused: Senators Kiskaddon, von Reichbauer - 2.

MOTION

On motion of Senator Halsan, the following amendment (on the desk) was withdrawn:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions in which the claimant's injuries have resulted in the complete loss of sight in both eyes."

REMARKS BY SENATOR HALSAN

Senator Halsan: "It is pretty obvious the sense of the body in regards to whether or not these particular outlying exemptions, as to the cap on non-economic damages, are sufficient to gain the sympathy of this body. I can see the writing on the wall relative to that. This is an amendment, which would allow a person made totally blind to break that cap. I would personally support such an amendment, but it appears that others would not. I would just wish that as we go through these, some of them I will withdraw, some of them I won't, but all of you be very cautious and think about what you're doing and I hope that's reflected in the final passage of the bill."

MOTION

On motion of Senator Halsan, the following amendment (on the desk) was withdrawn:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions in which the claimant's injuries resulted from the escape of a convict."

REMARKS BY SENATOR HALSAN

Senator Halsan: "This is a situation which we dealt with in the Campbell case, as you note from this. It would be a situation where the escape of a convict was the one that caused the general damages. I'm not going to put us through the necessity of a roll call vote on this particular item, but this also brings up the difficulties when we are trying to change law and obstruct the ability of people who are severely damaged in the most outrageous of circumstances to, in fact, not get the total recovery that they might have."

MOTION

On motion of Senator Halsan, the following amendment (on the desk) was withdrawn:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions in which the claimant's injuries have resulted in the loss of both arms."

REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, Mr. President. A person who has lost both arms, obviously, has a situation in which they have a very difficult way of life into the future. Perhaps they can be fitted with prosthetics and be able to function in an adequate manner. It clearly is not one that I would prefer. I would request that you all keep that in consideration when discussing this bill."

MOTION

On motion of Senator Halsan, the following amendment (on the desk) was withdrawn:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions in which the claimant's injuries have resulted in permanent sexual dysfunction."

REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, Mr. President. This is an example of something in which there is absolutely no economic damages that might arise. The total permanent sexual dysfunction is one that is totally not economic and that might be a situation for sixty or more years following the injury. We are dealing with things here that are not economic. People who sometimes are not getting recovery--but I would request that you consider the fact that many times non-economic damages are all that exist."

MOTION

On motion of Senator Halsan, the following amendment (on the desk) was withdrawn:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions in which the claimant's injuries resulted from the negligent failure of a law enforcement agency to respond to a call."

REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, Mr. President. This is a situation that happened in Seattle where the police officers received numerous calls that a person was being harrassed and that person ended up being murdered with the police not responding to the call. This is the type of thing that this bill would, in fact, cap non-economic damages for the survivors of the person such as that, or the person who was substantially injured."

MOTION

Senator Halsan moved that the following amendment be adopted:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions in which the claimant's injuries resulted from rape."

Senator Halsan demanded a roll call and the demand was sustained.

REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, Mr. President. It's questionable as to what economic damages might result from a person who has been subjected to a rape. I, myself, am not a lawyer that tries a lot of cases for personal injuries. I do fender benders, but I do have, in fact, a feeling of accordance as to what is being done in this particular piece of legislation. Perhaps one of the things I do more of than a lot of other lawyers and more than anyone in this particular body--or the one across the hall--is criminal law.

"I've had situations in which I've seen, in my practice, charges of rape where the victim was seventy-six years old. I point out on Senator Thompson's chart, that would cap as non-economic damages of \$67,000. I don't know what economic damages would be in that particular case. I do know that \$67,000 goes no where near compensating a person who has been subjected to a violent rape by someone else at that particular age and vulnerability. At any age, the crime of rape is a very significant and dramatic experience. I would urge you to reevaluate your position relative to capping non-economic damages on a situation in which this violent and malicious act results in physical damages which are compensable at a very low amount--psychological damages which perhaps might allow a psychologist or psychiatrist for a number of years, but tremendous trauma and non-economic injuries that can last for years, and as I mentioned in one case that I saw in the past--could amount to \$67,000. I would urge passage of this amendment."

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Halsan.

ROLL CALL

The Secretary called the roll and the motion by Senator Halsan failed and the amendment was not adopted by the following vote: Yeas, 17; nays, 28; absent, 2; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, McDermott, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Williams, Wojahn - 17.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Guess, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, Thompson, Vognil, Warnke, Zimmerman - 28.

Absent: Senators Lee, McManus - 2.

Excused: Senators Kiskaddon, von Reichbauer - 2.

MOTION

Senator Halsan moved that the following amendment (on the desk) be withdrawn:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions for the loss of a mother by a child under five years of age."

MOTION

Senator Halsan moved that the following amendment (on the desk) be withdrawn:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions in which the claimant's injuries resulted from asbestosis."

MOTION

Senator Halsan moved that the following amendment (on the desk) be withdrawn:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions in which the claimant's injuries resulted from toxic poisoning."

MOTION

Senator Halsan moved that the following amendment (on the desk) be withdrawn:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions for the loss of both parents by a minor claimant."

MOTION

Senator Halsan moved that the following amendment (on the desk) be withdrawn:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions in which the claimant has no children and, as a result of the injuries, is physically unable to procreate or bear children."

REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, Mr. President. I would make a request that I just thought of. I would request that my amendments--I don't know whether they are, but the amendments that I have withdrawn be put in the journal as well."

REPLY BY THE PRESIDENT

President Cherberg: "Your amendments will show in the journal, Senator."

MOTION

Senator Halsan moved that the following amendment be adopted:

On page 6, after line 26, insert the following:

"(4) This section does not apply to actions in which the claimant's injuries resulted from the actions of a person driving or in physical control of a motor vehicle while under the influence of alcohol or drugs."

REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, Mr. President. This amendment would allow non-economic damages in excess of the cap provided in this bill for situations in which the damage was done by a person who was driving a motor vehicle under the influence of alcohol or intoxicating drugs. We've tried a great deal to eliminate DWI from the state or to do the best we can to control it. I think without adopting this amendment, we're going a long way towards alleviating a person--a drunk driver--from the total consequences of their act. If we're, in fact, going to limit down the person who is seventy-five years of age and who is confined to a wheelchair as a result of a drunk driver hitting him in a cross walk and limit their damages for non-economic purposes to \$67,000 and the destruction of their quality of life for those ten years they might have remaining, I think that's a sad comment on the efforts we've made in the past years to try to crack down on drunk driving. I urge your passage of this amendment."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate and Senator Halsan. Senator Halsan, I think you do a disservice to the efforts of all of us to control drunk driving in this state and discredit the actions that we've taken to effectively reduce the instance of drunk driving. I reject the idea that our failure to adopt your amendment now would have any effect on the good measures that we've passed here. I urge your rejection of the amendment."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. This particular amendment illustrates the purpose of the tort law that we have not discussed out here on the floor and that I suspect has not been discussed as it should be in the caucuses. You should be aware that the tort law evolved over the years, because of a desire to provide a standard for behavior in society. Under the Old English Common Law, if a person committed a felony, the death penalty applied and their property was forfeited. The property was forfeited and it was available for distribution by the victims of the individual's felony conduct. You didn't need a tort law, because the criminal law handled the problems as felons were executed for their failure to subscribe to the standards of society that existed in rural England.

"What we have had, as a result of the industrial revolution, is a need for an evolving standard of behavior. We don't want to execute people for every violation of the standard of care. We don't want to forfeit the property of the family as a result of the violation of the law. The tort law developed as an incentive for people to subscribe to the standard of behavior that a reasonable person should subscribe to in our society."

"What Senator Halsan's amendment illustrates, is the need to encourage people to subscribe to a standard of reasonable care in their dealings with other people in a complex and difficult society. What this entire bill does, as Senator Halsan's amendment illustrates, is remove the incentive for people to subscribe to a standard of appropriate conduct in their dealings with one another. It says that we can invade the province of the jury--we know better here in the Legislature than what juries know and we will not permit certain people to recover beyond a certain limited amount for non-economic damages--whatever that means in the way of the definition in the bill.

"I think you should remember very, very carefully what the tort law is all about. It's about wrongful conduct--violation of the standard of care--violation of the standard of a reasonable person in this complex society of ours and if you remove the incentive for people to behave in a reasonable way to subscribe to the standard of care, you will in fact encourage people to engage in wrongful conduct because they bear no consequence for that wrongful conduct. Senator Halsan's amendment, as were all of these amendments, illustrative of that principle. Don't forget it as you consider the tort law in this state."

Senator Halsan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Halsan.

ROLL CALL

The Secretary called the roll and the motion by Senator Halsan failed and the amendment was not adopted by the following vote: Yeas, 17; nays, 28; absent, 2; excused, 2.

Voting yea: Senators Bender, Bottiger, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, McDermott, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Williams, Wojahn - 17.

Voting nay: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Guess, Hayner, Johnson, Kreidler, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, Thompson, Vognild, Warnke, Zimmerman - 28.

Absent: Senators Lee, McManus - 2.

Excused: Senators Kiskaddon, von Reichbauer - 2.

MOTION

Senator Halsan moved that the following amendment be adopted:

On page 6, after line 26, insert the following:

NEW SECTION. Sec. 402. A new section is added to chapter 4.24 RCW to read as follows:

In civil actions regarding the following, involving aggravating circumstances, either in the act or in the intention, the trier of the fact may award additional damages including punitive damages to the victim, either to deter such wrongdoing or as further compensation for his or her mental anguish and harm or physical injury:

(1) Where injury or death has been caused by the actions of an individual driving a motor vehicle while under the influence of alcohol;

(2) Where a person has been sexually abused while a client or patient of a professional person licensed by the state of Washington;

(3) Where the tort of outrage has been committed;

(4) Where an insurance company has engaged in bad faith conduct; and

(5) Where a person has been subject to discrimination or malicious harassment as a member of a protected class as defined under chapter 49.60 RCW.

NEW SECTION. Sec. 403. Section 402 of this act shall apply to all claims arising after the effective date of this act and to all claims in which suit has not been filed on the underlying action before the effective date of this act."

REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, Mr. President and members of the Senate. Let's shift gears a little bit in our educational exercise that we're having here on the floor. I've heard it said many times about how terrible it is to have these gross punitive damages that people see in suits across the states. Well, I've got a flash for you. Washington does not permit punitive damages. In fact, in the state of California, that many people have pointed out, the limitations on general non-economic damages that are in place--California does have punitive damages. What you're seeing and calling punitive damages are the damages that are awarded for the loss of quality of life that people sustain as a result of the negligence and actions of others. This amendment gives you the opportunity to bring

tort law in Washington up to the level of California which has the caps that you're so anxious to place upon recoveries in the state of Washington.

"This will allow you to grant punitive damages in this state for basically the first time. There are punitive damages, of course, in actions of consumer protection to a maximum of \$10,000 treble damages. Treble damages, of course--I notice in my district for cutting down someone else's trees when you're not supposed to--but very rarely are any kind of damages that are not directly related to fault and damage and injury are allowed. This would allow punitive damages to be awarded by the court when the injury or death was caused by an individual driving while he was drunk, where a person has been sexually abused while a client or a patient of a professional person, where the tort of outrage has been committed, where an insurance company--I guess they're the people who brought us here together today--has engaged in bad faith or where a person has been subject to discrimination and vicious harassment as a member of the protective class as defined under Chapter 49.60 RCW.

"In that last one, I think that points out another thing. Many times that harassment or malicious conduct won't have an economic loss and perhaps the only way that a court or a jury can tell the person who has been engaging in that kind of conduct that that is outrageous to society, is to grant some kind of punitive damages in a suit. I would urge your passage of this amendment. If you want to bring tort law up to date in Washington, then perhaps this is a very appropriate one. Washington is one of only four states in the country that don't allow punitive damages. I urge passage of the amendment."

MOTION

Senator Talmadge moved that the following amendment to the amendment be adopted:

On page 1, after line 35, of the amendment by Senator Halsan that begins on page 6, insert:

"All moneys received as punitive damages shall be remitted to the crime victims compensation fund maintained by the department of labor and industries."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President. This oral amendment that I'm offering is an amendment to this amendment on exemplary damages to provide that any of these punitive damages received would not go to the party who has brought the law suit, but rather would go to the Crime Victims Compensation Fund in order to provide for some compensation to that fund. Essentially, these people that are the victims of a situation where exemplary or punitive damages would apply are, in effect, crime victims and I simply would like to suggest that that money would go to them as a proper place for that money. It's been suggested in the federal product liability law by Senator Gorton that there would be some apportionment of punitive damages received under the federal product liability law between consumer organizations and the individual claimant. What I'm suggesting is a matter of state policy in that any punitive exemplary damages would go to the Crime Victims Fund here."

The President declared the question before the Senate to be adoption of the amendment to the amendment.

REMARKS BY SENATOR THOMPSON

Senator Thompson: "I should not have interrupted your putting of the question. I have no objection to the adoption of amendment to the Halsan amendment."

The President declared the question before the Senate to be adoption of the amendment to the amendment.

The motion by Senator Talmadge carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senator Halsan, as amended.

Senator Halsan demanded a roll call and the demand was sustained.

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President. I rise now to oppose the amendment, as amended, and suggest that criminal law exists to correct wrong doing and urge that we not adopt this amendment and contribute substantially to the economic costs of the system that we're attempting to moderate or mitigate to some degree. Senator Talmadge suggested in debate on the previous amendment that unless we do something in the punitive area, unless we provide exceptional general damages, for instance, for drunk drivers that we are somehow setting up a situation where wrongdoers don't bear the consequence for their crimes or wrongdoings. I shouldn't have to remind a body of lawmakers that we have a body of criminal law for that purpose which works very effectively in that regard. I urge we not adopt this amendment."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, I've kind of kept my mouth shut on most of these amendments, but this is one time I have to share with you another purpose of the tort law. I want to tell you about a little case that occurred down in California that would be applicable in the future in this state if the same facts occur.

"Ford Motor Company put out a car called the Pinto and in the manufacture of that car, they made a decision in the corporate level to use a gas tank that was defective. It saved \$23 per car and, of course as you all know, a lot of those gas tanks started exploding and people started getting killed or badly burned. Someone brought a lawsuit and in the discovery discovered there was an internal memo in the Ford Motor Company that acknowledged that this was a defective gas tank, acknowledged that it would cost \$23 per car to fix it, acknowledged that they would kill approximately 700 people if they continued to manufacture the gas tank in that method. They estimated that they would have to pay each one of them about \$300,000 and that by not fixing it, the company would make \$120,000,000 and so they didn't fix it.

"A jury in California discovered this memo, because the trial lawyer was enforcing the law and stuck Ford Motor Company for that amount of money. Now under that set of facts, you don't put Ford Motor Company in jail because, as Senator Thompson says, the criminal law handles it. The tort law handles it and it handles it where you have punitive damages. We don't have them in this state. So people in this state--if in the action the people are killed--they can just go merrily on their way saving money for the corporation. Punitive damages enforces the law in many cases."

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Halsan, as amended.

ROLL CALL

The Secretary called the roll and the motion by Senator Halsan failed and the amendment, as amended, was not adopted by the following vote: Yeas, 20; nays, 25; absent, 2; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn - 20.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, Thompson, Vognlid, Zimmerman - 25.

Absent: Senators Lee, McManus - 2.

Excused: Senators Kiskaddon, von Reichbauer - 2.

PERSONAL PRIVILEGE

Senator Halsan: "Thank you, Mr. President, I guess a point of personal privilege. I appreciate the patience of the body in going through this, what I view, as a very important discussion and I would request for illustrative purposes that the list of actuarial ages and life expectancies, as well as the graduated non-economic cap presented in the document by Senator Thompson, be made part of the record."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President. Senator, I would personally object to that. The bill, as referenced, refers to the Insurance Commissioner's Life Expectancy Tables and as Senator Thompson has acknowledged, it doesn't vary very much, but the Insurance Commissioner's tables change with the life expectancy and I don't want something in the record that doesn't change."

REMARKS BY SENATOR HALSAN

Senator Halsan: "Perhaps if we just noted that this is not accurately reflective of what's in the bill, but for illustrative purposes only."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, with that understanding and since this will be in the record, we are using the time honored life expectancy tables put out by the Insurance Commissioner's Office that reflect change and I most certainly don't want this stuck in concrete in any decision the courts make."

REMARKS BY SENATOR HALSAN

Senator Halsan: "I would agree. If this is inaccurate in its reflection of the Insurance Commissioner's table, it does, however, give a feel for the variance between per people as a result of their ages, and I think it perhaps is as valuable to a reader of the record as it has been to us on the floor."

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, tell me the procedure by which all this stuff is entered in. I've got some constituent calls on my desk, too, who may want to be entered as well. We're really getting to a point of being ludicrous in entering things into the record that everybody wants on the floor. It's a very unusual act and I want to understand what's going on."

REPLY BY THE PRESIDENT

President Cherberg: "Well, Senator Halsan, merely spoke on a personal privilege matter. The Secretary advises that at the start of the consideration of this measure that Senator Talmadge requested that all matters would be entered in the journal and to the best of the President's knowledge, no one objected."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, I would also remind Senator McDonald that with respect to the Washington Product Liability and Tort Reform Act, in 1981, a section-by-section analysis of that bill is contained in the Journal of the Senate. In the appendix of the 1984 Journal of the Senate, is a section-by-section analysis of the Washington Trust Law and in the 1985 Journal of the Senate, in the appendix, is contained a section-by-section analysis of various changes in the Corporation Law. It has been done in times past, Senator McDonald, on the motion of a member without objection by the body."

OBJECTION BY SENATOR McDONALD

Senator McDonald: "Mr. President, then I guess I am objecting to the inclusion of all this material in the record. Tapes are available for anybody that wants them. The material that we have is public record and I think to have a very unusual motion of putting actuarial tables that may or may not be correct--for us to be putting all the words in the record is most unusual and I do object."

POINT OF ORDER

Senator Talmadge: "Mr. President, I made that motion earlier on and the President asked for any objection by any of the members. Senator McDonald did not raise an objection and I believe the objection that he now raises is not timely."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Talmadge's remarks are correct. Senator, your remarks are well taken. No one objected."

MOTION

On motion of Senator Bender, Senator McManus was excused.

PARLIAMENTARY INQUIRY

Senator Vognild: "Thank you, Mr. President, a point of parliamentary inquiry. Do I understand properly that the proceedings of the Senate are recorded on tapes?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes."

Senator Vognild: "Do I further understand that those tapes of the proceedings are referred to Archives and are kept for virtually an indefinite time?"

President Cherberg: "The Secretary advises that after the journal has been completed, they are sent to the Archives."

Senator Vognild: "One further inquiry, Mr. President. I believe it is possible that at any time in the future for a member to request of the Secretary a transcript of a given section of the business of the Senate and receive that transcript?"

President Cherberg: "That is correct."

MOTION FOR RECONSIDERATION

Senator Vognild: "Mr. President, I guess by virtue of not objecting, I'm going to say that I voted in the affirmative position on the motion to include all of this in the journal and I would move for reconsideration of that motion."

POINT OF ORDER

Senator Talmadge: "Mr. President, I believe the point of order that I took with respect to the comments of Senator McDonald applies equally to the statement now made by Senator Vognild. The request was made. It was not in the form of a motion before the body, but rather a request and is the right of an individual member of the Senate. The request was granted without disagreement. I believe the President's response to Senator McDonald's comments applies with equal vigor and enforcement to the comment now made by Senator Vognild. He simply failed to take a timely objection to a request as a member of this body."

REMARKS BY SENATOR GARRETT

Senator Garrett: "Thank you, Mr. President and members of the Senate. As I see what's going on here, no one objected until something came up that somebody didn't want in the record, and I think the President in his decision should take that into consideration that we went along and maybe something that someone didn't want in the record--and they didn't object--but now someone has found something that was going to go into the record, that they objected to and now they want to object after all the other proceedings are recorded."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President. I would like to urge the Senate to get along with the business before us. I introduced the grid that helped explain the amendment which I proposed and which the Senate adopted and in my remarks, which were part of the record, I explained that it was an approximation intended to convey a concept. I should think that would be clearly understood by anyone reading the record. I see no harm to anyone's interest--the public or ours--or any partisan--one side or the other issue in having all of this included in the record."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I agree with Senator Thompson. I don't know what we're fussing about. The objection I had to having that in the record without the acknowledgment that the life expectancy tables which are used by the Insurance Commissioner in every court, that I know of, differentiates between male and female. The example, is in my case, eleven-tenths of a year off and the Insurance Commissioner's Life Expectancy Table changes with medical histories as to how long we live; whereas a static life expectancy table put out there meets none of

those objections. So let's put it in with the understanding that what the statute says, the amendment we voted on, is the Insurance Commissioner's Life Expectancy Table."

WITHDRAW MOTION FOR RECONSIDERATION

Senator Vognil: "Thank you, Mr. President, I will withdraw my request for reconsideration and I would like to speak to it.

"Thank you, Mr. President, at the time this motion was made--most of us on the floor, at least, did not expect it. As a result, there was really no consideration at that point of time--quickly--as to what it was doing to the journal. Also, I think there was an honest desire, at least on my part, that this be a complete record. At that point in time, I consulted with the Secretary and was told that it would be on tape and that the tapes would, in fact, be kept and any Senator could at any time get a transcript of any part of this. As we went along, I became quite concerned at the length of the journal--and I realize I am adding to it. I don't particularly care for that, but I wanted the Senators to know that the motion I just made and withdrew was not in any way an effort to keep anything from the record. It was merely to point out that it will simply be in the record twice."

TABLE

GRADUATED NON-ECONOMIC CAP

A. Age of the Plaintiff.	31.0
(Median age of population of USA).	
B. Expectation of Life, years (EOL).	45.1
(Table 103, Statistical Abstract of the USA, 1984).	
C. Median Income of Year Round full-time Worker (MI).	\$18,091.36
D. Constant (C).	0.36

Formula:

From Table, A, provides EOL

$$\text{EOL} \times (\text{MI}/\text{C}) = \text{Non-Economic Cap (Age Specific)}$$

$$45.1 \times \$18,091.36 = 0.36 = \$293,725.00$$

Table 1.

Economic	Age of Plaintiff at Time of Claim	Expectation of Life (EOL)	Graduated Non- Cap (Approximations)
	0	73.7	\$479,183
	3	71.8	\$466,830
	6	68.9	\$447,974
	9	65.9	\$428,469
	12	63.0	\$409,614
	15	60.0	\$390,108
	18	57.2	\$371,903
	20	56.3	\$366,052
	25	50.7	\$329,642
	30	46.0	\$299,083
	35	41.3	\$268,525
	40	36.7	\$238,616
	45	32.1	\$208,708
	50	27.8	\$180,750
	55	23.7	\$154,093
	60	20.6	\$133,937
	65	16.4	\$106,630
	70	13.2	\$85,824
	75	10.4	\$67,619
	80	7.9	\$51,364
	85	5.9	\$38,361
	90	3.9	\$25,357

95	1.9	\$12,353
100	1.0	\$6,502

MOTION

On motion of Senator Talmadge, the following amendment (on the desk) was withdrawn:

On page 5, after line 30, strike everything down to and including "injury." on page 6, line 26.

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President, this would be an amendment to strike any caps contained in the legislation. I still maintain the view that I've expressed before on this floor--that any such effort to limit the ability of a party who is wronged by another to recover, whether it is for non-economic recovery damages or economic damages, is probably unconstitutional in light of the responsibilities of this body to respect the right of a jury to deal with this responsibility. It is probably unconstitutional in light of due process and equal protection and it is probably unconstitutional in light of separation of powers between the three branches of government.

"I have to remind the members of the Senate that when we talk about non-economic damages, we're not talking simply about pain and suffering. We're talking about humiliation, loss of reputation, loss of consortium, that is, the relationship between a man and a wife and the marital relationship, the loss of a parent by a child, the loss of a child by a parent, the loss of a spouse by another spouse, disfigurement and other forms of non-economic damages to a person horribly injured. All of these are much more significant than these caps permit, but the will of the body has been expressed again and again in these amendments--to my chagrin."

REMARKS BY SENATOR RINEHART

Senator Rinehart: "Thank you, Mr. President, speaking in support of the amendment.

REPLY BY THE PRESIDENT

President Cherberg: "Senator Rinehart, that is not before the body. Senator Talmadge withdrew the amendment."

MOTION

Senator Thompson moved that the following amendment be adopted:

On page 6, beginning on line 31, strike all material through "claimant." on page 7, line 18 and insert the following:

"In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, third-party defendants, entities released by the claimant, entities immune from liability to the claimant and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(1) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(2) The defendants shall be jointly and severally liable for an indivisible claim for personal injury or property damage if the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault.

Sec. 502, Section 4, chapter 85, Laws of 1977 ex. sess. as last amended by section 5, chapter 218, Laws of 1984 and RCW 51.24.060 are each amended to read as follows:

(1) If the injured worker or beneficiary elects to seek damages from the third person, any recovery made shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid proportionately by the injured worker or beneficiary and the department and/or self-insurer;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award: PROVIDED, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the balance of the recovery made, but only to the extent necessary to reimburse the department and/or self-insurer for compensation and benefits paid;

(l) The department and/or self-insurer shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the worker or beneficiary to the extent of the benefits paid or payable under this title: PROVIDED, That the department or self-insurer may require court approval of costs and attorneys' fees or may petition a court for determination of the reasonableness of costs and attorneys' fees.

(ll) The sum representing the department's and/or self-insurer's proportionate share shall not be subject to subsection (1) (d) and (e) of this section.

(d) Any remaining balance shall be paid to the injured worker or beneficiary;

(e) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department and/or self-insurer for such injury until the amount of any further compensation and benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person;

(f) If the claimant, employer, and/or the co-employee are determined to be at fault, the deductions made under (c) and (e) of this subsection do not apply and benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person.

(2) The recovery made shall be subject to a lien by the department and/or self-insurer for its share under this section.

(3) The department or self-insurer has sole discretion to compromise the amount of its lien. In deciding whether or to what extent to compromise its lien, the department or self-insurer shall consider at least the following:

(a) The likelihood of collection of the award or settlement as may be affected by insurance coverage, solvency, or other factors relating to the third person;

(b) Factual and legal issues of liability as between the injured worker or beneficiary and the third person. Such issues include but are not limited to possible contributory negligence and novel theories of liability; and

(c) Problems of proof faced in obtaining the award or settlement.

(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation and benefits to which the injured worker or beneficiary may be entitled.

(5) In an action under this section, the self-insurer may act on behalf and for the benefit of the department to the extent of any compensation and benefits paid or payable from state funds.

(6) It shall be the duty of the person to whom any recovery is paid before distribution under this section to advise the department or self-insurer of the fact and amount of such recovery, the costs and reasonable attorneys' fees associated with the recovery, and to distribute the recovery in compliance with this section.

(7) The distribution of any recovery made by award or settlement of the third party action shall be confirmed by department order, served by registered or certified mail, and shall be subject to chapter 51.52 RCW. In the event the order of distribution becomes final under chapter 51.52 RCW, the director or the director's designee may file with the clerk of any county within the state a warrant in the amount of the sum representing the unpaid lien plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of such worker or beneficiary mentioned in the warrant, the amount of the unpaid lien plus interest accrued and the date when the warrant was filed. The amount of such warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the injured worker or beneficiary against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the injured worker or beneficiary within three days of filing with the clerk.

(8) The director, or the director's designee, may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice and order to withhold and deliver property of any kind if he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation,

political subdivision of the state, public corporation, or agency of the state, property which is due, owing, or belonging to any worker or beneficiary upon whom a warrant has been served by the department for payments due to the state fund. The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy, or by any authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or the director's authorized representative upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount claimed by the director in the notice together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer to all exemptions provided for by chapter 7.33 RCW to which the wage earner may be entitled."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President, in anticipation of amendments to the amendment, I wasn't prompt in explaining it. This amendment is long, because it represents a rewrite and reordering of the joint and several provisions that were contained in the bill and otherwise there is no substantive change except on page 4, which Senator Bottiger is more competent to explain than I and, of course, I support the amendment and we're going to be dealing with some amendments to the amendment."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I'm on the horns of a dilemma, while I would prefer that we not rewrite joint and several, if we are going to rewrite joint and several, then I proposed this amendment to the group that was meeting to cure a problem that I see in industrial injury cases where there is an employer and employee relationship which is covered by workmens' compensation, under existing law, if the injured employee recovers against a third party, they must pay back the Labor and Industries Department out of the settlement they receive. If we go to joint and several, since the employer and fellow employer are exempt or immune from lawsuit, the injury occurred to the plaintiff attributable to the fellow employer or employee, there is a double whammy. Not only does he have deducted their negligence from any award he has received, but out of what is left, he has to pay back the Department of Labor and Industries."

"The amendment as proposed beginning on pages 3 and 4 resolves that issue by, in effect, saying that the insurance that the employer bought to cover employees injured on his premises covers the negligence of the employer and fellow employee and this amendment would mean that it need not be paid back. Now in all candor, this creates a problem of approximately a one percent impact on Labor and Industry premiums, but no other solution to this problem could be found in the negotiations that was acceptable and while it's my second choice of how to handle it, it's one that was agreed to and I agreed to support it."

MOTION

Senator Talmadge moved that the following amendment to the amendment be adopted:

On page 1, line 9, of the amendment by Senator Thompson that begins on page 6, line 31, strike everything after "entity," down to and including "fault" on page 2, line 12, and insert:

"including third-party defendants, persons released by the claimant, persons immune from liability to the claimant, and persons with any other individual defenses against the claimant, judgment shall be entered against each defendant except those who have been released by the claimant in an amount which represents that party's proportionate share of the claimant's total damages.

Each joint tortfeasor defendant is jointly and severally liable for the entire amount of the judgment awarded a plaintiff, except that a defendant whose percentage of fault is less than that allocated to the plaintiff is liable to the plaintiff only for that percentage of the recoverable damages. However, a party shall be responsible for the fault of another person or for payment

of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

In determining a party's proportionate share of the claimant's total damages, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, third-party defendants, persons released by the claimant, and persons with any other individual defense against the claimant."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. The amendment to Senator Thompson's amendment that you have before you provides, I think, an alternative to the view of joint and several liability that you have before you. This is essentially the rule that applies in the state of Oregon that modifies the joint and several principle as we know it in this state. To give you a bit of background, I can think of no more damaging change in the law relating to torts for victims in this state than change in joint and several liability. Some people have argued to you that this is the deep pocket theory for dealing with problems in our state.

"I would remind you that what the Legislature decided to do in 1981, as a matter of conscience policy, was to permit the victim of a wrongful act to be made whole. Then, as between the various wrongdoers who might be at fault for the wrong, they would fight it out between themselves by virtue of something called the right of contribution to decide who bore what share of fault in the allocation of fault. We provided for offsets for settlements entered into. We provided for a comprehensive way of apportioning fault amongst the parties. What you're proposing to do now, is to switch the burden, if the various wrongdoers aren't capable of responding to judgment, if the victim is hurt--the victim is the one who bears the consequence of that economic problem and not the wrongdoer.

"It's a fascinating change in the principle of who should bear the consequences of wrongful conduct in this state. You are, in effect, saying to the victims of wrongful conduct that you shall bear the consequence of any economic problems in that area, not the various wrongdoers. I would suggest to you very strongly that this Oregon approach is a better one. It abrogates the principle of joint and several liability if, as to the parties who are in the lawsuit, there is a party that the plaintiff has more fault than those parties. The two things that you do with any attempt to do joint and several liability in the way that is proposed here--first you are going to start allocating fault to empty chairs in the lawsuit. You're going to allocate fault to immune parties and immune employers. You're going to allocate fault to people who have been released from the lawsuit and you create serious problems that raise *res judicata* under our reasonableness hearing process. That's number 1.

"Number 2, I don't know how those empty chairs are going to be able to respond to the issue in the case, because they are not going to be represented by attorneys. In fact, they are not going to be present in the case. The defendants who are there trying the case are going to point to the chair like that one and say, 'They're the ones that are really at fault in this lawsuit'--and that's what they're going to do.

"Now lastly, let me suggest something to you that I think is the most serious unintended consequence and that is the abrogation of the immunity of employers under the Workers Compensation Law. Defendants in cases are going to argue that because you are starting to allocate fault to employers under this law as you do, then defendants can bring action for indemnification against those immune employers and argue that the fault should be completely spread out. A dissent from Justice Rosellini in the Glass case, a concurrence, in the Davis case and a whole series of cases across the United States on implied indemnification, suggest that that's what's going to happen. So, instead of closing the door to liability, you're opening it wide open to all of the employers who thought they were immune under the Industrial Insurance Act."

REMARKS BY SENATOR HAYNER

Senator Hayner: "I urge you to vote against the amendment to the amendment. What you see before you is the language that has been accepted in the state of

Oregon, but what it really does is eliminate joint and several only where the plaintiff is the same or more at fault than the defendant. It is not the agreement that I think we came to when we were negotiating on this and there was movement on both sides. I think we should continue with the major amendments that Senator Thompson has. The Glass case to which Senator Talmadge referred is not the law yet of this state, nor may it ever be, perhaps. He doesn't know and I don't know. If we were to try and out guess the courts, we would be here from now on, I guess. We have to assume that the law is what it is presently. I certainly urge you to vote against this amendment to the amendment."

CLOSING REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, closing debate. Despite the remarks of Senator Hayner, I would only remind her that the party who argued the case to the Washington Supreme Court, on behalf of the Morrell Foundry Corporation, was the chairman of the Senate Judiciary Committee and I believe I have some greater knowledge of the Glass case and the questions that the Supreme Court asked than does Senator Hayner. I would urge the members to take a very careful look at this issue. If, in fact, the other state's direction is similar to what is true here, you'd break the immunity of the employer under the Industrial Insurance Act. You'd give them an opportunity--give defendants an opportunity, not plaintiffs--but co-defendants to make the argument that they are entitled to indemnification from the wrongdoer. I don't think that is what the members of the Senate want to see happen. What we have to try to do, is say that for a plaintiff who's fault is starting to get very large in this continuum of fault, that they are no longer, in fact, a victim, but rather they are a wrongdoer. That is what Oregon has decided. When the fault of the plaintiff exceeds that of any defendant, the plaintiff does not recover. That makes sense from a policy standpoint. They are not a victim anymore, but when their fault is very small--as is the case under this proposal from Senator Thompson--one-tenth of one percent or one percent or two percent or whatever, joint and several liability goes out the door and the victim has to bear the consequence of that. The wrongdoers then get away."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. Senator Talmadge, we do acknowledge your knowledge in this field. However, I have been attending negotiation sessions with you and I am sure that you would concede that what you have raised has come under dispute. We have a different view of the outcome of this amendment--an outcome that will benefit injured workmen substantially at a very, very small impact on the fund. This, I caution members of the Senate, goes to the heart of the local government's interest in this legislation and would substantially modify the proposal of joint and several. The fact is that joint and several isn't eliminated or the plaintiff is not at fault. If he is, it seems fair--it seems good public policy to have those persons who have contributed to the problem pay proportionate to their contribution. I urge rejection to the amendment to the amendment."

The President declared the question before the Senate to be adoption of the amendment to the amendment.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Talmadge to the amendment by Senator Thompson.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the amendment to the amendment was not adopted by the following vote: Yeas, 17; nays, 28; absent, 1; excused, 3.

Voting yea: Senators Bender, Bottiger, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Williams, Wojahn - 17.

Voting nay: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Guess, Hansen, Hayner, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, Thompson, Vognlid, Warnke, Zimmerman - 28.

Absent: Senator Lee - 1.

Excused: Senators Kiskaddon, McManus, von Reichbauer - 3.

MOTION

Senator Talmadge moved that the following amendment to the amendment be adopted:

On page 2, after line 12 of the Thompson amendment that begins on page 6, line 31, insert the following:

"(3) The defendants shall be jointly and severally liable if the cause of action involves a violation of any state or local law relating to solid wastes, hazardous wastes or substances, air, water, or high or low level radioactive wastes or substances. If legislation is enacted in 1986 creating joint and several liability for causes of action relating to solid wastes or hazardous wastes or substances, then this subsection shall be null and void."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. I believe this amendment to the Thompson amendment is agreeable to Senator Thompson. One of the things that I've tried to illustrate by these amendments to the amendment in the joint and several liability areas--when we talk about joint and several liability, we are not simply talking about personal injuries in the traditional sense of that word, but we are talking about hazardous waste under Superfund, we are talking about product liability, we are talking about tortious interference with business expectations, we are talking about all forms of deciding how liability is apportioned. What this amendment is designed to do, is to allow the continuation of the process that Senator Kreidler has undertaken in the area of Superfund to urge the parties to that controversy to come to an agreement both as to the funding of the state Superfund and as to the liability issue.

"If we were not to have this amendment in place, there is zero incentive for large business in this state to attempt to develop a funding mechanism to deal with Superfund, because their liability would be several only and that means that only their share of the fault. However, that could be determined in situations involving hazardous waste. You know it is often said that there are circles within circles within circles in the legislative process. It is worthy to remind members of the Senate that on key issues like this, we shouldn't forget the scope of what this particular bill is attempting to do. That is why I think we need this amendment very badly."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. One of the benefits of the several meetings we had with regard to this measure in the last few days has been the attention that Senator Talmadge has drawn to this problem. This is a good amendment. He has explained it. I urge the Senate to adopt it."

The President declared the question before the Senate to be adoption of the amendment to the amendment.

The motion by Senator Talmadge carried and the amendment to the amendment was adopted.

MOTION

Senator Talmadge moved that the following amendment to the amendment be adopted:

On page 2, after line 12, of the amendment by Senator Thompson that begins on page 6, line 31, insert the following:

"(3) The defendants shall be jointly and severally liable if the cause of action involves a product liability claim under chapter 7.72 RCW."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. This amendment deals with product liability under 7.72 of the RCW. Again the members of the Senate need to remember that when dealing with the issue of joint and several liability, you are touching upon work-place injuries, you are touching upon hazardous waste, you are touching upon product liability, you are touching upon business torts, you are touching upon a wide variety of issues of interest to society and the state of Washington. This amendment is designed to carve out an exception to the area of joint and several liability for product liability actions where it is

very difficult at times to be able to recover against the wrongful manufacturer of a product. I urge your support."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. We have already mentioned the substantial effect of this amendment, unamended, beneficial, in fact, for the injured workmen--so much for the workplace reference. I would urge the Senate to reject this amendment as another economic hit on the bill."

The President declared the question before the Senate to be adoption of the amendment to the amendment.

The motion by Senator Talmadge failed and the amendment to the amendment was not adopted.

MOTION

Senator Talmadge moved that the following amendment to the amendment be adopted:

On page 2, after line 12 of the Thompson amendment that begins on page 6, line 31, insert the following:

"(3) The defendants shall be jointly and severally liable if the cause of action involves the tortious interference with contract or business expectations."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. This amendment to the Thompson amendment is designed to advise the members of the Senate that they are not only dealing with personal injury actions, but you are also dealing with that whole category of something called 'business torts' where someone interferes with a contractual relationship that someone has--that's a tort. When someone deals with the problems that we have in terms of business relationships, you are seriously affecting the law that we have developed in the business torts area. I'm not certain that the members of this Senate intended to abrogate the principle of joint and several liability in dealing with business torts. That's why I have offered this amendment to accept those torts relating to the business relationships that have been developed over the years. I urge your support."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. Very frankly I was asleep when we were talking about this in the conference. First of all I would like to point out that this has nothing to do with insurance. You cannot buy insurance to cover this, so we are not affecting any insurance rates. What we are doing is, saying that if you have a contract to supply widgets to somebody and I come in and interfere with that right and get him to switch to me in violation of your contract and I am insolvent and the court decides it is fifty percent one guys fault and fifty percent the other and one of them is insolvent, you are only going to get one-half of your recovery. Now, nobody is reducing any insurance premium one penny by adopting--this amendment doesn't raise it or lower it. It just protects the businessman that has a valid, honest contract to make sure that he is going to be able to collect on his damages. I would recommend that you think seriously about adopting this one."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. You are very persuasive, Senator Bottiger and Senator Talmadge. I would like to join with you in urging the Senate to adopt this amendment."

The President declared the question before the Senate to be adoption of the amendment to the amendment.

The motion by Senator Talmadge carried and the amendment to the amendment was adopted.

MOTION

Senator Talmadge moved that the following amendment to the amendment be adopted:

On page 2, after line 12 of the Thompson amendment that begins on page 6, line 31, insert the following:

"(3) The defendants shall be jointly and severally liable if the cause of action involves the manufacture or marketing of a product causing injury to the claimant which cannot be attributed to the conduct of a particular defendant. In such cases the conduct of all defendants must be simultaneous in time, or substantially the same risk of harm to the claimant. The fault of each defendant shall be determined on a market-share basis."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. This is another very significant amendment. It deals with those situations involving something that the Washington State Supreme Court has developed called 'alternate market-share liability.' The case that developed this theory is something called Martin against Abbott Laboratories, recently decided by the Supreme Court in instances of ingestion of DES.

"That's a particular pharmaceutical that women use that causes cancer of the cervix. What the Supreme Court said was because of the generic nature of the drug--you simply can't identify who is at fault for providing the particular drug. It is impossible to allocate fault in this situation, so what the court has said that if a manufacturer of this kind of pharmaceutical--you can pick this kind of case or thalidomide or anyone of a number of other drug-type of injuries. If you can't identify the nature of the drug, then the party is able to recover from all of those people who have manufactured that type of drug. It is up to the defendants--the defendant pharmaceutical manufacturers--to show that they did not manufacture and deal with the drug in the particular area in which the claimant was injured. Then, if liability is established, the liability is apportioned between the various pharmaceutical manufacturers on the basis of their market share of liability. If you don't adopt an amendment like this dealing with alternate market-share liability, you are consigning all of those people who have been injured by pharmaceutical related claims and problems to an inability to recover, because they simply cannot prove which one of the manufacturers of the drug was the one that caused their problems. It's clear that one of the manufacturers caused the problem, but you can't identify which one it was with specificity.

"This amendment carves out an exception for alternative market-share liability as decided by the Supreme Court of this state. If you don't adopt it, you absolutely prevent the recovery in the area of pharmaceutical injury. I urge your careful consideration of this for the same reasons that we adopted the amendments relating to Superfund and tortious interference with business relationships."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. I would like to join with Senator Talmadge in adopting this excellent amendment."

The President declared the question before the Senate to be adoption of the amendment to the amendment.

The motion by Senator Talmadge carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be adoption of the Thompson amendment, as amended.

The motion by Senator Thompson carried and the amendment, as amended, was adopted.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Vognild be adopted:

On page 7, after line 18, insert the following:

"NEW SECTION, Sec. 502. A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but shall be considered by the trier of fact as evidence of negligence."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. By way of explanation, there is another bill on the calendar that Senator Vognild is

prime sponsor or Senator Peterson--one of the two, dealing with the issue of highway design liability and actions against the state. In discussing that particular issue, our belief was that this particular proposed amendment was a superior way of dealing with some of the problems that Senators Vognild and Peterson and a special sub-committee on tort that the Transportation Committee had, had developed. The particular proposal that you have before you indicates that a breach of a duty imposed by statute, ordinance or administrative rule shall not be considered negligence per se, but rather evidence of negligence. To avoid getting into the very, very difficult decisions relating to highway design and problems in that particular area, the feeling was that this is an issue that should be subject to an evidentiary standard allowing the parties to bring the issue to the jury and discuss it and that is what this amendment is designed to accomplish. I think it is a better way of approaching the problem of highway design than that that was offered in that other free-standing bill. If this amendment is adopted, that other bill will not be considered."

MOTION

Senator Halsan moved that the following amendment to the amendment be adopted:

On page 1, line 12, of the Talmadge and Vognild amendment that begins on page 7, after "negligence" and before the period insert "except any breach of duty relating to electrical fire safety or use of smoke alarms as provided by statute, ordinance or administrative rule, shall be considered negligence per se"

REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, Mr. President and members of the Senate. The amendment, as you can read, would maintain the doctrine of negligence per se when we are dealing with violations of electrical codes and safety use of smoke alarms--when they are required to be put in. I had an experience--I didn't represent the people involved, but they were very close to my home in Centralia, a while back, where the situation of a rental house, in which the landlord had unfortunately maintained the electrical outlets in many portions of this house by running extension cords and nailing them to the wall. This, obviously, would be in violation of codes, but as to whether or not it could be shown to be a negligent act done by the person who was, in fact, maintaining the premises--I think clearly the purpose behind negligence per se is that you have violations of the law, it should be just a matter of a closed book. It should be a case that is, in fact, negligence. Why should we argue about it? The person is violating the law, so I would urge the passage of this amendment. In fact, if you have people burned to death in buildings due to violations of electrical safety statutes, ordinances or administrative rule, that should just be negligence per se. Let's not quibble about it."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. I believe that the particular amendment that Senator Halsan has brought up here is probably a good one. It does no damage to the intent of the original amendment and, therefore, I would support it."

POINT OF INQUIRY

Senator McCaslin: "Senator Halsan, in the case where a tenant or leasee removes the fire alarm, is that covered under other sections of the law to protect the landlord or owner?"

Senator Halsan: "I would think that the act of alteration by the tenant or the leasee in that particular case would, in fact, be obviously demonstrable to show that it wasn't negligence per se of the landlord by their violation. Perhaps, Senator Talmadge could answer it better, but that would be my understanding."

POINT OF INQUIRY

Senator McCaslin: "Senator Talmadge, what evidence would be necessary to prove that the tenant removed it and that the landlord had, in fact, installed it at some time?"

Senator Talmadge: "Senator, I don't know what the specific type of evidence would be. I guess it would just have to be the testimony of the various parties and whatever demonstrative evidence that they could produce. I really can't answer, I guess, anymore than that."

Senator McCaslin: "It is extremely nebulous and I just wonder if this addition to the amendment is needed."

POINT OF INQUIRY

Senator Thompson: "Thank you, Mr. President. Senator Halsan, I agree with your arguments. I have a question for you. My impression would be that your amendment does not alter existing law--that a violation--that a disregard of a statute, ordinance or administrative rule with regard to these matters would presently be considered negligence per se."

Senator Halsan: "That's correct, Senator Thompson, but the amendment that I am attempting to amend is the amendment offered by Senator Talmadge and Senator Vognild which would eliminate the doctrine of negligence per se."

Senator Thompson: "I support your amendment."

The President declared the question before the Senate to be adoption of the amendment to the amendment.

The motion by Senator Halsan carried and the amendment to the amendment was adopted.

MOTION

Senator Goltz moved that the following amendment to the amendment be adopted:

On page 1, line 12 of the Talmadge and Vognild amendment to page 7, after "negligence," insert:

"An action by a person affected by intoxicating liquor or drugs shall be barred where such person's actions are a proximate cause of his or her injury. A person whose blood alcohol content is 0.10 or more shall be conclusively deemed to be intoxicated."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President and members of the Senate. This is a good local government amendment and it is a good amendment, because it tries to place responsibility upon people who act properly in our society and not to allow people who act improperly to be able to rip off cities and counties because of their improper actions. This says that a person who is intoxicated or under the influence of drugs who is the cause of an accident shall have no cause to bring a case for that injury.

"There is a case now in the city of Bellingham where a person was intoxicated to a level that is higher than is specified here or in other parts of the law, who ran off a road and is now suing the city for sixteen million dollars, because the city failed to put up a guard rail. I regard that kind of thing as something that we ought to take action against. This does not affect a person who is intoxicated standing on a street and run down by someone else. Since they are not the cause of that accident, that person would probably have the right to recover. This has to do with cause at the time of the intoxication. I urge the adoption of the amendment."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. What Senator Goltz wants to do, I agree with. My problem is, I can't figure out how to write it. Now, what we are after here is the guy whose conduct and his intoxication is the cause of his accident, but the problem is, you can have many proximate causes of the accident. So, if someone is barely over the intoxication figure and that is one of the reasons for the accident, you have barred him against all other defendants including somebody who might be at a 2.0 that ran into him and killed him.

"Here is this guy, just barely over, but he is, and in some way, he is going five miles an hour over the speed limit and somebody that is really blown out of shape kills them, he can't recover. If, however, you don't adopt this amendment, as to the protection of the city, the first amendment--the amendment offered by Senators Vognild and Talmadge says that the fact that that guard rail isn't there, is only evidence--while it can get to the jury--there is no guard rail--it is not negligence per

se and, therefore, you can't get a directed verdict on it. The jury will no longer be instructed that the failure to put the guard rail up makes the city liable. It is only evidence of--and this is what Senator Vognild tries to solve, because sometimes regulations are past and we don't have a chance to spend the money to fix the situation. I don't know--I can't make a recommendation and I don't know what to do because I agree with what Senator Goltz wants to do, but I don't know how to say it."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President and members of the Senate. I agree with Senator Bottiger's remarks. I think you may want to have negligence per se apply to a circumstance where someone who is guilty of intoxication and that intoxication results in the injury. Negligence per se operates both as to comparative negligence or comparative fault and negligence on the part of the defendant. Maybe what we could do is set this down for an amendment, Mr. President, and work on some language so that intoxication would result in a finding of negligence per se--both ways. I think I have an idea for some language that I could run by Senator Goltz, if that is acceptable."

MOTION

On motion of Senator Vognild, further consideration of the amendment by Senator Goltz on page 12 to the amendment by Senators Talmadge and Vognild was deferred.

MOTION

Senator Talmadge moved that the following amendments (on the desk) be withdrawn:

On page 7, beginning on line 2, after "damages," strike all material down to and including "(a) A" on line 4 and insert "Each joint tortfeasor defendant is jointly and severally liable for the entire amount of the judgment awarded a plaintiff, except that a defendant whose percentage of fault is less than that allocated to the plaintiff is liable to the plaintiff only for that percentage of the recoverable damages. However, a"

On page 7, beginning on line 8, strike all material down to and including line 11

On page 7, after line 11, insert the following:

"(c) The defendants shall be jointly and severally liable if the cause of action involves a product liability claim under chapter 7.72 RCW."

MOTION

Senator Bottiger moved that the following amendment be adopted:

On page 7, after line 18, insert the following:

"Sec. 502. Section 51.24.020, chapter 23, Laws of 1961 as last amended by section 2, chapter 218, Laws of 1984 and RCW 51.24.020 are each amended to read as follows:

If injury results to a worker from the deliberate intention of his or her employer to produce such injury or if an employer, with wilful disregard of the safety of an employee and in knowing disregard of written recommendations by the product supplier or in knowing disregard of an administrative agency's written notice of a violation of a safety regulation, intentionally (1) removes, authorizes the removal of, or fails to install permanent safety features or devices for the product, or (2) misuses the product, the worker or beneficiary of the worker shall have the privilege to take under this title and also have cause of action against the employer as if this title had not been enacted, for any damages in excess of compensation and benefits paid or payable under this title."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Thank you, Mr. President and members of the Senate. A few minutes ago, I offered a suggestion that raised industrial insurance premium rates by approximately one percent as the best I could do under that given set of facts. I would like to pay it back now.

"In 1979, Senator Newhouse and I offered this amendment because, at least I was, at that time just fed up with the people in my classification or at that time a classification of a client of mine who repeatedly and continually violated OSHA and WISHA rules, had a terrible record and in that employment classification and was causing all kinds of premium increases to Labor and Industries. I tried to write an amendment that is as tight as you can write it--intentionally, willfully, knowingly takes safety equipment off, ignores written instructions from the Department of

Labor and Industry safety inspectors or from their own insurance company inspectors and yet keep causing cave-ins on excavation sites--safety equipment on machinery. In that limited case, where they have done it--and done it--and they just simply pay their little extra premium to L & I, I am suggesting that they are no longer protected and the employee can sue them directly.

"I think for all the self-insurers, for all the insurance companies that sell liability insurance, the investigators will see to it that those kinds of violations stop. Now, that language is as tight--is intentional--is as obnoxious of conduct that I can think of and that is what we came up with then and I offer it again now. I think that will save industrial insurance premiums."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. I like your punch line, Senator Bottiger. You have a good amendment. I hope the Senate will approve it."

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

The motion by Senator Bottiger carried and the amendment was adopted.

MOTION

Senator Bailey moved that the following amendments be considered simultaneously and adopted:

On page 7, line 20, strike "----FELONY"

On page 7, after line 26, insert the following:

NEW SECTION, Sec. 602. A new section is added to chapter 4.16 RCW to read as follows:

Notwithstanding RCW 4.16.190, no action may be brought for damages for injury to a child occurring as a result of health care in the prenatal care or delivery of that child unless commenced within ten years of the delivery."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Thank you, Mr. President and ladies and gentlemen of the Senate. These amendments are meant to keep the doctors in the business of delivering babies. In clinics and hospitals all across the state of Washington, doctors are getting out of the business of delivering babies, because they can be held liable for any injury up to twenty-six years. This is an attempt to cut down on that long tail of liability. After all, I have had many, many doctors come to me and say, 'Cliff, I am fifty years old and I can't deliver babies any longer, because I don't want my retirement or my family's retirement impaired.' I think this amendment would cut off a lot of that long tail. I think it would give adequate protection to those babies and I urge the adoption of these amendments."

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe the amendments by Senator Bailey expand the scope and object of Substitute Senate Bill No. 4630. Specifically speaking to the point of order, Substitute Senate Bill No. 4630 deals with general changes in the tort law in the state of Washington. I would point out to the President that we consciously and deliberately kept separate Senate Bill No. 4631, relating specifically to medical malpractice in the considerations by the committee and in the deliberations, to date, on the floor of the Senate. I would submit that, insofar as this bill relates generally to tort law of a general and applicable nature that an amendment dealing specifically with the issue of medical malpractice expands the scope and the object of the bill insofar as the committee kept separate the issues contained in Senate Bill No. 4631."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute Senate Bill No. 4630 is an omnibus bill limiting exposure in civil actions for tort claims and reducing the amount of potential court awards with the intention of decreasing future insurance premiums.

"The amendments proposed by Senator Bailey establish a ten-year statute of limitations for civil actions regarding prenatal care or child delivery.

"The President, therefore, finds that the proposed amendments do not expand the scope and object of the bill and the point of order is not well taken."

The amendments by Senator Bailey were ruled in order.

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. Speaking in opposition to the amendments and I understand Senator Bailey's concern, but I think the issue is adequately dealt with in a House Bill that is coming over to us. The approach that I think is preferable, is an approach that relates to the discovery of the harm. An arbitrary, flat tenure limitation period can be terribly damaging in certain circumstances relating to birth--in certain circumstances relating to a child's injury. There are many kinds of injuries that are late manifesting and in those late manifesting kinds of injuries, it is going to be very difficult for any kind of recovery to be obtained, particularly if the child does not demonstrate the particular symptoms of the problem in time.

"The approach that was taken, I believe, in the House and the approach that was taken in the Senate Judiciary Committee was a discovery-related rule, so that if the parents discovered or were aware of the existence of a problem, that that knowledge of the parent was imputed to the child, so that somebody would have the knowledge or the existence of a problem. I think it is a serious mistake to simply adopt the flat and arbitrary limit, but rather we should do one that is somewhat more flexible, but yet cuts off those long-tailed kinds of claims that I know Senator Bailey is concerned about. These amendments will be damaging. I submit we should try a different approach that we will have an opportunity to vote on in the House Bill."

REMARKS BY SENATOR METCALF

Senator Metcalf: "Mr. President and members of the Senate, rising to support Senator Bailey's amendments, I had a similar amendment that I didn't present, because I figured it would be ruled out of scope and object, so I am supporting Senator Bailey's. I have some material which I have prepared for a later bill and just a couple of headlines relative to how important it is: From the Olympian--'Rural Health Care Threatened'--'Insurance Forces Doctors Out'--'Costs Push Doctors Out of Baby Business.' They all have a whole bunch of problems relative to this area.

"In my county, we face the prospect on Whidbey Island of not having any doctor deliver babies there. We will still have one or two left, but within a year or two, probably not that. I have some other material which I will put on your desks which shows that there are five counties in the state today that do not have any baby delivery service from doctors and in the near future, and I think the date will be within six months, there will be ten counties in the state where there won't be babies delivered. I urge you to support and adopt these amendments. This is a step toward one of the most important issues--all of these other issues that we have been talking about are important, but as far as just issues that affect people and affect lives, this is a critical one."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. Not only is it important, Senator Metcalf, it is complex. I hope the members attended closely to Senator Talmadge's remarks. I think it would be a mistake to place this arbitrary statute of limitations in this bill at this time. The doctors of this state, represented by their association, join in the effort to obtain these generic or general modifications of the tort system. This request does not emanate from their organization, although some individual doctors may desire it. I caution the Senate and urge them to continue working with Senator Talmadge and the Judiciary Committee in working this problem separately and more carefully."

POINT OF INQUIRY

Senator Newhouse: "Senator Talmadge, in view of the presence of the House Bill, is that in your committee and do we have your assurance that we will be working on that bill for the rest of this session and try and get it out?"

Senator Talmadge: "Senator, I don't know if that bill has come over from the House, as yet, but we will hear that bill as we hear all House Bills coming over."

POINT OF INQUIRY

Senator Stratton: "Senator Talmadge, for the last several years, you have had in your committee, a wrongful birth bill. Do you see any possibility that we might get a hearing on that and start moving some of that stuff out?"

Senator Talmadge: "What is this--the omnibus blood bath for bills in the Judiciary Committee night? We can probably take that up as we take up the issue of the statute of limitations. You can probably have an opportunity to consider that when the House Bill comes over, Senator Stratton. I don't know what the title of the House Bill is or anything else, but I know the approach that has been taken in the House. I have a feeling that it will probably be considered."

CLOSING REMARKS BY SENATOR BAILEY

Senator Bailey: "Thank you, Mr. President and members of the Senate. I have doctors in my community that tell me that it costs three to four hundred dollars a baby for their liability insurance. Now, remembering back to my children, that was about what we paid, I believe--my wife and I paid, for the total delivery cost of those children. Here we are talking about just one item--liability insurance of three to four hundred dollars. I think it is time that we cut off this long tail and I urge adoption of these amendments."

The President declared the question before the Senate to be adoption of the amendments by Senator Bailey.

The motion by Senator Bailey failed and the amendments were not adopted.

Senator Bailey demanded a roll call.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, I believe the gavel had fallen. The request is not timely."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Talmadge's remarks are well taken. You may move to reconsider the vote by which it lost if you care to do so. That is only in the case that you voted on the prevailing side, Senator."

There being no objection, the Senate resumed consideration of the amendment by Senator Goltz on line 12 of the amendment by Senators Talmadge and Vognild, deferred earlier today.

MOTION

On motion of Senator Goltz, the amendment to the amendment was withdrawn.

MOTION

Senator Goltz moved that the following amendment to the amendment by Senators Talmadge and Vognild be adopted:

On line 12 of the Talmadge and Vognild amendment that begins on page 7, after "negligence," insert the following:

"A person intoxicated by liquor or drugs whose actions are found to be more than fifty percent the proximate cause of that person's injuries is guilty of negligence per se. A person whose blood alcohol content is 0.10 or more shall be conclusively deemed to be intoxicated."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "I thought we had the perfect amendment, Mr. President, but my two drafters--I should have gotten us all together. I see there is some discussion between them. Perhaps I should simply ask that Senator Talmadge explain his concern and then we can proceed."

PARLIAMENTARY INQUIRY

Senator Deccio: "A parliamentary inquiry. What line does the Goltz amendment substitute? It is not indicated here."

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary will please read."

PARLIAMENTARY INQUIRY

Senator Fleming: "Which amendment are we on? Is it the Goltz, Fleming, McDermott amendment or is it the substitute for the Goltz, Fleming, McDermott amendment?"

REPLY BY THE PRESIDENT

President Cherberg: "This is the substitute for the Goltz amendment and Fleming and McDermott--"

Senator Fleming: "Mr. President, just for the record, the two amendments--we're dealing with two different subject matters and I wanted to make sure that the amendment is the substitute for the Goltz, Fleming and McDermott amendment and not the Fleming, McDermott and Goltz amendment."

REPLY BY THE PRESIDENT

President Cherberg: "This amendment is the substitute for the Goltz, Fleming and McDermott amendment to the Talmadge and Vognild amendment."

Editor's Note: (See amendment by Senators Goltz, Fleming and McDermott moved later in the day)

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President, I would like to correct my writing by striking the word 'proximate' in this amendment. I am told that fifty percent and proximate are contradictory, so I would like to strike the word 'proximate' in the version of the amendment, since I cannot amend the amendment to the amendment. I would like it understood that the word 'proximate' does not appear here."

REPLY BY THE PRESIDENT

President Cherberg: "If there is no objection, the word 'proximate' has been eliminated."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President and members of the Senate. What we are trying to do here, as I explained earlier--and I don't think I need to take any more time at it--what we are trying to say is that if a person is intoxicated by liquor or drug and whose actions are found to be more than a fifty percent cause of that person's injury, he is guilty of negligence per se. I think this is the kind of thing that says that if you are going to be irresponsible, you shouldn't make somebody pay for your irresponsibility. I think that is all that this attempts to do. Thank you."

POINT OF INQUIRY

Senator Thompson: "Will Senator Goltz yield to a question?"

Senator Goltz: "I will yield with my team of legal experts."

Senator Thompson: "Well, you are not confronting a legal expert, I assure you. I am interested in the English language and I wondered if the two persons referred to in--two references to person in the first sentence are the same person, as they appear to be?"

Senator Goltz: "Yes."

Senator Thompson: "So, if someone injures himself, he is guilty of negligence?"

Senator Goltz: "Yes, that is precisely what it is intended to be."

Senator Thompson: "Thank you."

The President declared the question before the Senate to be adoption of the amendment to the amendment by Senators Talmadge and Vognild.

The motion by Senator Goltz carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge and Vognild, as amended.

POINT OF INQUIRY

Senator Vognild: "Senator Talmadge, in the amendment, we referenced the breach of duty imposed by statute, ordinance or administrative rule, do you intend that that would mean design factors in terms of putting out to bid a highway or that type of structure?"

Senator Talmadge: "So long as they are contained in the Washington Administrative Code, Senator, absolutely."

Senator Vognild: "Thank you."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Mr. President, it is my intent to, obviously, support this amendment and I would like the body to be aware that with the inclusion of this amendment in Substitute Senate Bill No. 4630, it would not be my intent to bring Senate Bill No. 4946 before this body."

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Vognild, as amended.

The motion by Senator Talmadge carried and the amendment, as amended, was adopted.

MOTION

On motion of Senator Talmadge, the following amendment (on the desk) was withdrawn:

On page 10, line 4, strike "one hundred" and insert "two hundred fifty"

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 10, line 10 after "damages," insert "In entering a judgment for the payment of future damages in periodic installments, the verdict of the jury or determination of the arbitrator as to future damages shall not be reduced to present cash value."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. In dealing with the issue of periodic payments, there is a technical concern that needed to be raised. That is, juries are instructed, in the state of Washington, to review any verdict for future damages to the present cash value of the amount of compensation. That is in a Washington civil pattern jury instruction and what this amendment is designed to do, is eliminate reduction of the damages to present cash value, because, in effect, we are doing that when the judgment is paid on a periodic basis. You are paying it out over a period of time and so you don't need to reduce the verdict of the jury to present cash value. The two are inconsistent and if you retain both without this kind of amendment, you, in effect, have allowed a double reduction of the amount to which the injured party is entitled."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. Rising to oppose the amendment, the option exists for a party to request periodic payments and may not occur in all cases, so that fact, within this process, causes a substantial problem with the amendment requiring that this judgment be not reduced to present cash value. The periodic payment--the process--in providing for the recovery of economic damages should certainly take into account the wage loss reflected by the consequence of passage of time, but this does not cause more than drafting problems with the process. I urge opposition to it."

POINT OF INQUIRY

Senator Bottiger: "Senator Thompson, I am going to ask you to presume that in the trial there has been proven that the injured party, who is not now employable, had been making fifteen hundred dollars a month and it is also proven that he is going to have nursing home bills of three thousand dollars a month and that inflation would cause both of those figures, normally, to go up. Is it your understanding of how this periodic payment will work is, that he will get periodic payments that will go up and reflect both the nursing home bill and his lost wages?"

Senator Thompson: "It is both my hope and my intent and I would expect an economist would give that kind of advice that would be heeded by the court."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, that is exactly what should happen. There is a little confusion the way this bill has been written by the coalition as to whether or not that is what is intended, but Senator Thompson remarks, I think, satisfy me especially since they are in the record."

REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, Mr. President and members of the Senate. If I understand correctly, and I was downstairs when this first came up, this is Senator Talmadge's amendment that would, in fact, require that the amount of damages for future damages be not reduced to present value. If, in fact, you don't do what Senator Talmadge is suggesting, I think, the greed of that is absolutely amazing. What happens in the situation of the state lottery--if a person wins a million dollars, of course, we say we're going to pay him over a period of twenty years, so the Lottery Commission goes out and buys an annuity for \$300,000 which over the course of twenty years will pay the person a million dollars. That, in fact, making periodic payments is stretching them out into the future.

"If Senator Talmadge's amendment is not adopted, you would have a situation in which the jury would immediately reduce those future payments that are suppose to total a million dollars to the value of \$300,000 and then allow the person who is the negligent party to buy an annuity for \$100,000 to pay \$300,000 over twenty years. That is double dipping. That is reducing twice the present value and anybody who knows anything about business knows that is not right. I would urge the support of Senator Talmadge's amendment."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President and ladies and gentlemen. I think I would like to back up Senator Thompson's statements that the language here--the amendment is really not necessary. It is the normal practice, we understand, that the jury be instructed to come in with the damages reduced to present value. Following that, is when the request for structured damages come in and we don't want another reduction. We're agreed to that, but this language would infer that we expand the number of dollars after the request for structured benefits is made by either party. If the present value situation has been reached already, I think that is adequate with the assurances that Senator Thompson gave."

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator Bottiger moved that the following amendment be adopted:

On page 10, line 19, after "circumstances," insert: "If requested by a claimant, each proposal submitted to the court shall specifically provide for the claimant to be covered by a group hospital medical coverage contract which is comparable in cost and coverage to that provided to employees of the state of Washington under chapter 41.05 RCW. The contract shall not be canceled by the carrier except for nonpayment of premium."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. We are changing tort law and how people are compensated and I'm bringing you a problem. I want to, very candidly, say that it is a 'gimme.' It is something for the party that has been seriously injured. We are only talking about the very big cases now where you get into structured settlements. One of the problems that you will find is if you or someone you know is injured, you currently--prior to your injury--you have a chance to buy group medical insurance. In which case, if you are a state employee, you will be paying, in effect, on major medical, you pay twenty percent and the insurance company pays eighty percent. However, if you are very, very seriously

injured, nobody will sell you group insurance or if they do, they exclude everything out. They will literally not insure you for anything that remotely is reflected in the injury.

"What I'm proposing is that if an insurance company asks for a structured settlement and only if they ask for one, then in that structured settlement, they will secure at the same costs and I looked for something that we knew something about, they will secure a medical payment plan for that insured party similar to that offered state employees at the price that a state employee's policy costs and the injured party will have the option to pay the premium.

"You take a twenty-year old kid that receives an extremely serious injury which means that he will never be employed in the future, never have a chance to buy group insurance, will have illnesses because of an inability to exercise or do something else--which he will have to pay out of this lump sum or structured settlement that we are talking about here. All I'm asking is that if the insurance company asks for a structured settlement, part of the package will be a medical health plan similar to state employees and he will have to pay the premium--the injured party."

POINT OF INQUIRY

Senator Deccio: "Senator Bottiger, what if such insurance is not available at any price?"

Senator Bottiger: "Senator, several of us went to dinner with Mr. Richter of United Pacific and that question was put to him by a member there and he said, 'Any insurance is obtainable--we would just retain it and under your proposal we would expect and require the injured party to pay us \$176 a month, because that is what the state employees' package is worth--we would insure him--we would create, in a sense, an insurance policy for him if we wanted a structured settlement that bad.'"

Senator Deccio: You are talking the amount of the premium, rather than the coverage, because I really don't--I know Mr. Richter--I don't know if he is really giving you the standard in the industry. I am just saying that it would be impractical to require something that is not available. If you are only talking about the premium, that is one thing, but if you are talking about duplicating the coverage, you know, we as state employees have the cadillac of the industry and I don't know if it would be available."

Senator Bottiger: "Senator, I threw up a standard that I knew something about. Obviously, an insurance company reserves a risk and they write it and set the money aside in reservation for claims under it and put a price on it just like they do for state employees. Only this time, they would be dealing with an unhealthy person and they would have to write it greater. The injured party would pay the same premium as state employees, because we have decided that is a good group value."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. This measure and the amendments that we have been considering bears the imprint of Senator Bottiger's sincerity and conscience, but in this instance, there are practical problems, I guess, apparent to Senator Deccio. Talking about a quantifiable economic consequence, I guess, that would certainly prompt a plaintiff's attorney to point out to a jury if circumstances existed that there are going to be difficulties in obtaining insurance for his plaintiff and we should certainly be considered in making the award. Specifically to identify one area of economic compensation and provide for it in this language provides a real complication to process and despite Senator Bottiger's sincere concern, I hope the Senate opposes this requirement. It is unrealistic."

CLOSING REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, to close debate. Remember the insurance companies came to us wanting structured settlements, so they can save money. This isn't something that is in the law now other than by negotiations and we negotiate structured settlements with all kinds of things in

them. Now, all I am asking is that if you are going to pass a law that says that the judge has to give a structured settlement, that you give back a little bit to that guy who will never be able to buy medical insurance at a group rate. He probably won't be able to buy any at all, but you give just a little bit back in return for the large savings to the insurance companies that structured settlements will provide."

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

Senator Bottiger demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Zimmerman, Senator Hayner was excused.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bottiger

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 24; excused, 4.

Voting yeas: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn - 21.

Voting nays: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Guess, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, Thompson, Vognild, Zimmerman - 24.

Excused: Senators Hayner, Kiskaddon, McManus, von Reichbauer - 4.

MOTION

Senator Bottiger moved that the following amendments be considered simultaneously and adopted:

On page 10, line 22, after "claimant," insert "Any proposal for periodic payments of ten years or more approved by the court must guarantee payments for a minimum of ten years."

On page 10, line 32, after "future damages" insert ": PROVIDED, That there shall be no apportionment of the balance of the ten-year guarantee provided in subsection (2) of this section"

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. I think these are agreed to. The problem that came up and the way the periodic payments came out of committee is that there is no way that an injured party could buy a van or make a down payment on a house or anything with this substitution for his lost wages, because the provision out of committee said that everything stopped on his death. No bank is going to let you buy a van or anything if next month, you have no income, so we negotiated--I was going to start it at a thirty year mortgage and come down--we negotiated and we ended up with a ten year guarantee. Most structured settlements have guarantees and I have never heard of one that didn't have one."

The President declared the question before the Senate to be adoption of the amendments by Senator Bottiger.

The motion by Senator Bottiger carried and the amendments were adopted.

MOTION

Senator Bottiger moved that the following amendment be adopted:

On page 10, line 23, delete subsection (3) and insert the following:

"(3) Security required for payment under subsection (2) of this section shall be executed by a qualified insurer approved by the office of insurance commissioner.

(a) When the court enters a judgment for periodic payments, each party liable for all or a portion of such judgment shall separately or jointly with one or more others post security in an amount necessary to secure payment for the amount of the judgment for future periodic payments within thirty days after the date judgment is entered. If security is not posted within thirty days, the court shall enter a judgment for the payment of future damages in a lump sum.

(b) If at any time following entry of judgment, a judgment debtor fails for any reason to make a payment in a timely fashion according to the terms of the judgment, the judgment creditor may petition the court which rendered the original judgment for an order requiring payment by the judgment debtor of the outstanding payments in a lump sum. In calculating the amount of the lump sum judgment, the court shall total the remaining periodic payments

due and owing to the judgment creditor converted to present value. The court may also require payment of interest on the outstanding judgment."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, again this is periodic payments. The bill as it came out of committee sounds like a real estate contract. If the insurance--this is the company that is paying this guy the money--if you will read in there--what it says, 'If they are constantly late in their payments'--you know, this guy sitting there in the nursing home expecting his check at the first day of the month and you know it doesn't get there until the fifteenth or the twentieth or whatever, you know, you can be out in the street from the nursing home. So I rewrote this and said I didn't want to make it miss one day in the whole thing, so I said, if they are thirty days late in their payment, then the whole amount comes due. That's kind of an incentive to insurance companies to get their payments out periodically."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President, I just wanted an opportunity to support Senator Bottiger's amendment."

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

The motion by Senator Bottiger carried and the amendment was adopted.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 11, after line 8, insert the following:

"Sec. 1001. Section 2, chapter 103, Laws of 1979 as last amended by section 3, chapter 265, Laws of 1985 and RCW 7.06.020 are each amended to read as follows:

(1) All civil actions, except for appeals from municipal or justice courts, which are at issue in the superior court in counties which have authorized arbitration, where the sole relief sought is a money judgment, and where no party asserts a claim in excess of ten thousand dollars, or if approved by the superior court of a county by two-thirds or greater vote of the judges thereof, up to ~~((twenty-five))~~ one hundred thousand dollars, exclusive of interest and costs, are subject to mandatory arbitration.

(2) If approved by majority vote of the superior court judges of a county which has authorized arbitration, all civil actions which are at issue in the superior court in which the sole relief sought is the establishment, termination or modification of maintenance or child support payments are subject to mandatory arbitration. The arbitrability of any such action shall not be affected by the amount or number of payments involved."

Renumber the remaining sections consecutively.

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. We have in place, at the present time, in Washington State Law, Mandatory Civil Arbitration in certain of the counties. It is on a local option basis. Ten thousand dollars of the majority, if the judges of the particular superior court approved, twenty-five thousand dollars if there is a two-thirds vote or greater of the judges of that particular superior court. From all indications, that we have heard, this process has worked admirably in reducing litigation in the various superior courts across the state. The arbitration is held outside of the courtroom process. If a party objects to the decision or the outcome of the arbitration, they can then go thru the normal court process and have their jury and trial and everything else.

"It has worked very well. It has reduced the caseload in the King County Superior Court very dramatically. What the amendment proposes to do, as some insurance companies have suggested, is to increase the limits for these kinds of mandatory civil arbitration matters from twenty-five thousand dollars to a hundred thousand dollars subject to the approval of the two-thirds of the judges in that particular county. It is an effective system for actually reducing transactional costs with respect to litigation. I would urge your support."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, first, having sponsored the Mandatory Arbitration in 1979, I believe, from the House--at that point it was at a much lower level than even the twenty-five. I have some qualms about doing it in this bill. I would

suggest that we should not put it in this bill; that it is a matter that should be handled on its own."

POINT OF ORDER

Senator McDonald: "Mr. President, I wonder if this amendment is within the scope and object of this bill."

REPLY BY THE PRESIDENT

President Cherberg: "Are you raising the point, Senator?"

Senator McDonald: "Yes, I am."

REPLY BY THE PRESIDENT

President Cherberg: "Do you wish to speak on it, Senator?"

Senator McDonald: "No."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President, I would remind the President that this is an act relating to civil actions. The mandatory civil arbitrations, Senator McDonald, would be clearly within the purview of the title and the object of the bill is designed to reduce, at least allegedly, the cost of insurance in the state of Washington and the various transactional costs associated with the processing of civil claims. This is a mechanism that is proven to be exceeding effective and that now, given the President's ruling on the statute of limitations and medical malpractice and everything, I believe is clearly within scope and object."

MOTION

On motion of Senator Vognild, further consideration of the amendment by Senator Talmadge on page 11, line 8, was deferred.

Vice President Pro Tempore Rasmussen assumed the chair.

MOTION

Senator Rinehart moved that the following amendment be adopted:

On page 11, after line 8, insert the following:

"Sec. 1001. Section .19.03, chapter 79, Laws of 1947 and RCW 48.19.030 are each amended to read as follows:

Rates shall be used, subject to the other provisions of this chapter, only if made in accordance with the following provisions:

(1) In the case of insurances under standard fire policies and that part of marine and transportation insurances not exempted under RCW 48.19.010, manual, minimum, class or classification rates, rating schedules or rating plans, shall be made and adopted; except as to specific rates on inland marine risks individually rated, which risks are not reasonably susceptible to manual or schedule rating, and which risks by general custom of the business are not written according to manual rates or rating plans.

(2) In the case of casualty and surety insurances:

(a) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.

(b) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.

(3) Due consideration in making rates for all insurances shall be given to:

(a) Past and prospective loss experience within and outside this state; and in the case of rates for fire insurance, to the loss experience of insurers as to insurance against fire during a period of not less than the most recent five-year period for which such experience is available.

(b) Conflagration and catastrophe hazards, where present.

(c) A reasonable margin for underwriting profit and contingencies.

(d) Dividends, savings and unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers.

(e) All other relevant factors within and outside this state.

(4) In addition to other factors required by this section, rates filed by an insurer on its own behalf may also be related to the insurer's plan of operation and plan of risk classification.

(5) Except to the extent necessary to comply with RCW 48.19.020 uniformity among insurers in any matter within the scope of this section is neither required nor prohibited.

(6) Under no circumstances shall any filing pursuant to the requirements of this chapter be made which would constitute more than a twenty-five percent increase over the rate in use one year before the date of filing.

Renumber the remaining sections consecutively.

REMARKS BY SENATOR RINEHART

Senator Rinehart: "Thank you, Mr. President, the adoption of this amendment will serve to bring the bill into conformity with the intent section. We have heard a lot tonight about a lot of fascinating words, we've heard about tortfeasors and tortious interference and malfeasance and misfeasance and res judicata. This amendment, pure and simply, has to do with people. There are people in Washington State who are having real problems with liability insurance rates. Those people are doctors, lawyers, members of school districts, they are architects, day-care providers, restaurant owners, almost every professional--every walk of life has a problem with insurance rates. What this amendment does, in conformity with caps adopted earlier in the bill, puts a cap on liability insurance rates. It simply provides that there will be no increases in excess of twenty-five percent per year. I think this comes closer to any other portion of the bill of solving the real problems that exist in the state and I would urge the body to join with me in adopting this amendment."

POINT OF ORDER

Senator Deccio: "Thank you, Mr. President, I would like to challenge the scope and object of Senator Rinehart's amendment and would like to speak to the argument."

REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Rasmussen: "Do you wish to challenge it now or do you wish to wait? I understand there is an amendment to the amendment."

Senator Deccio: "I would like to do it now, Mr. President."

Vice President Pro Tempore Rasmussen: "You want to do it now?"

Senator Deccio: "Yes."

RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Rasmussen: "In ruling upon the point of order raised by Senator Deccio, the President finds that Substitute Senate Bill No. 4630 is an omnibus bill limiting exposure in civil actions for tort claims and reducing the amount of potential court awards with the intention of decreasing future insurance premiums.

"The amendment proposed by Senator Rinehart limits insurance premium increases to twenty-five percent above the rate in use one year earlier.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Rinehart was ruled in order.

REMARKS BY SENATOR DECCIO

Senator Deccio: "Well, Mr. President, I was going to give you some arguments, but I guess you are the President. You can't fight city hall."

REPLY BY VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Rasmussen: "I would remind you, Senator Deccio, that it is limiting exposure in civil actions for tort claims and reducing the amount of potential court awards with the intention of decreasing future insurance premiums. That is the whole intent. Sorry about that, but that is the President's ruling."

Senator Deccio: "Mr. President, I am sorry too. The point that I was going to make was the title of the act is related to civil actions, but there are many--throughout Senator Rinehart's amendment --there are first party coverages involved and I don't know--I am sure you are aware of what that means. You can't bring an action against yourself and I think there is a tremendous conflict in

various sections of Senator Rinehart's amendment and that is why I was objecting--challenging scope and object."

Vice President Pro Tempore Rasmussen: "Thank you. I am sure that the Supreme Court will decide on it."

MOTION

Senator Goltz moved that the following amendment by Senators Goltz, Fleming and McDermott to the amendment be adopted:

On page 3, line 19, of the amendment by Senator Rinehart that begins on page 11, after "prohibited," insert:

"(6) Current insurance premiums are based on current Washington State tort law and rating factors. It is the finding of the legislature that this legislation will reduce insurance costs by fifteen percent. The insurance commissioner is directed to order a reduction of all applicable insurance premiums by that amount effective with the effective date of this act.

No insurance company may cancel a policy as the result of this action by the insurance commissioner."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President and ladies and gentlemen of the Senate. This is really getting to the nub of this bill. What we are trying to do in this bill, is to reduce the cost of insurance and keep it available and this amendment simply makes a finding by the Legislature that we are doing that. I think that when we go back home and try and explain whether we have done something that is good for the people with this bill, we are going to have a hard time explaining it unless we have some simple language like this. This says that we are going to save fifteen percent as a result of this--that's the figure I've heard as a potential from insurance companies and the Insurance Commissioner is impowered to make those premium reductions on our behalf and the insurance companies will not be able to cancel policies. I think that is a good way of explaining the good things that we have in this bill."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. By the way, I'm very pleased that you are up there, Mr. President."

REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Rasmussen: "Thank you, Senator Thompson."

FURTHER REMARKS BY SENATOR THOMPSON

Senator Thompson: "Senator Goltz is noted for his rye humor and I think we have a classic example from it here before us. It certainly addresses the purposes of this act, but a bit too drastically, Senator Goltz, and goes beyond. I would suggest, the nub of the problem. However, I don't think that Senator Rinehart's amendment does and I tend to support Senator Rinehart's amendment, because it does reasonably conform, as she pointed out, with the preamble and purpose and intent of this legislation. Yours, Senator Goltz, goes a bit too far."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President and members of the body. I support the Goltz amendment. I think we are out here on this floor and by reading this preamble, I don't see that Senator Goltz's amendment falls any less out of line with the preamble of this measure than Senator Rinehart's. What you are saying is, Senator Thompson, you will be willing to allow the insurance rates which will be hoped to be minimized--you would be willing to allow them to at least raise twenty-five percent, which I appreciate, because some places it has been over three-hundred percent. You are not willing, on the other hand, to say, 'If in fact, we are suppose to do all these kinds of things, then we ought to reduce those rates as to what the insurance industry has said might happen.' I think that what's good for the goose is good for the gander."

Senator Talmadge demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Vognild: "Senator Talmadge, as I look at this, I suspect that we may be constitutionally able to tell an insurance company that they cannot cancel a policy for a particular reason, but in your opinion, would it be constitutional for this Legislature to order a fifteen percent reduction in the costs of the goods or services?"

Senator Talmadge: "Senator, I would remind you that the state of New York, when it considered medical malpractice in that state, ordered a moratorium on any rate increases that might be ordered with respect to insurance policies in that state. Because of the McCarran Act at the federal level, the regulation of the insurance industry is left exclusively and completely to the responsibility of the various states in the United States. It is my judgment that the Constitutional section giving authority to the Insurance Commissioner is more than adequate to permit the Insurance Commissioner to take whatever steps he or she may deem necessary to deal with the issue of insurance rates in our state."

Senator Vognild: "And that would include the ability to cause a private enterprise to reduce their prices?"

Senator Talmadge: "Senator, the Insurance Commissioner might have done that when we got into the wildcat speculation and price competition that took place in the insurance market—place only a short time ago as the Joint Select Committee on Insurance Affordability and Availability indicated. I believe the Insurance Commissioner has the authority to do it."

Senator Vognild: "Thank you, Senator."

REMARKS BY SENATOR WARNKE

Senator Warnke: "Thank you, Mr. President and members of the Senate. I am going to support this amendment and if it fails, I am going to make an oral amendment to Senator Rinehart's amendment, changing twenty-five to fifteen percent, which would be an increase and adding the last of—'No insurance company may cancel a policy as the result of this action by the Insurance Commissioner,' wherever those words will fit. As I was trying to make up my mind about this bill from the beginning of the session, I have consistently requested information on how this particular bill was going to reduce premium costs or make insurance more available to the people in my district. I have communicated weekly with the business community in my district and those are the questions they continually ask me—'When are you going to get a tort liability package out that will make my insurance more affordable and available'—and in particular for those small companies, which I have in my district, that have closed their doors because the liability rates increased so much that they went out of business and laid their people off. I am going to support this amendment and then I am going to make some oral amendments to Senator Rinehart's amendment."

REMARKS BY SENATOR ZIMMERMAN

Senator Zimmerman: "Thank you, Mr. President and members of the Senate. I hope you have all read this amendment and I hope you have really thought about what we are doing—to say that we are deciding today that we are able to determine that there could be a fifteen percent reduction, you know, that is really an awesome assumption that we have that ability to determine that on this floor today. Certainly, we don't have the information to prove or to even find it—to say that we are finding it, that is true. This is a great idea. We would hope that this would happen, but my friends we are not born here with magic wands. This is the magic wand amendment today. This we wave and it automatically shall happen. I think this is really a presumptuous idea and while I think the idea is meritorious in its aim, certainly we cannot attempt to do this in terms of this.

"This project today that we are on, where these amendments are coming out here on the floor out of anybody's mind at any time, really has become a bit beyond the aim of what we hoped would be a reasonably smooth day of trying to work on a very comprehensive, very difficult subject. I would hope that we would turn down this amendment and go back to the original Rinehart amendment which is pretty strong in itself."

CLOSING REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President, to close debate, I simply want to point out to this body that the way in which the rates are set now is based upon Washington State Tort Law and ratings by the insurance companies of the risk. If those rates were set under the existing tort law and if the tort law is changed to make a savings, I submit there is a tremendous windfall for the insurance companies on the day that these laws become effective. Who benefits from that windfall? Where do the millions of dollars go from the windfall, they don't go to the premium payers, they don't go to the general good of the state of Washington. How are we going to make a determination if we don't stand up and say, 'It is a factor.' I'm not saying that fifteen percent is provable at this point, but I would be willing to bet that when we get this over to the House that the insurance companies will come by and start to argue about what is the proper percentage to return to the premium payers. If we don't do something to return premiums back to the premium payers upon the enactment of this law, we have, I think, failed to recognize what this is. It is a windfall to the insurance companies, otherwise."

POINT OF INQUIRY

Senator Patterson: "Having not been a member of the negotiation team, I would like to ask some member of the team as to whether or not this issue was raised when you were negotiating this piece of legislation? If it was, what were the concerns expressed and the reasons why it was not included in the original agreed upon draft?"

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "The response is that there was no agreement made with respect to the whole contents of this bill, Senator Patterson. There were some agreements made on some individual issues, but certainly no agreement was ever struck."

Senator Patterson: "Well, the first part of my question was whether or not this issue was even discussed."

Senator Talmadge: "Not this specific amendment, but Senator Rinehart's amendment was on the desk and we had the preamble."

Senator Patterson: "I'm talking about in your--the group of people that got together that tried to draft this piece of legislation that we are amending. Was this ever brought up during those discussions?"

Senator Talmadge: "The answer is 'no.'"

The Vice President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Goltz, Fleming and McDermott on page 3, line 19, to the amendment by Senator Rinehart.

ROLL CALL

The Secretary called the roll and the motion by Senator Goltz failed and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 23; excused, 4.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Guess, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Thompson, Vognild, Zimmerman - 23.

Excused: Senators Hayner, Kiskaddon, McManus, von Reichbauer - 4.

MOTION

Senator Warnke moved that the following amendment to the amendment be adopted:

On page 3, line 24 of the amendment by Senator Rinehart, strike "twenty-five" and insert "fifteen" and on line 26, after "filing," insert "No insurance company may cancel a policy as the result of this action by the insurance commissioner."

REMARKS BY SENATOR WARNKE

Senator Warnke: "Thank you, Mr. President and members of the Senate. We have obviously come to the core and the heart of this issue by the roll call vote on the last amendment. The difference on this amendment is not that there is a reduction in the premium costs, but rather for that first year, there will be not more than a fifteen percent increase in premium costs of tort liability insurance. If that is truly what we have been striving for, for the last month and knowing that it has been coming for the last six months, then now is the time that we can send the message to our constituents at home and to the parties involved in the tort liability insurance negotiations, that we are sincere in our efforts to give availability and affordability to the insurance industry. Let me quote to you from the preamble of this bill that was already adopted: 'The purpose of this chapter is to enact further reforms in order to create a more equitable distribution of the cost and risk of injury and increase the availability and affordability of insurance.' This will do both."

POINT OF INQUIRY

Senator Patterson: "Senator Warnke, I understand what you are saying, but if you really don't want any increases, why don't we just say that there shall be no increases until the effective date of this act--no increases at all, rather that a fifteen percent increase?"

Senator Warnke: "I think that as someone beside me just said, the reason for that is that we are not unreasonable and we do understand that the cost of doing business rises. The problem is that none of us here on this floor making the decisions has the information nor has it been provided to us, of what the cost of doing business is. It is my concern that we put a cap on the rise--not the present--but the rise of insurance, at least, until that information is available to us and we can send the message home."

FURTHER REMARKS BY SENATOR PATTERSON

Senator Patterson: "May I continue? Thank you very much, Senator. The reason I raise the question is that we are just grasping at a percentage and we have no basis--no basis at all--to establish any percentage. Frankly, if you were going to do this and make it effective, we shouldn't allow any increase until such time as they have had an opportunity to take a look at the impact of this law--if it becomes law--takes effect and at that point, you might consider--you know you are going to have to consider whether or not the cost of doing business and providing insurance as this act impacts that, would be the logical time to take such a step. I just question whether or not, by saying fifteen percent, that is based on any facts or what the twenty-five percent--the rise or maybe fifty percent. That is all I am trying to say."

Senator Bender demanded a roll call and the demand was sustained.

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. There are a number of reasons why we should act responsibly in this area. I think the original amendment offered by Senator Rinehart puts an expectation--establishes an expectation of control in this act that may be realistic. I intend, as I've already said, to support the main amendment. The Warnke amendment to the amendment causes problems in a number of ways. There are thousands or not--well yes, perhaps there are thousands, at least hundreds of cases that the outcome of which can't be anticipated by us. It must be anticipated by underwriters.

"The Supreme Court continues to expand liability, which affects this situation beyond our control. These limits would affect captive insurance companies that exist now and that will surely be formed that may need to accelerate their premiums in order to establish the necessary reserves. We have to consider those aspects in this situation. Further than that, what we had left here before us, is weaker than the original coalition proposal. I think it is correct to assume that there are going to be benefits and what we are doing now tonight is good news for the insurance purchaser, but it will be long-developing situation and we have to anticipate that. I urge rejection of the amendment to the amendment."

CLOSING REMARKS BY SENATOR WARNKE

Senator Warnke: "To close debate, Mr. President, I think this is a responsible amendment and in answer to how fast does it rise--you know twenty-five percent increase is on the next amendment--and what I read in reports of some of the best years the insurance companies had and the outside interests--rates are established supposedly nationally, not on just what happens here. I can't imagine that on a national scale of insurance pools that the costs of doing business will rise fifteen percent."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, it becomes obvious that the foes of the bill are trying to love it to death and I want to point out that the amendment is defective in that it says, 'no cancellation because of such action by the Insurance Commissioner,' doesn't fit in the language of the bill, but more than that, just as a practical matter, you aren't going to help the insurance situation if you drive the insurance companies out of the state."

PERSONAL PRIVILEGE

Senator Warnke: "Mr. President, I think it was referred to the amendment as by the foes of this bill. I have not committed myself to this bill from the very beginning, because I wanted to try and understand the issue and I've told both the attorney lobbyists, the medical lobbyists and the insurance company lobbyists that I was not committed on this bill--that I wanted to try and vote for a tort reform package to go out of this Legislature. I am not a foe of this bill and I don't appreciate being referred to as such, but I think it is a lot better bill if this amendment passes."

President Pro Tempore Goltz assumed the chair.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Warnke to the amendment by Senator Rinehart.

ROLL CALL

The Secretary called the roll and the motion by Senator Warnke carried and the amendment to the amendment was adopted by the following vote: Yeas, 23; nays, 22; excused, 4.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Guess, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Thompson, Zimmerman - 22.

Excused: Senators Hayner, Kiskaddon, McManus, von Reichbauer - 4.

President Cherberg assumed the chair.

The President declared the question before the Senate to be adoption of the amendment by Senator Rinehart, as amended.

The motion by Senator Rinehart carried and the amendment, as amended, was adopted.

There being no objection, the Senate resumed consideration of the amendment by Senator Talmadge on page 11, line 8, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDonald, the President finds that Substitute Senate Bill No. 4630 is an omnibus bill limiting exposure in civil actions for tort claims and reducing the amount of potential court awards with the intention of decreasing future insurance premiums.

"The amendment proposed by Senator Talmadge increases the monetary amount subject to mandatory arbitration for civil actions in counties which have authorized arbitration.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Talmadge was ruled in order.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 11, line 14, after "701 of this act," strike everything through "section." on line 16 and insert "this act applies to all actions filed on or after August 1, 1986."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. In looking over the effective date section of the bill, in discussing that issue, the bill applied originally at least to actions that had not yet gone to judgment, as of the time of the effective date of the act. In discussing the issue, it was thought to be better to have the act apply to all actions filed or commenced in court after August 1, 1986, to give everybody a date certain as to the effective date. I would urge your support."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President. I am just rising to concur with Senator Talmadge. This is certainly an improvement. I urge your support."

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 11, after line 16, insert the following:

"**NEW SECTION.** Sec. 1003. This act shall expire on July 1, 1991, on which date the sections amended or repealed by this act shall be restored to their status prior to the enactment of this act."

Renumber the sections consecutively.

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President, all that the amendment before us does is provide a sunset date of July 1, 1991, five years out from the effective date of the law, to see if the act has had the consequences--the effect that we'd hoped that the bill would have in terms of the effect on insurance matters. I urge your support."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. As I have already told Senator Talmadge, I support his sunrise, but not his sunset. The effect of this sunset will be to confuse and essentially diffuse the good effects that will be established by certainties that will be provided under this act. To call for this short of test of the beneficial effects of it would have the affect of injuring those beneficial effects substantially. It has a profound economic impact and I urge that the Senate not adopt the amendment."

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator Garrett moved that the following amendments be considered simultaneously and adopted:

On page 4, beginning on line 30, strike all material through "1987." on line 31.

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 11, after line 20, insert a new section to read as follows:

"**NEW SECTION.** Sec. 1003. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws to facilitate the operation thereof."

REMARKS BY SENATOR GARRETT

Senator Garrett: "Mr. President and members of the Senate, I think that this is a very important issue that we have been debating here this evening and tonight. As Senator Talmadge indicated, we are changing some of the tort reform that has been in effect from some eight or nine hundred years, so I believe that this is a very important matter that should go out to let the people of the state vote on it.

"Now, I can show you how this would work. The people that are so concerned about the economy of this state and the city officials, the county officials, the doctors, and all the people--the whole coalition that is supporting this issue, they will be able to talk to the people and explain to them what they are doing for them and I'm sure that if the people understand it and if they desire it--to have it on the statutes--on the law books of the state of Washington, then they will vote favorably. If they don't want it, if they want to continue the way that we are now, then they will, of course, vote it down. I urge you to support the amendment of the referendum on this bill."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. Speaking against the proposal to refer this or adopt this amendment to refer it to the people, I would like to suggest that Senator Garrett has a very costly amendment here. A cost that can be attributed directly to the cost of insurance. It is going to require all those people that want their insurance premiums reduced to spend, spend and spend in a political campaign to try to get this bill approved. That cost has to be attributed to their insurance expense. We just adopted August 1 as the effective date, further out than normal, providing a greater than normal amount of time for citizens of this state--if they wish this to be on the ballot to take the initiative to do so. I urge rejection of the amendment."

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Garrett.

ROLL CALL

The Secretary called the roll and the motion by Senator Garrett failed and the amendment was not adopted by the following vote: Yeas, 16; nays, 29; excused, 4.

Voting yea: Senators Bender, Boltiger, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, Moore, Rasmussen, Rinehart, Talmadge, Williams, Wojahn - 16.

Voting nay: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarmatt, Guess, Hansen, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Paterson, Peterson, Pullen, Saling, Sellar, Stratton, Thompson, Vognild, Warnke, Zimmerman - 29.

Excused: Senators Hayner, Kiskaddon, McManus, von Reichbauer - 4.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, Bailey and Stratton be adopted:

On page 7, after line 20, insert the following:

"Sec. 4. Section 1, chapter 80, Laws of 1971 as amended by section 1, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 4.16.350 are each amended to read as follows:

Any civil action for damages for injury occurring as a result of health care which is provided after June 25, 1976 against:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative; based upon alleged professional negligence shall be commenced within ~~((three))~~ six years of the act or omission alleged to have caused the injury or condition ~~((or one year of the time the~~

patient or his representative discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission). The time for commencement of a legal action may be tolled only upon proof of (a) fraud, (b) intentional concealment, or (c) the presence in the injured person of a foreign body that was not intended to have any therapeutic diagnostic purpose or effect. Any action not commenced in accordance with this section shall be barred (~~:-PROVIDED: That the limitations in this section shall not apply to persons under a legal disability as defined in RCW 4.16.190).~~

The provisions of this section apply notwithstanding RCW 4.16.190.

Renumber the remaining section consecutively.

MOTION

Senator Metcalf moved that the following amendment to the amendment be adopted:

On page 1, line 18, after ~~((three))~~, strike six and insert eight

REMARKS BY SENATOR METCALF

Senator Metcalf: "Speaking to that amendment, I talked to several people who thought that six years was bringing it in a little too close. What this is, is the time of discovery and we are limiting the time of discovery and they felt that six years was a little too short and so eight years is what the present law reads and we would leave it eight years as far as discovery goes. Mr. President, any question on the oral amendment?"

The President declared the question before the Senate to be adoption of the amendment to the amendment by Senators Metcalf, Bailey and Stratton.

The motion by Senator Metcalf carried and the amendment to the amendment was adopted.

REMARKS BY SENATOR METCALF

Senator Metcalf: "What this bill does--what this amendment does at this time is to eliminate one of the gravest problems that we have in medical malpractice. In the birth of a child, it is twenty-six years before the doctor is free of any possible liability. In other words, it goes for eighteen years until the child--in the case of a birth--goes for eighteen years until the child reaches the age of majority and then another eight years. What we are doing in this amendment is saying that the time of discovery is eight years--period--beginning at birth. It also covers more. This covers all medical malpractices; it covers others in addition to birth. There is a time when there is no limit on malpractice and that is lines 30 thru 37. That is, in the case of fraud, intentional concealment, or the presence in the injured person of a foreign body--if a doctor left a clamp inside, then there is no statute of limitations on that. That is the purpose of this amendment. It is one of the most critical issues that we have and I've handed out some material. You've seen this--'Rural Health Care Threatened,' especially in the rural areas.

"I've handed out a list of the various counties and if you look at that list, if you look at the second column there as it goes down by counties, it lists a number of physicians practicing obstetrics in the county and then the third column lists the number who are quitting obstetrics and that is frightening. We are finding that under--if we do nothing, we will have--we have now five, we would have ten counties with no obstetrics at all and a great number more as you've seen which the number practicing would be gravely decreased. I urge you to support this amendment."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. I certainly appreciate Senator Metcalf bringing this amendment out for our consideration. I should let members of the Senate understand, I guess, a little bit about statutes of limitations and the equal protection clause in the state and federal constitutions. You should know first of all that in most tort cases, the statute of limitations is three years--it's a three year statute of limitation. Ordinarily, that is a discovery statute of limitations, particularly in the area of professional negligence. If you are suing a surveyor, lawyer, an accountant--anyone of those other people, you have a three year statute of limitations and it is three years from the date of discovery of the wrong.

"Unfortunately, what Senator Metcalf is putting out here is not a discovery rule, at all, because you repeal that portion of the special statute of limitations relating to medical malpractice. It provides for a discovery rule. It is just a simple flat eight year statute of limitations, especially for the medical profession. Now, we can classify people under the equal protection clause as long as there is a rational basis for doing so. Now, my suspicion is that you have set up a special category of statute of limitations for one particular category for professionals--that is medical doctors that may have some serious problems with respect to surviving a challenge on the basis of the state and federal equal protection clause.

"Now, we have indicated that we will be considering the issue of the statute of limitations and the medical malpractice context in the Judiciary Committee where we hear it, where we can discuss it, where we can consider it, but if you really want to run a bill, or I should say an amendment out here that, I think, is really subject to serious constitutional challenge. Senator, I am more than happy to labor this bill even a little bit more by adding such an amendment to it, because I think you have clearly made it much more likely that the Supreme Court will find this special statute of limitations special for medical doctors with no discovery rule, unlike every other professional in the state of Washington, just that much more defective from a constitutional standpoint. I may be happy to support you in this amendment, Jack."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. As well motivated as the sponsors of this amendment are, I am convinced that it does grievous harm to this bill and the purposes that we have all labored here for this evening. Please do not vote for it. Please give the Senate Judiciary Committee an opportunity to work the medical malpractice problem. Don't attempt to do it on the floor in this bill and this manner."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. Senator Metcalf, the problem is, you forgot to put the lawyers in here. You see, we deal with minors, too. If you commit a malpractice action against a minor and we are not in this bill, so that he has until he is age six to do something about it, he can't sue us. Since we are also professionals dealing with minors, Senator Talmadge is trying to tell you that you can't do it this way, because now you have said a doctor is special when he is dealing with a minor over and above everybody else."

Senator Talmadge demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator McCaslin: "Are we on the oral amendment or are we on the amendment?"

REPLY BY THE PRESIDENT

President Cherberg: "We are on the amendment, as amended orally."

Senator McCaslin: "Thank you."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Mr. President and members of the Senate. The problem that Senator Metcalf is trying to address--I don't really think is the right way to address it, but it is a serious problem. You can't say, 'Well, the people are going to have babies and go to mid-wives.' Without a backup doctor, a mid-wife is not allowed to operate in Washington. That is the state law. Women that are going to have babies will have no place to go. I think the solution is that we will probably have to come eventually to a state law and state insurance to give them the coverage that they can afford and continue to practice."

CLOSING REMARKS BY SENATOR METCALF

Senator Metcalf: "I'm not an attorney and I obviously did not write this and I think the attorneys may be muddying the water. We went down to bill drafting and we talked to them at great length. This is nothing that was done overnight. This was

the result of hours and hours of work. This is about the third draft from bill drafting to try and do exactly what I've told you and that is what they said it does.

"Now, if there is a constitutional problem--I don't think we deal with constitutional problems here. I am just telling you that we did everything right. We went down there; we talked to them. They wrote this amendment after hours of deliberation. It does three things as I say: It sets up eight years as a discovery period. It does eliminate the time for medical--for birth; it eliminates the eighteen years before you start counting. It starts immediately at birth and it does have--there is no limitation on fraud or attempt of concealment or the presence of a foreign body in the injured person.

"In other words, if they are not competent down in bill drafting, perhaps that is their fault, but I don't seem--I just don't believe that--I think that the thing is drawn to do what we want to do. I guess that we just have to--I cannot say for sure, but I think we have some pretty competent attorneys down there. I think we have some pretty competent attorneys on this floor. They are very competent about muddying the water when they don't like something."

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Metcalf, Bailey and Stratton, as amended.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment, as amended, was not adopted by the following vote: Yeas, 19; nays, 25; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Craswell, Deccio, Johnson, Lee, McDermott, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge - 19.

Voting nay: Senators Bauer, Bender, Boltiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Kreidler, McCaslin, Moore, Owen, Peterson, Rinehart, Thompson, Vognlid, Warnke, Williams, Wojahn, Zimmerman - 25.

Absent: Senator Hansen - 1.

Excused: Senators Hayner, Kiskaddon, McManus, von Reichbauer - 4.

MOTION

Senator Bailey moved that the following amendment be adopted:

On page 7, line 20, strike "----FELONY"

On page 7, after line 26, insert the following:

"NEW SECTION, Sec. 602. A new section is added to chapter 4.16 RCW to read as follows:

Notwithstanding RCW 4.16.190, no action may be brought for damages for injury to a child occurring as a result of health care in the prenatal care or delivery of that child unless commenced within twelve years of the delivery."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Thank you, Mr. President. In my discussion of this amendment and Senator Talmadge's discussion of the long tail of liability on the delivery of babies, if I might, Mr. President, ask Senator Talmadge a question?"

POINT OF INQUIRY

Senator Bailey: "Senator Talmadge, you indicated earlier, you would like to work in this area. I am asking if you would work in this area to help me perfect an amendment in this session, I would be pleased to withdraw this amendment. I am just asking for a comment."

Senator Talmadge: "Senator, if you are asking for legal advise, I would be happy to charge you my hourly rate for my advise, but I have to tell you, in response to your question, I indicated earlier, we are going to hear the House Bill--we maybe didn't need to, after Senator Metcalf's amendment was offered, and if you are going to seriously offer this one, you know, I would point out to you that you didn't repeal the existing medical malpractice statute of limitations and you have an inside repealer in this particular amendment, that does create a small technical problem."

Senator Bailey: "I thought, Senator Talmadge, earlier you indicated you would be willing to work to try and improve the situation that we have with the long tail where doctors are delivering babies and I would like to work with you on this in this session and that was my question."

Senator Talmadge: "Senator, I am the prime sponsor of Senate Bill No. 4631, which deals with that issue and tries to address the question of the long tail. I am more than happy to work with anyone who wants to address that problem in a responsible, legal and constitutional way."

Senator Bailey: "Thank you very much, Senator Talmadge. With the group's permission, Mr. President, I would like to withdraw my amendment."

There being no objection, the amendment by Senator Bailey was withdrawn.

PERSONAL PRIVILEGE

Senator Stratton: "I guess a point of personal privilege, Mr. President. I think these amendments that you are seeing before us on this wrongful birth issue are very exemplary of the frustration on many of our parts. Some of us, in this body and certainly on the other side of the rotunda, four years ago introduced bills addressing the wrongful birth issue. At that time, we were told the horror story of what was going to happen that we are seeing happening now. I believe it is important that this body face up to the fact that we need to do something and we need to address that problem and I would hope that we could get some attention from the Judiciary Committee on that issue."

MOTION

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

On page 1, line 3 of the title, strike "and 4.16.300" and insert "4.16.300, and 7.06.020"

On page 1, line 2 of the title, after "7.70.070," insert "51.24.020,"

On page 1, line 3 of the title, after "4.16.310," strike "and"

On page 1, line 3 of the title, after "4.16.300" insert ", and 48.19.030"

On page 1, line 2 of the title, after "7.70.070," insert "51.24.060,"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 4630 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. As Senator Bottiger is fond of reminding us, the issue of tort is a subject that requires one full year of study in the first year of law school, in almost any accredited law school in the state. What we have attempted to do in the last few hours is, essentially, deal with something that has developed over decades in the state of Washington and literally over centuries in Anglo-American jurisprudence.

"The bill that you have before you has in it provisions relating to accelerated waiver of the physician/patient privilege, matters relating to offers of settlement that includes attorney fees and pre-judgment interest, apportionment of damages altering the principle of joint and several liability, as we know it, limitations on actions relating to felony conduct on the part of a plaintiff, sections relating to indemnification agreements in the work-place context, sections relating to the builder limitations law--a problem that was identified in the case of the Bellevue School District v. Brazier Construction Company, sections relating to periodic payment of judgment and an effective date of August 1, 1986, along with a limitation now of fifteen percent on any premium increases that the insurance industry may charge as a result of the passage of the bill.

"I would suggest to the members of the Senate--we always have a difficult time when we attempt to accomplish in one sweeping effort--major changes in law that has developed over decades and centuries. The tort law is an evolving standard; it is designed to provide for a societal standard of reasonable conduct. It is designed to try not only to provide compensation to individuals, thus a compensation system, but it is an adjunct to our criminal law and our regulatory law in urging and evolving a standard of safety with respect to people's conduct. I would urge the members of the Senate to remember that this particular legislation touches upon environmental matters, product matters, defamation, work-place

safety and a variety of very difficult issues. It raises, clearly, questions about separation of powers, the impact on the jury system, due process of law, equal protection and a number of very, very significant issues that I suspect another body than this is going to have an opportunity to consider and they will have an opportunity to review the record that we have developed tonight.

"It is an issue that is more than difficult. It is an issue that is pervasive in our society and I urge the members of the Senate to reach down in to their conscience and vote as they may see fit with respect to a policy judgment that is as significant as any decisions that the members of the Senate will make this session or any other session of the Legislature."

REMARKS BY SENATOR HALSAN

Senator Halsan: "Thank you, Mr. President and members of the Senate. Well, it has been a long and arduous task to get to the point of which we are standing now. I think that we have, at least, been successful in placing the issues before the body, what in fact, this bill entails. We've been successful in showing what you are voting for if you vote for this bill. I personally will not be voting for this bill. I think it is an abomination. I think this bill, as mentioned, overturns in certain manners hundreds of years of development of law that is to protect the injured people. You know, I have here a book called History of American Law. It is an awfully small book, just a couple inches thick, but it covers the development of law over the centuries. If any of you have had an opportunity to go over to the Temple of Justice and look in the law library there, you will see hundreds of thousands of volumes of developed American law and Anglo-American law. These centuries of development have resulted from billions of hours, literally billions of hours of thought by thousands of brilliant minds.

"I would really challenge you to see whether you feel comfortable enough in the few hours that we have been working on the floor on an issue, which I'm sure, most of you are confused by and little or few of you, if any, know exactly what is in this bill and the ramifications of it. Those billions of hours of development are now to be turned back in just a short political action done for the purpose of providing for availability and affordability of insurance. There have been no insurance assurances that would, in fact, happen. What we know, we know that we are going to be limiting the damages. (President raps gavel--three minute rule) Thank you very much, Mr. President. I urge you vote against the bill."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. Just to add my two cents. I appreciate the support I got on fixing what I thought were some of the worst things, however I must remind you of what you are trying to do is react to people who have complaints with the current system, who perceive that the way to fix that is to reduce the amount of money that a very few people get and you must realize the vast majority of claims that are handled are not affected one way or another by this bill. It is only the very large ones that you are talking about and, in my opinion, will have little if any effect on the price of insurance. What you are trying to do, and the reason that you are having so much difficulty, is you have taken a box and you are trying to cram everybody into that box, no matter what their injury or what their station, what their income, what has happened to them or happened to people around them. You are just trying to shoehorn them into this box and they won't fit.

"Over the years, your forefathers have decided the best way to handle these problems is on a case by case basis where the individual facts can be applied to an individual set of circumstances and decided by a jury of your peers. That system has worked well for a long, long time. Now, every once in a while for one reason or another, there is an upheaval arising and sometimes it works the other way. Senator Newhouse and I have been down here when we had bad jury verdicts the other way and we came down and got the law changed to expand it and that will, undoubtedly, occur again. You will always have problems trying to fit everybody into a single box, because they just don't fit."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Well, Mr. President and members of the Senate, I am going to vote 'no.' In the first place, labor has a very vital interest in this and said it is a bad bill. In the second place, we have asked for and never received any information as to the financial status of the insurance companies. We all know that the stocks of the insurance companies--Aetna, Safeco and the rest of them--have doubled practically in the last year and a half. They evidently are not losing too much money. When you go and find out and we had, also, figures that showed that the majority of cases were very small settlements--in the majority of cases--and the one or two or three large settlements got the headlines. At the same time, if you would take your six-year old boy into a hospital and find out that they had murdered him there through their actions, I think that you would ask that there be some compensation paid. The same way with that person that requires attendant care for all of his life--can't do a thing, can't enjoy life, but there he is--a living vegetable.

"What we are doing, we are reacting, and I'll agree, that we should do something to assure that people can get insurance at a reasonable price. We have not done it in this bill. What we have done is--I think it is fifteen percent, isn't it Senator Warnke, that they can increase it, and I don't know if that is every year or whatever, but that is a big increase. The only thing that I see to express our feeling is to say that it is not a good bill and I know that everybody says, 'Well we'll put it over to the other side and let them correct it,' and that is what they say over there, 'Send it over here,' and that is a poor way to legislate. I am going to vote 'no' and I would urge the rest of you to do that."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. Thank you, Senator Talmadge and thank you, Senator Bottiger, particularly, for your patience with non-lawyers and your tolerance of those of us who know less than you do about this field in which you are so practiced. I am also grateful for your contributions to this measure that much improved from the one that was called the coalition bill. Lawyers are members of a profession--a helping profession and it is understandable that they come before us here attempting to help those who have been their clients or will be their clients and that is an ethic that I respect. I have tried to suggest all along that we have a broader responsibility. We are responsible to the citizens of the state of Washington and I think those of us who support these changes have kept faith with that responsibility. I am confident, personally, that we haven't injured this system to the extent that has been characterized and I think history will bear that out and experience will bear that out and we will realize the benefits that we have sought to obtain. Thank you."

REMARKS BY SENATOR WARNKE

Senator Warnke: "Thank you, Mr. President, and members of the Senate. I certainly do not pretend to be an attorney skilled in the knowledge of tort liability, but I do have a great respect for the legislative process that takes place in our states and in our nation. It is not unusual for a Legislature to take on an extremely difficult problem that has been in law for many years--and change that. Sometimes a little bit at a time and sometimes, we take a major issue, but what usually occurs over time is that we were right in our actions and thankfully we always have a January to look forward to. I am going to echo the comments of Senator Thompson and urge you all to vote for this bill."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President and members of the Senate. I, like maybe many of you, wanted to come to Olympia this year and make some changes in the liability insurance crisis--that we are not facing--and some tort reform. I listened patiently and attentively, I think, tonight about the results that we have before us for final passage. I've been trying to make up my mind just what is the right thing to do, because I haven't committed to either side on this bill. Then I look at what some of the amendments do that we had before us and the strength of the coalition

and as people have said, it is like a five-hundred pound gorilla going through here. You just don't stop it.

"Unfortunately, when I've come to the conclusion--and look at what has been done for the victims here, I think there has been a callous disregard for the welfare of victims. We have turned down amendments to exempt the quadraplegics, paraplegics, and the people who are subject to rape for non-economic damages. Senator Halsan has had to withdraw his amendment for the loss of a mother when there are children that are five years or less. Senator Bottiger's amendment that would allow severely injured people the ability to have health insurance, was turned down. What have we done here tonight that is right for the victim? That question keeps on haunting me and then I look at what we have said about the jury system that has taken years--centuries--to develop case law and how we are disregarding our faith in the jury system that has common people making decisions on individual cases, not on cases that are wide-spread. As Senator Bottiger said, 'You can't fit everybody into a box.'

"Then I look at the real issue of why we came down here to resolve this problem, the affordability and the availability of insurance. Certainly, we had an amendment that Senator Warnke and Senator Rinehart helped us in saying that there should be some limits in premium increases. In making all the changes that we have before us now--in tort reform and liability insurance, there is no guarantee that premiums are going to decrease. There is no guarantee that there is going to be availability of insurance. I am going to have to vote 'no' when I ask the question of what is right to do tonight. I hope that when this bill goes over to the House and when it comes back to us, that we will have a better bill to vote for, because I want to vote for some changes. I recognize the problems out there, but the question is, 'What is right?' It still haunts me tonight."

REMARKS BY SENATOR MOORE

Senator Moore: "Mr. President and fellow members. About nine hundred years ago, Anglo-Saxon jurisprudence, perhaps, got its start. Down through the years, originally, everything was geared to property and people had no rights. It has been a long hard struggle through generations in England and in this country and other countries to get people to have the rights to which I believe any human being is entitled. I have literally translated this into a civil rights issue.

"Today we are setting back the civil rights in this state considerably. It will not be permanent, because the civil rights movement will go forward. I am not speaking in terms of the original civil rights act which we passed in this state in the forties. I am speaking of people's right to go to court and get justice and being entitled to ask for whatever they believe is just and I believe from my own experience that the jury system is extremely good. I think that we are doing ourselves an injustice by fantasizing that, we are in fact, a group of jail-house lawyers able to determine what is right and wrong in such an important area.

"I was not party to the discussions that led up to this legislation. For some reason, I was by-passed. I was part of the so-called Marquardt study group that came up with some legislation that we hoped would go some distance toward solving the high cost and availability of insurance, so I really do not feel qualified to make a decision on this bill in any depth and, like many of us, I'll probably vote part knowledge and part emotion. However, when we did have our hearings around the state, at no time did any insurer step forward and suggest that if tort legislation came to pass or if we did anything--that insurance rates would change. With that, I just want to remind you now that my own opinion is that insurance rates will not change one single iota, as a result of this legislation. Thank you."

REMARKS BY SENATOR ZIMMERMAN

Senator Zimmerman: "Mr. President and members of the Senate. I think it is important to realize that there are attorneys around the state that are involved in their own city governments and county governments that have been quite anxious to see us deal with this subject. Jerry King, the attorney at Vancouver has said very specifically that there needs to be a certain dollar cap on public liability. Of course, he is speaking from a city's point of view and he is an attorney. He pointed to the fact that this is not strictly and simply an insurance problem alone and he

spoke on the fact that there are other things that need to be done that are in this bill.

"I think all of us have been getting letters and calls and we have had to try and respond, and it has been my case that I said that I thought the Judiciary Committee in the Senate would be holding and was holding very balanced hearings to try and get the facts out, that there would be an opportunity for both sides to be heard and I think that has been the case. Certainly, most of us know little about the details of tort reform, but I think that we must realize that when it is this complicated an issue and it was tackled this session--there was a statement before the session--that there would be no way that we could deal with it in this session. I think it is to the credit of this body that, at least, we are at this point tonight to pass this measure out of here.

"I think it is also a little bit ironic however, that we quickly were able to put a cap on insurance companies and say that fifteen percent is all that can go up. We could do that in a moment, but we did not attempt and we did not put into this bill a cap on contingency fees--that was not to be dealt with because it is a big factor and a very complicated one, and we are going to let the courts try and work on that problem. I think it is a little bit ironic how quickly we can set some prices, but not necessarily all of them. I think it is also true that in this process, we have added a lot of amendments and, hopefully, there are some of them that will be straightened out in the House if that is necessary, because perhaps we have done some things without full consideration.

"At the same time, there is also the fact that this issue does attempt to deal with the major problems that have been identified by the coalition and at this time, hopefully, there will be the opportunity, as Senator Talmadge has said tonight, repeatedly, and has been asked about the possibility of working on this tail issue as far as the obstetricians--that issue is one that certainly needs attention, so at this time, obviously, minds have been made up, let's vote."

Senators Peterson, Hansen and Guess demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4630.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4630 and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Guess, Hansen, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Wojahn, Zimmerman - 32.

Voting nay: Senators Bender, Bottiger, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, McDermott, Moore, Rasmussen, Rinehart, Williams - 13.

Excused: Senators Hayner, Kiskaddon, McManus, von Reichbauer - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4630, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 14, 1986

SB 4905 Prime Sponsor, Senator Peterson: Adopting the supplemental transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4905 be substituted therefor, and the substitute do pass. Signed by Senators Peterson, Chairman; Hansen, Vice-Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Owen, Patterson, Sellar, Vognild, and von Reichbauer.

Passed to Committee on Rules for second reading.

February 13, 1986

ESHB 495 Prime Sponsor, Committee on Judiciary: Authorizing retrocession of jurisdiction over certain Indian land. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, McCaslin, Moore, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 11, 1986

GA 210 FRED MONTOYO, to the position of member of the Human Rights Commission, appointed by the Governor on August 22, 1985, for the term ending June 17, 1990.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, McCaslin, Moore, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules.

February 11, 1986

GA 266 SHERIFF FELIX RAMON, to the position of member of the Sentencing Guidelines Commission, appointed by the Governor on October 30, 1985, for the term ending August 2, 1988 succeeding Chief Arthur Clifford.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, McCaslin, Moore, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules.

February 11, 1986

GA 267 MICHAEL JEROD JACKSON, to the position of member of the Judicial Qualifications Commission, appointed by the Governor on October 31, 1985, for the term ending June 16, 1989, succeeding Nancy Burnett.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Thompson, Williams.

Passed to Committee on Rules.

February 11, 1986

GA 283 LINDA WALTON, to the position of member of the Juvenile Disposition Standards Commission, appointed by the Governor on December 18, 1985, for the term ending November 2, 1987.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules.

There being no objection, the President advanced the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

February 14, 1986

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1385,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479,
 HOUSE BILL NO. 1497,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1681,
 ENGROSSED HOUSE BILL NO. 1743,
 ENGROSSED HOUSE BILL NO. 1764,
 ENGROSSED HOUSE BILL NO. 1800,
 SUBSTITUTE HOUSE BILL NO. 1968,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981,
 HOUSE JOINT RESOLUTION NO. 55, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

February 14, 1986

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1621,
 SUBSTITUTE HOUSE BILL NO. 1622,
 SUBSTITUTE HOUSE BILL NO. 1624,
 HOUSE BILL NO. 1631,
 HOUSE BILL NO. 1633,
 HOUSE BILL NO. 1643,
 HOUSE BILL NO. 1647,
 SUBSTITUTE HOUSE BILL NO. 1698,
 HOUSE BILL NO. 1711,
 HOUSE BILL NO. 1721,
 SUBSTITUTE HOUSE BILL NO. 1722,
 SUBSTITUTE HOUSE BILL NO. 1726,
 SUBSTITUTE HOUSE BILL NO. 1734,
 SUBSTITUTE HOUSE BILL NO. 1765,
 HOUSE BILL NO. 1767,
 HOUSE BILL NO. 1776,
 SUBSTITUTE HOUSE BILL NO. 1792,
 SUBSTITUTE HOUSE BILL NO. 1797,
 SUBSTITUTE HOUSE BILL NO. 1815,
 SUBSTITUTE HOUSE BILL NO. 1829,
 SUBSTITUTE HOUSE BILL NO. 1831,
 SUBSTITUTE HOUSE BILL NO. 1839,
 SUBSTITUTE HOUSE BILL NO. 1840,
 SUBSTITUTE HOUSE BILL NO. 1846,
 HOUSE BILL NO. 1855,
 SUBSTITUTE HOUSE BILL NO. 1865,
 HOUSE BILL NO. 1868,
 SUBSTITUTE HOUSE BILL NO. 1869,
 SUBSTITUTE HOUSE BILL NO. 1894,
 SUBSTITUTE HOUSE BILL NO. 1976,
 SUBSTITUTE HOUSE BILL NO. 2014,
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 31, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

February 13, 1986

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1362,
 SUBSTITUTE HOUSE BILL NO. 1451,
 ENGROSSED HOUSE BILL NO. 1459,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1484,
 SUBSTITUTE HOUSE BILL NO. 1493,
 HOUSE BILL NO. 1504,
 HOUSE BILL NO. 1510,
 HOUSE BILL NO. 1511,
 HOUSE BILL NO. 1516.

HOUSE BILL NO. 1517,
 HOUSE BILL NO. 1519,
 HOUSE BILL NO. 1536,
 HOUSE BILL NO. 1539,
 SUBSTITUTE HOUSE BILL NO. 1540,
 SUBSTITUTE HOUSE BILL NO. 1549,
 SUBSTITUTE HOUSE BILL NO. 1580,
 SUBSTITUTE HOUSE BILL NO. 1586,
 HOUSE BILL NO. 1599,
 HOUSE BILL NO. 1604,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1804, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 13, 1986

Mr. President:
 The House has passed:
 ENGROSSED HOUSE BILL NO. 1358,
 ENGROSSED HOUSE BILL NO. 1563,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1992, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 15, 1986

Mr. President:
 The House has passed:
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4876, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 43 by Representatives Lux, Winsley, Zellinsky and Prince

Requiring insurers to file their annual statement convention blank.

Referred to Committee on Financial Institutions.

HB 483 by Representatives Appelwick and Wineberry

Providing for judicial review of governmental actions when First Amendment rights are affected.

Referred to Committee on Judiciary.

SHB 529 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Madsen, P. King and Sanders)

Authorizing sale of wine at auto racetracks.

Referred to Committee on Commerce and Labor.

SHB 614 by Committee on Higher Education (originally sponsored by Representatives Grimm, Prince, Rayburn, Basich, Jacobsen, Miller, Allen, Vander Stoep, Unsoeld, Sommers, McMullen, G. Nelson, K. Wilson, Belcher, D. Nelson, Kremen and Wineberry)

Revising methods for the expenditure of services and activities fees at institutions of higher education.

Referred to Committee on Education.

SHB 621 by Committee on Social and Health Services (originally sponsored by Representatives Leonard, Lewis, Day and Lux)

Certifying radiologic technologists.

Referred to Committee on Human Services and Corrections.

- SHB 711 by Committee on Judiciary (originally sponsored by Representatives Lewis, Armstrong, Barrett, Ebersole, Rayburn, Doty and Isaacson)
Revising provisions about juveniles with three diversion agreements.
Referred to Committee on Judiciary.
- SHB 771 by Committee on Transportation (originally sponsored by Representatives Valle, Patrick, Rust, Hankins, Unsoeld, Haugen, K. Wilson, Fisch and Jacobsen)
Creating a state bicycle safety program.
Referred to Committee on Transportation.
- HB 1058 by Representatives Cole, Brooks and Ballard
Exempting certain emergency calls from provisions prohibiting interception or recording of private communications.
Referred to Committee on Energy and Utilities.
- ESHB 1148 by Committee on Judiciary (originally sponsored by Representatives Belcher, Locke, Armstrong, Valle, Fisher, Crane, Wang, R. King, Tanner, Allen, Miller, Long, Brekke, Niemi, Lewis, Cole, Leonard, Wineberry and Van Luven)
Regulating strip searches.
Referred to Committee on Judiciary.
- SHB 1218 by Committee on Transportation (originally sponsored by Representatives Walk and Tilly)
Permitting local government financing of street projects.
Referred to Committee on Transportation.
- HB 1337 by Representatives Sommers, Niemi, B. Williams, Braddock and P. King
Repealing the conflict-of-interest exemption for the Washington state development loan fund committee.
Referred to Committee on Commerce and Labor.
- SHB 1349 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher and P. King)
Altering procedures regarding the administration of elections.
Referred to Committee on Governmental Operations.
- SHB 1356 by Committee on Judiciary (originally sponsored by Representatives Wang, Appelwick, Tilly, Scott, Armstrong, West and Locke)
Authorizing an exemption from mandatory arbitration in certain support and maintenance issues.
Referred to Committee on Judiciary.
- EHB 1358 by Representatives Wang, P. King, Valle, Ebersole, Armstrong, Todd, Appelwick, Peery, Taylor, Schoon, Rayburn, Long, Winsley, K. Wilson and Van Luven
Changing provisions relating to teacher abuse.
Referred to Committee on Education.
- EHB 1362 by Representatives Haugen, Basich, Braddock, McMullen, Zellinsky, Scott, Sayan, S. Wilson, Vekich, Lundquist, Fisch and P. King
Directing the design of an enhanced marketing plan for Washington fisheries.
Referred to Committee on Natural Resources.

SHB 1368 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Tilly, Winsley and J. Williams)

Revising provisions relating to abstracts of driving records.

Referred to Committee on Financial Institutions.

HB 1374 by Representative Appelwick

Specifying taxable value of improvements owned or being acquired by lessees.

Referred to Committee on Ways and Means.

SHB 1385 by Committee on Local Government (originally sponsored by Representatives Haugen, G. Nelson, Brough, Allen, Winsley, Ebersole and Fisher)

Authorizing water and sewer district commissioner elections from commissioner districts.

Referred to Committee on Governmental Operations.

SHB 1391 by Committee on Ways and Means (originally sponsored by Representatives Appelwick, Jacobsen, Niemi, Wang, Padden, Tilly, Tanner, Barnes, Patrick, Dellwo, P. King, McMullen, Isaacson, Long and Lux)

Exempting hearing aids from sales and use taxation.

Referred to Committee on Ways and Means.

HB 1392 by Representatives Rayburn and Baugher

Changing the designation of the coordinating agency for the association of irrigation districts.

Referred to Committee on Agriculture.

SHB 1403 by Committee on Natural Resources (originally sponsored by Representatives Sutherland, Lundquist, Cole, Sanders and Leonard)

Clarifying the forest protection statutes.

Referred to Committee on Natural Resources.

SHB 1413 by Committee on Local Government (originally sponsored by Representatives Nutley, Isaacson, Haugen, Winsley, Ebersole, Allen, Rayburn, May, Brough, Hine and Grimm)

Authorizing alternative procedures for the issuance of revenue bonds by local governments.

Referred to Committee on Governmental Operations.

HB 1424 by Representatives Appelwick and P. King

Providing for estate tax apportionment.

Referred to Committee on Ways and Means.

SHB 1433 by Committee on Ways and Means (originally sponsored by Representatives Tilly, Grimm, Bristow, Hastings, Sayan, B. Williams, Braddock, Long, Holland, Brekke, Silver, G. Nelson, C. Smith, Jacobsen, Bond, Miller, Van Luven and P. King)

Allowing state agencies to assert claims against state lottery prize winners.

Referred to Committee on Ways and Means.

HB 1440 by Representatives R. King, Prince, Miller, J. Williams and P. King

Exempting from sales tax watercraft sold to residents of foreign countries for use outside this state.

Referred to Committee on Ways and Means.

- HB 1441 by Representatives Appelwick, Hastings and P. King
Modifying provisions on unclaimed property.
Referred to Committee on Ways and Means.
- SHB 1451 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden and P. King)
Adopting the 1977 amendments to Article 8 of the Uniform Commercial Code.
Referred to Committee on Judiciary.
- EHB 1459 by Representative Armstrong
Restricting evidentiary use of a breathalyzer test refusal.
Referred to Committee on Judiciary.
- EHB 1475 by Representatives West, Valle, Schoon, Brooks, Barrett, Haugen, Patrick and Long
Regulating the sale of smokeless tobacco products.
Referred to Committee on Commerce and Labor.
- ESHB 1479 by Committee on Social and Health Services (originally sponsored by Representatives Leonard, Crane, Cole, Dellwo, Lewis, Lux, Appelwick, Winsley, Allen, Scott, Jacobsen, Braddock and P. King)
Modifying criteria for approval of methadone treatment services.
Referred to Committee on Human Services and Corrections.
- HB 1497 by Representatives Scott, Thomas, Crane, Armstrong, Lewis, P. King, Zellinsky, Hargrove, May, Schoon and Winsley
Strengthening the court's contempt powers over certain juveniles.
Referred to Committee on Judiciary.
- HB 1482 by Representatives Walk, J. Williams, Zellinsky, Schmidt and P. King (by request of Department of Licensing)
Establishing procedures for issuing replacement boat titles.
Referred to Committee on Transportation.
- ESHB 1484 by Committee on Local Government (originally sponsored by Representatives Peery, Brough, Nutley, May, Haugen, Sutherland, Rayburn, Baugher and P. King)
Revising provisions relating to the creation of metropolitan park districts.
Referred to Committee on Governmental Operations.
- HB 1485 by Representatives Peery, Lundquist, Sutherland, Hargrove, Walk, L. Smith, Tanner and P. King
Exempting from special fuel taxation certain fuel used within federal areas.
Referred to Committee on Transportation.
- SHB 1493 by Committee on Transportation (originally sponsored by Representatives Rayburn and Baugher)
Restricting the application of motorist service business sign restrictions.
Referred to Committee on Transportation.
- HB 1504 by Representatives Hine, Barnes, G. Nelson, Hargrove, Schmidt, Fisch, Sutherland and Zellinsky
Modifying moorage facilities' procedures for transient vessels.
Referred to Committee on Governmental Operations.

2SHB 1505 by Committee on Ways and Means (originally sponsored by Representatives Smitherman, Wineberry, Hargrove, Brekke, McMullen, Schoon, Unsoeld, J. King, Jacobsen, B. Williams, D. Nelson, Zellinsky, Tanner, Ballard, S. Wilson, Fisher, Kremen, Braddock, Peery, Long, Silver, Addison, Brough, May, Doty, Wang, P. King, Todd and Niemi)

Establishing a pilot project to employ those hard to employ.

Referred to Committee on Commerce and Labor.

HB 1510 by Representatives Belcher, Hankins, P. King and Ebersole (by request of State Treasurer)

Abolishing the state school equalization fund.

Referred to Committee on Ways and Means.

HB 1511 by Representatives Belcher, Hankins and Ebersole (by request of State Treasurer)

Revising provisions relating to state warrants.

Referred to Committee on Governmental Operations.

HB 1516 by Representatives Appelwick, Hastings and Long

Modifying provisions on the state property tax levy.

Referred to Committee on Ways and Means.

HB 1517 by Representatives Appelwick and Hastings

Modifying provisions on estate taxation.

Referred to Committee on Ways and Means.

HB 1519 by Representatives Walk, Schmidt and Gallagher (by request of Department of Licensing)

Revising requirements for motorcycle driver training schools.

Referred to Committee on Transportation.

HB 1536 by Representatives Sanders, Belcher, Hankins, Baugher, Isaacson, Vekich, G. Nelson and Taylor

Authorizing off-hour training of state employees.

Referred to Committee on Governmental Operations.

HB 1539 by Representatives Smitherman, Wang, Thomas, Fisher, Dellwo, Walker, Winsley, Gallagher, Brough, Schoon, Ebersole, Braddock, Doty and P. King

Eliminating the expiration of certain community college tuition and fee waivers.

Referred to Committee on Education.

SHB 1540 by Committee on Environmental Affairs (originally sponsored by Representatives Nutley, Allen and Bristow)

Regulating the effective date of solid waste functional standards.

Referred to Committee on Parks and Ecology.

SHB 1549 by Committee on Environmental Affairs (originally sponsored by Representatives Lux and Rust)

Revising provisions relating to air pollution.

Referred to Committee on Parks and Ecology.

EHB 1563 by Representatives Rust, Tilly and Unsoeld

Changing provisions relating to winter recreational facilities.

Referred to Committee on Parks and Ecology.

- HB 1567 by Representatives Tanner, Appelwick, Miller, Wang and P. King
Designating a state folk song.
Referred to Committee on Governmental Operations.
- SHB 1580 by Committee on Judiciary (originally sponsored by Representatives Bristow, Fuhrman, Niemi, Armstrong, Valle, Hargrove, Appelwick, Crane, Sutherland, Lux and P. King)
Revising criminal statutes of limitations.
Referred to Committee on Judiciary.
- SHB 1586 by Committee on Judiciary (originally sponsored by Representatives Armstrong, Appelwick, Fisch, Padden, Brough, Sanders, Isaacson and P. King)
Giving process servers a defense against criminal trespass.
Referred to Committee on Judiciary.
- ESHB 1587 by Committee on Trade and Economic Development (originally sponsored by Representatives Kremen, Allen, Braddock, Zellinsky, Schoon, Thomas, Tanner, McMullen, Silver, Smitherman, May, Peery, Scott, Lundquist, J. King, C. Smith, Long, Van Luven, Winsley, J. Williams and Doty)
Providing for expanded international trade.
Referred to Committee on Commerce and Labor.
- HB 1599 by Representatives Dellwo, Tilly, Sutherland, Nealey and Lux
Revising snowmobile regulation.
Referred to Committee on Parks and Ecology.
- HB 1604 by Representatives Nutley, Isaacson and Haugen
Authorizing the collection of assessments by certificate of delinquency.
Referred to Committee on Governmental Operations.
- SHB 1618 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Armstrong, G. Nelson and P. King)
Providing for parenting plans in dissolution actions.
Referred to Committee on Judiciary.
- SHB 1621 by Committee on Judiciary (originally sponsored by Representatives Cole, Armstrong, Belcher, Appelwick and P. King)
Making provisions for family support from decedents' estates.
Referred to Committee on Judiciary.
- SHB 1622 by Committee on Local Government (originally sponsored by Representatives Sayan and Grimm)
Revising flood control management plans.
Referred to Committee on Governmental Operations.
- SHB 1624 by Committee on Education (originally sponsored by Representatives Peery, Ebersole, Taylor, Cole, Appelwick, P. King, Basich, Brough, Schoon and May)
Authorizing school levies to be for a period in excess of one year.
Referred to Committee on Education.
- EHB 1630 by Representatives Lux, Barrett and Nutley (by request of Insurance Commissioner)
Revising health care service contractor provisions.
Referred to Committee on Financial Institutions.

- HB 1631 by Representatives Braddock, Tilly, B. Williams and Brække (by request of Department of Social and Health Services)
- Modifying provisions relating to nursing home cost reimbursement.
- Referred to Committee on Ways and Means.
- HB 1633 by Representative Appelwick
- Providing for the taxation of timber harvested by public entities.
- Referred to Committee on Ways and Means.
- HB 1635 by Representatives Wang, Hankins, Belcher, O'Brien, Allen, Hine, Jacobsen, Cole, Brække, Brough, Miller, R. King, P. King, Armstrong, Locke, Wineberry and Todd (by request of Governor Gardner)
- Requiring a study analyzing the feasibility of providing space for day care for children of state employees.
- Referred to Committee on Governmental Operations.
- HB 1643 by Representatives D. Nelson, Allen, Rust, Brough and Lux
- Providing for used oil recycling.
- Referred to Committee on Parks and Ecology.
- HB 1647 by Representatives Fisher, Sommers, Scott, Vander Stoep, Wineberry, Wang, Unsoeld, Miller, Walker, R. King, G. Nelson, P. King and Long
- Repealing sunset termination of public disclosure commission.
- Referred to Committee on Governmental Operations.
- EHB 1656 by Representatives Unsoeld, Hankins, Belcher, O'Brien, Hine, Jacobsen, Cole, Brække, Miller, Long, Allen, Day, Dellwo, Wang, Leonard, Winsley, R. King, Locke, Lux, Wineberry and Todd (by request of Governor Gardner)
- Requiring a study in order to create a supportive atmosphere in which state employees may meet child day care needs.
- Referred to Committee on Governmental Operations.
- SHB 1673 by Committee on Trade and Economic Development (originally sponsored by Representatives Jacobsen, Rayburn, Doty, Smitherman, Wineberry, Scott, Belcher, B. Williams, Padden, Peery, Sayan, Niemi, Vekich, Fisch, Leonard, D. Nelson, Madsen, McMullen, Unsoeld, Dellwo, Hargrove, Crane, Locke, Todd, Wang, P. King, May, Winsley and Lux)
- Encouraging employee owned businesses.
- Referred to Committee on Commerce and Labor.
- SHB 1680 by Committee on Commerce and Labor (originally sponsored by Representatives Sommers, B. Williams, Sayan, Tilly, Brække, Grimm, G. Nelson, Zellinsky, Schmidt, Haugen, S. Wilson, Cole, Braddock, Brough, J. Williams and Silver) (by request of Legislative Budget Committee)
- Providing for sunset review of the ferry workers' collective bargaining statutes.
- Referred to Committee on Commerce and Labor.
- ESHB 1681 by Committee on State Government (originally sponsored by Representatives Sayan, Sommers, Grimm, Brække, Tilly, B. Williams, G. Nelson, Zellinsky, Schmidt, Haugen, S. Wilson, Cole, Valle,

Braddock, Brough and J. Williams) (by request of Legislative Budget Committee)

Revising criteria for salary surveys for marine employees of the state.

Referred to Committee on Governmental Operations.

SHB 1698 by Committee on Ways and Means (originally sponsored by Representatives Madsen, Hastings, Unsoeld and Belcher)

Providing for the extension of taxes when valuation is in dispute.

Referred to Committee on Ways and Means.

HB 1711 by Representatives Ebersole, Rust, Unsoeld, Taylor, Walker, Betrozoff and Jacobsen

Establishing a coordinating committee on environmental education.

Referred to Committee on Education.

HB 1721 by Representatives Wang, Chandler and R. King

Modifying provisions relating to payments into the supplemental pension fund.

Referred to Committee on Commerce and Labor.

SHB 1722 by Committee on Environmental Affairs (originally sponsored by Representatives Lux and Jacobsen)

Providing a study on air pollution.

Referred to Committee on Parks and Ecology.

SHB 1726 by Committee on Judiciary (originally sponsored by Representatives Locke, Tilly, Armstrong, Barrett, Belcher, Dellwo, Wang, Silver, Unsoeld, P. King and Winsley) (by request of Secretary of State)

Revising regulation of charitable solicitations.

Referred to Committee on Judiciary.

SHB 1734 by Committee on Natural Resources (originally sponsored by Representatives Haugen, van Dyke, McMullen, Lundquist, Thomas and Kremen)

Eliminating application procedures for commercial salmon fishing licenses.

Referred to Committee on Natural Resources.

EHB 1743 by Representatives Nutley, Vander Stoep, Grimm, Hastings and Rust

Providing for use tax collection.

Referred to Committee on Ways and Means.

ESHB 1758 by Committee on State Government (originally sponsored by Representatives Belcher, Hankins, Baugher, Brooks and Lewis) (by request of Governor Gardner)

Consolidating the administrative functions of certain state licensing programs.

Referred to Committee on Governmental Operations.

EHB 1764 by Representatives Walk, Schmidt and Gallagher (by request of State Patrol)

Designating hazardous materials command agencies.

Referred to Committee on Transportation.

SHB 1765 by Committee on Ways and Means (originally sponsored by Representatives Braddock and Brekke) (by request of Department of Social and Health Services)

Modifying provisions of assistance available to incapacitated ineligible spouses of SSI beneficiaries.

Referred to Committee on Ways and Means.

- HB 1767 by Representatives McMullen and Braddock
Sunsetting the data processing authority.
Referred to Committee on Governmental Operations.
- HB 1776 by Representatives Scott, Ballard, Brooks, Zellinsky, R. King, J. King, Day, Leonard, Tanner, Lux, Lewis, Braddock, Dobbs, Winsley, Brekke, West, Kremen and Sayan
Establishing provisions relating to medical program directors.
Referred to Committee on Human Services and Corrections.
- SHB 1792 by Committee on Judiciary (originally sponsored by Representative P. King)
Changing certain duties of a trustee under a deed of trust.
Referred to Committee on Judiciary.
- SHB 1797 by Committee on Judiciary (originally sponsored by Representatives Armstrong and P. King)
Changing provisions relating to child support.
Referred to Committee on Judiciary.
- EHB 1800 by Representatives Dellwo, Day, Haugen, Silver and May
Qualifying parking facilities for industrial development revenue bond financing.
Referred to Committee on Commerce and Labor.
- ESHB 1804 by Committee on Local Government (originally sponsored by Representative Vander Stoep)
Modifying provisions regulating port commission formation.
Referred to Committee on Governmental Operations.
- SHB 1815 by Committee on Transportation (originally sponsored by Representatives Ebersole, Crane, Walk, Patrick, Lundquist, Prince, Brough, Wang, Hankins, Isaacson, S. Wilson, Taylor, Tilly and Sanders)
Permitting vehicles operated by nursing homes to get disabled parking privileges.
Referred to Committee on Transportation.
- SHB 1829 by Committee on Ways and Means (originally sponsored by Representatives Ebersole, Betzoff, Taylor, Rayburn, Appelwick, Walker, Cole, Holland, Valle, Winsley, Long, May and Schoon) (by request of Superintendent of Public Instruction)
Requiring a study of categorical educational services.
Referred to Committee on Education.
- SHB 1831 by Committee on Education (originally sponsored by Representatives Wang, Taylor, Ebersole, Long, Holland and Betzoff) (by request of Superintendent of Public Instruction)
Studying models for evaluating teachers.
Referred to Committee on Education.
- SHB 1839 by Committee on Natural Resources (originally sponsored by Representatives Sutherland, Lundquist, K. Wilson, Basich, McMullen, J. Williams, Peery, Fisch, S. Wilson, Kremen and P. King)
Providing for a county representative on the board of natural resources.
Referred to Committee on Natural Resources.

SHB 1840 by Committee on Local Government (originally sponsored by Representatives Jacobsen, Patrick and Hine)

Simplifying implementation of governmental deferred compensation plans.

Referred to Committee on Governmental Operations.

SHB 1846 by Committee on Ways and Means (originally sponsored by Representatives Sutherland, Crane, May, Appelwick, C. Smith, Fisch, Gallagher, Ebersole, Long, Hastings, B. Williams, Holland, Tanner, Lux, Thomas, Braddock, Fisher, K. Wilson, L. Smith, Schmidt and Peery)

Taxing certain warehouse operations under the business and occupation tax instead of the public utility tax.

Referred to Committee on Ways and Means.

HB 1855 by Representatives Hargrove, Fisch, Zellinsky, Walk, Bristow and Sutherland

Permitting undersize loads on oversize vehicles.

Referred to Committee on Transportation.

SHB 1865 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Cole and Fisher)

Revising provisions on electricians and electrician installations.

Referred to Committee on Commerce and Labor.

SHB 1866 by Committee on Transportation (originally sponsored by Representatives Zellinsky, Schmidt, Walk, Smitherman, McMullen, Haugen, Fisch, Wineberry, Thomas, Brough, Lundquist, Winsley, Schoon and May)

Revising the funding structure of the Washington state ferry system.

Referred to Committee on Transportation.

HB 1868 by Representatives Belcher, Betzoff, Locke, Lux, Smitherman, J. Williams, B. Williams, P. King, Rayburn, Baugher, Unsoeld and Winsley (by request of 1989 Washington Centennial Commission)

Prohibiting unauthorized use of official logos of the 1989 Washington centennial.

Referred to Committee on Parks and Ecology.

SHB 1869 by Committee on Judiciary (originally sponsored by Representatives Locke and Winsley)

Changing provisions relating to crime victims' compensation.

Referred to Committee on Judiciary.

SHB 1894 by Committee on Ways and Means (originally sponsored by Representative Sommers)

Modifying the definition of timber for tax purposes.

Referred to Committee on Ways and Means.

SHB 1968 by Committee on Social and Health Services (originally sponsored by Representatives Leonard, Winsley, J. King, Lewis, Scott, C. Smith, Lux, Appelwick, Tanner, Barrett, Hankins, Brekke, B. Williams, Day, Madsen, K. Wilson, Sutherland, Todd, Rayburn, Lundquist and Doty)

Requiring the establishment of approved pharmaceuticals for use by optometrists.

Referred to Committee on Human Services and Corrections.

SHB 1976 by Committee on Judiciary (originally sponsored by Representatives Locke, O'Brien, Zellinsky, Tilly, Armstrong, Brough and Fisch)

Requiring notice to prosecuting attorney before releasing mentally disordered persons.

Referred to Committee on Judiciary.

ESHB 1981 by Committee on Energy and Utilities (originally sponsored by Representatives Todd, D. Nelson, Peery, Ebersole, J. King, Unsoeld and Long)

Revising the requirements for energy conservation plans.

Referred to Committee on Energy and Utilities.

ESHB 1992 by Committee on Ways and Means (originally sponsored by Representatives Wineberry, Grimm, Vander Stoep, J. King, Holland, Allen, Niemi, Tilly, O'Brien, Appelwick, Basich, Unsoeld, Jacobsen, Hine, Fisher, McMullen, Smitherman, Locke, Belcher, Lux, D. Nelson, Braddock, Madsen, Rust, Kremen, Addison, Cole, Sayan, Leonard, Todd, Lewis, Vekich, Hargrove, Bristow and Hankins)

Restricting state investments in countries with apartheid policies.

Referred to Committee on Ways and Means.

SHB 2014 by Committee on Agriculture (originally sponsored by Representatives Vekich and Ballard)

Revising regulation of agriculture commission merchants.

Referred to Committee on Agriculture.

SHJM 31 by Committee on State Government (originally sponsored by Representatives Todd, Crane, Winsley, Isaacson, Hargrove, Tanner, Scott, Brough, P. King, Fuhrman, Padden, Wineberry and Addison)

Requesting information regarding missing American servicemen.

Referred to Committee on Commerce and Labor.

HJR 55 by Representatives Peery, Taylor, Ebersole, Cole, Schoon and May

Specifying the time period for levies for renovation and construction of school facilities.

Referred to Committee on Education.

MOTION

At 8:55 p.m., on motion of Senator Vognild, the Senate adjourned until 2:00 p.m., Sunday, February 16, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-FIFTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, February 16, 1986

The Senate was called to order at 2:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Metcalf, Patterson and von Reichbauer. On motion of Senator Zimmerman, Senators Patterson and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sheila Barnett and Diahnn Gayno, presented the Colors. Senator Hal Zimmerman offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

February 15, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 354,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1270,

ENGROSSED HOUSE BILL NO. 1483,

ENGROSSED HOUSE BILL NO. 1561,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1613,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,

ENGROSSED HOUSE BILL NO. 1652,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1713,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1802,

SUBSTITUTE HOUSE BILL NO. 1827,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1892, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 15, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 355,

SUBSTITUTE HOUSE BILL NO. 588,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333,

ENGROSSED HOUSE BILL NO. 1398,

SUBSTITUTE HOUSE BILL NO. 1401,

SUBSTITUTE HOUSE BILL NO. 1409,

HOUSE BILL NO. 1415,

SUBSTITUTE HOUSE BILL NO. 1492,

SUBSTITUTE HOUSE BILL NO. 1496,

HOUSE BILL NO. 1518,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1687,

SUBSTITUTE HOUSE BILL NO. 1787, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 15, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 4519, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

- ESHB 354 by Committee on Ways and Means (originally sponsored by Representatives Braddock, Barrett, Kremen, Schoon, Haugen, Smitherman, J. Williams and Isaacson)
Prohibiting excise taxation of interstate and foreign commerce.
Referred to Committee on Ways and Means.
- ESHB 355 by Committee on Ways and Means (originally sponsored by Representatives Scott, Belcher, Bond, Zellinsky, Gallagher, Haugen, P. King, Fisch and Winsley) (by request of Washington State Patrol)
Providing for state patrol retirement credit for cadets.
Referred to Committee on Ways and Means.
- SHB 588 by Committee on Ways and Means (originally sponsored by Representatives Sommers and B. Williams)
Revising provisions relating to retirement contribution rates.
Referred to Committee on Ways and Means.
- ESHB 1270 by Committee on Local Government (originally sponsored by Representative Haugen)
Revising provisions on local property tax levies.
Referred to Committee on Governmental Operations.
- ESHB 1333 by Committee on State Government (originally sponsored by Representatives Sommers, B. Williams, G. Nelson, Grimm, Tilly, P. King, Van Luven, Sayan, and Unsoeld) (by request of Legislative Budget Committee)
Modifying the termination and repeal of various state agencies and programs.
Referred to Committee on Governmental Operations.
- EHB 1398 by Representatives Zellinsky, West and Locke (by request of Attorney General)
Publishing maximum interest rates in the state register.
Referred to Committee on Financial Institutions.
- SHB 1401 by Committee on Ways and Means (originally sponsored by Representative Grimm) (by request of Office of Financial Management)
Revising provisions relating to economic forecasts.
Referred to Committee on Ways and Means.
- SHB 1409 by Committee on Transportation (originally sponsored by Representatives Sutherland and Peery)
Authorizing green lights on private cars of emergency medical personnel.
Referred to Committee on Transportation.
- HB 1415 by Representatives Locke, Wang, Belcher, Niemi, Miller, Vander Stoep, Allen, Prince, Unsoeld, Jacobsen and Lux
Authorizing the redress of civil right restrictions resulting from federal Executive Order 9066.
Referred to Committee on Judiciary.
- EHB 1483 by Representatives Wineberry, Baugher and Rayburn (by request of Department of Licensing)
Repealing provision relating to special license plates.
Referred to Committee on Transportation.

- SHB 1492 by Committee on Local Government (originally sponsored by Representatives Haugen, Allen, May, Schoon, P. King and Winsley)
Revising authority of boundary review boards.
Referred to Committee on Governmental Operations.
- SHB 1496 by Committee on Commerce and Labor (originally sponsored by Representatives Appelwick, Patrick and P. King) (by request of Horse Racing Commission)
Providing funds for the horse racing commission.
Referred to Committee on Ways and Means.
- HB 1518 by Representatives Walk, Schmidt and Gallagher (by request of Department of Licensing)
Repealing the requirement that written summaries of the implied consent law be furnished to drivers.
Referred to Committee on Transportation.
- EHB 1561 by Representatives Scott, Patrick, Armstrong, Long, Silver, Wang and P. King
Requiring reports of gunshot wounds in patients treated by health care professionals.
Referred to Committee on Judiciary.
- ESHB 1598 by Committee on Judiciary (originally sponsored by Representatives Valle, Crane, Kremen, Smitherman, P. King, Hargrove, Zellinsky, Bristow, Scott, Todd, Wang, Ebersole, Winsley, Basich, Brough and May)
Revising the sexual offender treatment program.
Referred to Committee on Judiciary.
- ESHB 1613 by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt and Dellwo) (by request of Department of Licensing)
Licensing vessel dealers and manufacturers.
Referred to Committee on Transportation.
- ESHB 1619 by Committee on Transportation (originally sponsored by Representatives Walk and Van Luven)
Fixing a rate for storm water control assessments on state highways.
Referred to Committee on Transportation.
- EHB 1652 by Representatives Sommers and Tilly (by request of Department of Retirement Systems)
Revising provisions relating to public retirement disability benefits.
Referred to Committee on Ways and Means.
- ESHB 1687 by Committee on Higher Education (originally sponsored by Representatives Sommers, Prince and Silver)
Regulating private vocational schools.
Referred to Committee on Education.
- ESHB 1688 by Committee on Higher Education (originally sponsored by Representatives Sommers and Prince)
Regulating private degree-granting institutions.
Referred to Committee on Education.

ESHB 1713 by Committee on Agriculture (originally sponsored by Representatives Bristow, Vekich, Haugen, Unsoeld and P. King)

Changing provisions relating to weed control.

Referred to Committee on Agriculture.

SHB 1787 by Committee on Environmental Affairs (originally sponsored by Representatives Unsoeld, Allen, Rust, Miller, Hine, Brough, May and Nutley)

Modifying industrial wastewater discharge standards.

Referred to Committee on Parks and Ecology.

ESHB 1802 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick, R. King, Lux, Fisch, Fisher, Cole, Winsley, Sutherland, Holland, Jacobsen and Todd (by request of Department of Employment Security)

Deleting provisions on marginal labor force attachment.

Referred to Committee on Commerce and Labor.

SHB 1827 by Committee on Ways and Means (originally sponsored by Representatives Valle, Appelwick, Hastings and Lundquist)

Apportioning the value of vessels for property tax purposes.

Referred to Committee on Ways and Means.

ESHB 1892 by Committee on Energy and Utilities (originally sponsored by Representatives Locke and Vander Stoep)

Limiting the taxation of telecommunications services by cities.

Referred to Committee on Energy and Utilities.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 4519,

SUBSTITUTE SENATE BILL NO. 4876.

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

SECOND READING

SENATE BILL NO. 4682, by Senators Kreidler, Kiskaddon, McDonald and Granlund (by request of Department of Corrections)

Revising provisions relating to offenders performing community services.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4682 was substituted for Senate Bill No. 4682 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 4682 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4682.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4682 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald,

McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senators Bauer, Metcalf - 2.

Excused: Senators Patterson, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4685, by Senators Wojahn, Deccio and Kreidler (by request of Department of Corrections)

Revising provisions relating to the issuance of death warrants in capital cases.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4685 was substituted for Senate Bill No. 4685 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 4685 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4685.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4685 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Patterson, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4685, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4512, by Senators Peterson, Conner and Patterson (by request of Department of Licensing)

Allowing identicards to expire on the holder's birthdate.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4512 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4512.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4512 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator McCaslin - 1.

Excused: Senators Patterson, von Reichbauer - 2.

SENATE BILL NO. 4512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:24 p.m., on motion of Senator Vognil, the Senate was declared to be at ease.

The Senate was called to order at 2:27 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4527, by Senators Moore, Newhouse, Bender and Sellar (by request of Department of Licensing)

Establishing a commodities and securities licensing program.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 24, line 10, after "failed" strike "reasonably to supervise" and insert "to supervise reasonably"

On motion of Senator Moore, the rules were suspended, Engrossed Senate Bill No. 4527 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Moore, we're all interested in catching criminals and those who abuse their position of trust. What I want to make sure of is that this bill will not cause any burden on legitimate commodity dealers. Are there any licensing provisions or other oppressive provisions of this bill that will cause hardships for legitimate dealers?"

Senator Moore: "None whatsoever. We're merely asking that the department-- you see, there's a differentiation here between what we call legitimate dealings and illegitimate dealings and anything that is done on an exchange or on a Nasdaq market is considered a legitimate dealing and these are purporting to be legitimate, but they're not and we're trying to get some way to corral them. Thank you."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4527.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4527 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Saling, Sellar, Stratton, Taimadge, Thompson, Vognil, Warnke, Williams, Wojahn - 43.

Voting nay: Senators Pullen, Zimmerman - 2.

Absent: Senators Craswell, Rinehart - 2.

Excused: Senators Patterson, von Reichbauer - 2.

ENGROSSED SENATE BILL NO. 4527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4571, by Senator Hayner

Authorizing cities to pay rewards under certain circumstances.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4571 was substituted for Senate Bill No. 4571 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4571 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4571.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4571 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator McDonald - 1.

Excused: Senators Patterson, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3990, by Senator Moore

Relating to securities.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3990 was substituted for Senate Bill No. 3990 and the substitute bill was placed on second reading and read the second time.

Senator Bottiger moved that the following amendment by Senators Bottiger and Vognild be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 43, chapter 282, Laws of 1959 as last amended by section 1, chapter 171, Laws of 1985 and RCW 21.20.430 are each amended to read as follows:

(1) Any person, who offers or sells a security in violation of any provisions of RCW 21.20.010 or 21.20.140 through 21.20.230, is liable to the person buying the security from him or her, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at eight percent per annum from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he or she no longer owns the security. Damages are the amount that would be recoverable upon a tender less (a) the value of the security when the buyer disposed of it and (b) interest at eight percent per annum from the date of disposition.

(2) Any person who buys a security in violation of the provisions of RCW 21.20.010 is liable to the person selling the security to him or her, who may sue either at law or in equity to recover the security, together with any income received on the security, upon tender of the consideration received, costs, and reasonable attorneys' fees, or if the security cannot be recovered, for damages. Damages are the value of the security when the buyer disposed of it, and any income received on the security, less the consideration received for the security, plus interest at eight percent per annum from the date of disposition, costs, and reasonable attorneys' fees.

(3) Every person who directly or indirectly controls a seller or buyer liable under subsection (1) or (2) above, every partner, officer, director or person who occupies a similar status or performs a similar function of such seller or buyer, every employee of such a seller or buyer who materially aids in the transaction, and every broker-dealer, salesperson, or person exempt under the provisions of RCW 21.20.040 who materially aids in the transaction is also liable jointly and severally with and to the same extent as the seller or buyer, unless such person sustains the burden of proof that he or she did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(4) (a) Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant.

(b) No person may sue under this section more than three years after the contract of sale for any violation of the provisions of RCW 21.20.140 through 21.20.230, or more than three years

after a violation of the provisions of RCW 21.20.010, either was discovered by such person or would have been discovered by him or her in the exercise of reasonable care. No person may sue under this section if the buyer or seller receives a written rescission offer, which has been passed upon by the director before suit and at a time when he or she owned the security, to refund the consideration paid together with interest at eight percent per annum from the date of payment, less the amount of any income received on the security in the case of a buyer, or plus the amount of income received on the security in the case of a seller.

(5) No person who has made or engaged in the performance of any contract in violation of any provision of this chapter or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this chapter or any rule or order hereunder is void.

(6) Any tender specified in this section may be made at any time before entry of judgment.

(7) Notwithstanding subsections (1) through (6) of this section, if an initial offer or sale of securities that are exempt from registration under RCW 21.20.310 is made by this state or its agencies, political subdivisions, municipal or quasi-municipal corporations, or other instrumentality of one or more of the foregoing and is in violation of RCW 21.20.010(2), and any such issuer, member of the governing body, committee member, public officer, director, employee, or agent of such issuer acting on its behalf, or person in control of such issuer, member of the governing body, committee member, public officer, director, employee, or agent of such person acting on its behalf, materially aids in the offer or sale, such person is liable to the purchaser of the security only if the purchaser establishes scienter on the part of the defendant. The word "employee" or the word "agent," as such words are used in this subsection, do not include a bond counsel or an underwriter. Under no circumstances whatsoever shall this subsection be applied to require purchasers to establish scienter on the part of bond counsels or underwriters. The provisions of this subsection are retroactive and apply to any action commenced but not final before July 27, 1985. In addition, the provisions of this subsection apply to any action commenced on or after July 27, 1985.

NEW SECTION, Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, the difference between the substitute bill and the amendment, which strikes the substitute bill and substitutes a new substitute bill, is that the amendment makes it clear that the action does not apply to bond counsel or underwriters. You can argue as to whether the substitute bill did or did not, but the amendment makes it absolutely clear that all we are talking about is the elected officials of cities, PUD districts, mutuals, co-ops and all the rest of the electrical community. For that reason, I urge your approval of the amendment to the substitute bill."

POINT OF INQUIRY

Senator Newhouse: "Are you saying, Senator Bottiger, that you do not believe that bond counsel and securities people must have a higher degree of responsibility than the public officials need?"

Senator Bottiger: "Sir, I would never approve of or support or knowingly vote for any bill that applied any standard of care to attorneys other than negligence. An attorney, if he is negligent, should pay and because the question is whether the substitute bill exempted out the bond counsel, I offer an amendment to make it absolutely clear that their help is a standard of care and negligence."

POINT OF INQUIRY

Senator Talmadge: "Would Senator Bottiger yield to one further question?"

"Senator, following up on Senator Newhouse's question and in a similar vein, if this measure comes back from the House of Representatives with any changes in its present provisions that would expand the extent to which a scienter was applied to various categories of individuals, what would your action be?"

Senator Bottiger: "I would oppose the bill and do everything I could to kill it."

POINT OF INQUIRY

Senator Moore: "Mr. President, I would like to ask Senator Bottiger a question. Would you yield?"

"Senator Bottiger, an 'aye' vote on this amendment helps who?"

Senator Bottiger: "I would guess the rate payers, and the elected officials of all of the city lights who are in the electrical generation business, the rate payers and elected officials of all the PUD's, the boards of directors of all the mutual co-op REA's--rural electrification organizations. It applies the standard of care of scienter, which was the applicable standard of care prior to a court decision in 1980. It returns the standard of care to those people that existed in 1980 and which we thought we fixed in 1985."

Senator Moore: "Thank you."

FURTHER REMARKS BY SENATOR MOORE

Senator Moore: "It seems illogical to me that we want to grant special privileges to public officials as opposed to private officials. I must say that I was unaware of this situation until about 1:00 on the cut-off day when people who wanted this legislation came to me and said that they were pleading for me to find the title only--that they could use for this purpose. Well, I opposed what they were doing, but in a spirit of fair play and wanting the entire body to have an opportunity to vote on such an important issue, I granted this. I still oppose it. I think it is discriminatory and I shall vote against it."

REMARKS BY SENATOR GARRETT

Senator Garrett: "Thank you, Mr. President and members of the Senate. You know, that's exactly the way that I feel. This is the way we got into this whole WPPSS thing--by rush and sneak and easing things around. We debated here a long time yesterday about the tort liability and where people had been wronged and caps and all of those things. Now here we have where people with competent bond counsel or legal advice--or at least they paid enough for it--and they defrauded people all over this whole nation. Now I don't know--part of my district runs up along towards Seattle--you know along Lake Washington, and I would have to confess that all contact that I have had from anybody in the district or some of those people, who apparently from where they live, probably have a little money, but every one of them who has called me and talked about this are WPPSS bondholders and they are not the ones that bought the 15 percent bonds--the last ones that they sold which, you know, they weren't going to pay for them, so they didn't care what the interest rate was, but they are very concerned and they're asking me not to vote on any legislation that would deprive them of the money that they had invested for their retirement--for the rest of their lives.

"I don't see how that we could have here--and especially on a Sunday afternoon after Senator Zimmerman's very fine prayer--how we could be considering a piece of legislation that would allow people to get away with fraud and with taking the money and make it retroactive. You know, I just don't see how we could do or consider such a thing as that. So I hope that we would just vote down this amendment and the whole thing."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, I remember so clearly the 1975 session when a lobbyist by the name of Mr. Billington came down here and sold us a bill of goods as no other super salesman selling soap could do. I'm ashamed to say it--admit it--but I bought his story--hook, line and sinker and I have regretted it ever since. That bill that gave them almost unlimited authority on change orders and contracts was the thing that set the stage for the 2.29 billion dollar bust that we have suffered in the state of Washington. If we were now to vote for this bill, we would only be compounding the felony. I beg of you, my fellow colleagues, to seriously consider what you would be doing by voting for 3990."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, speaking in favor of the amendment or the substitute to the substitute, I think it is needed. I can understand Senator Moore's reluctance and I can understand Senator Guess, but without this you don't have any point of start. It goes on for years and years. Now, Senator Garrett, WPPSS I, II and III are good--WPPSS IV and V, where the biggest bond houses in the country, say if we would have had another sixty days we would have gotten rid of the rest of them. Some of the dealers are still holding a few of them, but in the case that you

had a lot of innocent people out there--Senator Guess you remember Don Hodel--he was head of the Bonneville--that's the fellow that just fired Lee Iacocca after he raised all the money, but he said that they were going to turn the lights out--that we weren't going to be able to cook our coffee or fry our eggs--that there wasn't going to be any power. I think he may have had something to do with the Arabs that said that there won't be any oil either--it's coming out of their ears now.

"This is needed, because there were a lot of people, a lot of elected officials and PUD's and so forth that actually hadn't had very much experience and they were rushed into it and they need some protection. Of course, if they want to come back and sue us--the Legislature--that would be something else again. They probably should, but I don't think they will. However, I think this is needed and I urge your support."

POINT OF INQUIRY

Senator Bailey: "Thank you, Mr. President. Would Senator Bottiger yield to a question, please?"

"Senator Bottiger, there was a suggestion here that scienier meant fraud. Now, I'm just a dairy farmer, but that isn't my understanding of the term that we're trying to protect the board of directors of the PUD's."

Senator Bottiger: "Senator, the law is encumbered by the use of some old Greek and Latin and English words. Scienier is an evil mind and it comes out of the criminal statute and I guess you'd have to say it is in the fraud classification of words as to what we're trying to describe the person was thinking when he did an act."

Senator Bailey: "However, under your amendment to the amendment, are we trying to protect the PUD boards from fraud? I guess that is my real question."

Senator Bottiger: "Senator, what happens is the PUD's vote to authorize some bonds, then the underwriters and bond counsels prepare a prospectus. They are traditionally thought of as agents of the board and of the PUD. They are responsible, and in my opinion, I think it clearly says 'to a negligent standard.' If they do that in a negligent way, people rely on it and buy the bonds, they're liable, but is the board that simply hired them liable? The answer is, as you and I know, we are held unless we in an evil mind decide to do this, we are not personally liable. That's been the standard in this state for a long, long time. In 1980, a court--in a bad set of facts--came along and changed it. We immediately changed it back. The question is, is it retroactive? We thought it was; a state court said that it was. A federal court said, 'Well, it isn't clear, and we're going to let the Legislature express its opinion as to whether they meant it to be clear.'

"Most of these bonds were sold before 1980, when we all thought the standard of care was scienier on part of the elected officials, but negligence on the part of their employeas and contractors."

Senator Bailey: "So this merely puts it back to the way other employeas of the state of Washington were? Thank you."

FURTHER REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I support this amendment. I hope others do."

The President declared the question before the Senate to be adoption of the amendment by Senators Bottiger and Vognild.

Senator Bottiger demanded a roll call and the demand was sustained.

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. Before this vote, if I can clarify something that I believe, at least, is correct. We have been debating the bill and that is fine and just and we should, but the amendment is what we are voting on. The amendment is meant to narrow the scope of the bill. Those of you who actually oppose the bill, I would suggest, probably would vote for the amendment, because it narrows the scope of the bill."

REMARKS BY SENATOR HAYNER

Senator Hayner: "I believe that it is also true that it sets up a different standard for people involved in this—a different standard with respect to bond counsel and underwriters than, for example, PUD commissioners."

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Bottiger and Vognild.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried and the amendment was adopted by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 34.

Voting nay: Senators Bluechel, Cantu, Deccio, Garrett, Guess, Hayner, Kiskaddon, McCaslin, McDonald, Newhouse, Pullen, Saling, Zimmerman - 13.

Excused: Senators Patterson, von Reichbauer - 2.

MOTION

On motion of Senator Moore, Engrossed Substitute Senate Bill No. 3990 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. The only thing that wasn't said on the original debate is that the rate payers are really the people that are affected by this bill. I wouldn't want anybody to think that the county commissioners or the city council of the city of Tacoma or Seattle or whatever are the ones that we are talking about. What we are talking about are the rate payers of the PUD's and the municipals and the co-ops all over this state. When their board voted to issue a bond, there was nothing wrong with the conduct in doing so. When they instructed their underwriters and bond counsel to prepare this prospectus, there was nothing wrong in doing so—just like we do every session when we order or authorize the issuance of a capital bond budget. We do not individually go and check everything that is said about those bond statements. The action brought, and pending in court, by the bondholders alleging that they were misled by the bond statements and the prospectuses that were issued by the underwriters should not be passed through. If they are successful, it should not be passed through to the rate payers on the theory of agency. So the vote here is, in my opinion, shall the underwriting firm that handled that bond issue and their bond counsels pay the bondholders, or shall the rate payers—the people of the state of Washington. This bill says not the rate payers."

POINT OF INQUIRY

Senator Hayner: "Senator Bottiger, would you yield to a question, please?"

"This bill is retroactive. The one we passed last year, which we are now trying to correct, did not have any language about retroactivity in it and I voted for that bill, but I do not remember, and I did have the staff check, if there was any information on the floor at that time about the retroactivity of this bill.

"Now, is this bill, with its retroactive provision, intended to affect the rights in a specific law suit which is now before the courts?"

Senator Bottiger: "Senator Hayner, it's intended to affect the standard of care required by the elected boards and county councils of the utilities of the state of Washington in the period discussed directly in the amendment. I recall that a judge retroactively changed the standard of care. It had always been scienter and in 1980 he said, 'No, it's negligence retroactively.' Now, he can do that because in this area of law, there is retroactivity and not—depending on the kind of issue you're dealing with. It was presumed it was retroactive, at least in my mind, because we were not dealing with a property right. We were dealing with a standard of care to be applied to people, and that is traditionally retroactive.

"Just like the tort bill you passed yesterday, that's retroactive until all of the people who have been hurt, but haven't filed their lawsuits yet. Every one of those

people who are out there--young babies that have just been born, that's all retroactive, and so this bill is also retroactive. The state judge said, 'You're right; that's the standard in this state.' A federal judge said, 'I want the Legislature to make it more clear.' That's all we're doing."

FURTHER REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, may I proceed? There are many cases in the courts now dealing with the issue of who is responsible in the Washington Public Power Supply System debacle. What we are doing here is changing the playing field which existed at the time that some of those contracts were made--some of those actions which were taken which might be negligent and it appears to me that to do that now is totally unfair.

"Yes, we can do it. I don't doubt that we can do it, but it seems to me in all fairness that is not the way to deal with people. Now you can talk about rate payers all you want, but there are a lot of bondholders too that happen to be widows, orphans; there are pension funds that hold WPPSS bonds. There are all kinds of people out there--3,000 of them and I think at this point, it is only fair to leave it up to the courts to decide which of those people are responsible."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President and members of the body. I'm going to support this measure and I am going to support it with some reluctance. I am not going to try to get into debate of the standard of care. I am not going to try to get into debate of the issuing of the bonds and whether the bondholders had some great risk, because those people who purchased those bonds knew they were taking some risk when they bought those bonds. Now, what the extent of the risk, I am not going to debate that. Whenever you get involved in that type of thing, unless you have some real safe type of investment, there is some level of risk.

"I am going to do this in terms of other rate payers, that we should do this. I am not as concerned, unfortunately, with those public officials, per se. There are a lot of us here on this floor--not maybe a lot of us on this floor, but a lot of us that were either in the House or Senate when this thing came about--that didn't feel as though they should have been doing that in the first place. A lot of those elected officials and boards of directors thumbed their nose at us and told us we knew where to go. Now they're back here asking us to help them, so I don't feel any real sorrow for them.

"I think if we don't do something like this, that ultimately we are going to affect the rate payers and it is under those circumstances that I am going to vote on this measure. I think that we might even have to begin to look at it--and I know it's going against the grain because I am one of those great local control people and local charters and that type of thing there, but these organizations do have broad sweeping powers and they do have the tendency to thumb their nose at us, but when they get into trouble they don't hesitate to come to us for some support. I am going to support the measure, but I am doing it with some reluctance."

REMARKS BY SENATOR ZIMMERMAN

Senator Zimmerman: "Mr. President and members of the Senate. Occasionally, we need to look at things from the standpoint of what's right and not necessarily how many people we're going to help or hurt. In this case, it is a matter that the court made a decision that now got us sort of where we are and the court, perhaps, made a mistake in terms of what they did a couple of years ago in '83--the actual court decision that has somewhat been a factor in complicating this whole subject. Now, obviously, there are a lot of rate payers that will be helped as far as what has been said this afternoon.

"At the same time, in the state of Washington, today, we still--despite all the problems--we've got the lowest power rate in the country. Grant County is the lowest in the state. Our county PUD of which we have recently had a rebate for rate payers, just suggested that they had enough money that they turned it back with the idea that we give to the PUD for other purposes. I have three PUD counties. Obviously, there are a lot of people in my district that are going to be helped--the PUD's commissioners are going to be helped. I think that the point is that that's not

what we should be doing in this case, because we should be trying to stay with the contract that originally had been set up and with the original facts that those bondholders had certain rights that also should be protected in terms of contractual rights. In this case, we are trying to change the ball game.

"I think where there is popularity, and while the votes and while all the numbers are out there on the basis of voting for this measure, it is the wrong way to vote and I think for once you should, perhaps, take a look at the situation and vote for what you think is right--and in this case, I think that's a vote 'no.'"

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. As chairman of the Judiciary Committee, it's, I think, my responsibility to be certain that we shouldn't be using the Legislature as the appellate court when somebody disagrees with the outcome of the decision of the trial court in our state--be it a state court or federal court. I voted against the People's leasing bill several years ago for that very reason, although I think it passed with flying colors and had a lot of support from some of the people who are now so concerned about this issue.

"I think consistency dictates that you oppose the use of the Legislature as the ultimate appellate court for any disagreement with what happens in our state's court system, but at the same time I can't help but feel that some of the statements made out here like some of the people who last night made such outstanding pronouncements on the issues relating to victims--less of a concern about injured people and more of a concern about protection of a financial interest--makes it a little bit difficult for me to stomach this vote. Nevertheless, I think, in order to preserve the process that we have in the Legislature and the protection of the sanctity of the legal system to avoid having the Legislature being the ultimate appeals court for every single disagreement of every single issue that there is, I intend to vote 'no' on the bill. I hope that some of the pronouncements that were made in brave support of financial interests will now carry over when we deal with the issue of personal injuries and people who are hurt, as opposed to money."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President and members of the Senate. Senator Zimmerman kind of confused me and so I went over to my coach and asked what the facts are in the case and what I surmised before and what I surmise now is that the rules of the game under which everyone was playing at the time when those bonds were sold were the rules of the first half. The judge came in at halftime and said the rules for the second half are going to be different from what we played in the first half and we are back here now reestablishing the rules for the second half of the game. The same rules that were in for the first half will be the rules that we play under for the second half, and the judge made a mistake when he came in to the locker room and told us that the rules were going to be different. That's the way I understand this, so that's why I am going to vote for the bill."

REMARKS BY SENATOR GARRETT

Senator Garrett: "Thank you, Mr. President and members of the Senate. You know how we got into this mess was that the PUD association came down here and asked the Legislature to create a JOA--Joint Operating Agency. Now any PUD district in the state could have gone ahead and done this on their own, but they got the Legislature to create this association thing and so then they started doing what they did. Now this is the way the people in other states and from everywhere look at this thing. Then after they got all the money, they went down to the supreme court and got the whole thing declared unconstitutional, so they could keep the money.

"There was one thing in this scheme that they overlooked and that was maintaining the responsibility. Now, they're down here and they want us to do this retroactively--and you know--I'm shocked that our leadership is saying that the reason we want to do this is because of the rate payers in the state of Washington. In other words, we are wanting to help to confiscate this money because it may raise electrical rates in the state--and we are admitting--we are saying that is why we want to do it. I don't think that's fair. I don't think that it's proper to do it that

way and I am not so sure that it's going to help the rate payers. When the people who buy bonds see how we operate and how we will retroactively take somebody off of the hook, I'm not so sure that it won't affect our bond rating and that everybody in the state of Washington will be paying for it. I feel for the rate payers as well as anyone else, but I don't think that we should be voting to confiscate all of this money all over the United States to use it to keep our power rates lower. If we are doing that, I don't think we should admit it."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. I rise in support of this bill and I guess I differ with my friend, the chairman of the Judicial Committee. Roughly ten days ago, I had no idea what scienter was--never heard of it. We take some crash courses around here. I believe that it is the function of this body of the Legislature to correct things that are wrong and I believe that the change of rules that Senator Goltz talked about are, in fact, wrong. We're dealing with public bodies here. We're dealing basically with part-time officials. They have no profit motive. Their employees have no profit motive; they're dealing in the public interest. Why should they be judged at a higher standard than they were when they took office? More importantly, why should they be judged at a higher standard than we judge ourselves on this floor? I guess that's the one that really got to me.

"As I understand scienter, and I believe I am correct, it says that the claim of fraud against public officials requires proof of scienter. That proof is knowing, reckless or intent to defraud. I am not even sure that the members on this floor are held to that standard. I suspect we are even immune from that standard, so I repeat to you, these are public officials. They are part-time--practically all of them. They serve in the public interest. The court changed the rules. This bill purports to change the rules back to where they were in the first place, so we all play by the same rules. I do not believe we are impounding any money here. I don't believe that at all. I believe we are putting public officials and the rate payers--actually not the rate payers, but the tax payers--almost totally under the same standard that they were under when this whole thing started. I believe that's absolutely fair and I'd recommend a 'yes' vote."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, I have a different view of the ball game that Senator Goltz was playing awhile ago. I think that at the end of the eighth inning, the supreme court said a contract wasn't a contract and the rest of the game is going to be played by anybody's rules--sort of like Senator Henry's gavel. I have taken the short end of that gavel a number of times and it got faster and faster as time went on--not to depreciate that Al is my best friend. I still think that Senator Talmadge is right and if we go in and pass the bill, then what we are going to do is that we are going to say all bets are off."

REMARKS BY SENATOR BAUER

Senator Bauer: "Thank you, Mr. President and members of the Senate. I reluctantly move into an area of which I know very little about the law, but I do believe I know something about common sense and fairness. This legislative body which has the responsibility of making the legislative decisions of this state, made a decision and set a rule of scienter. One judge decided that he was more powerful or holy than this Legislature and he made the determination to change that particular rule.

"Now all we are doing here is going back and exercising our legislative authority to reestablish that rule. I guess it's a choice of deciding to put all of our elected officials out there who ran for office--agreed to serve, based on certain rules. Then we change the rules in midstream. Those people all ought to quit, because now they are going to operate under rules that subject them to some extremely heavy personal financial liability. Now if we want them all to quit, then we should vote 'no,' but if we want them to know that this legislative body will maintain rules that will be fair and protect them at the time that they run for office, then they will run for office.

"The choice, I guess, is between giving those people some assurances and protection to serve on boards and commissions with very little compensation, or a choice of giving to some bondholders, who at 15 percent interest, knew at the time they were going into it, that they were high risk. Bondholders all over the United States of America--a choice of protecting fairness to the people that hold offices in our localities at very little compensation or protection of bondholders who are making a profit--high risk--good return on their investments--and many of them made a good return before these changes were made. I urge your support of the bill."

REMARKS BY SENATOR MOORE

Senator Moore: "Mr. President and fellow members. I am the only one here whose name is on this bill. I am going to vote against it. I do not yet see why the private sector should be treated differently from the public sector. More boards in this state--more board members in this state serve for free than get paid, by at least, tenfold, so I am wondering why we have to grant this very special immunity.

"Now I personally do not believe that what we do here today is going to influence this court case or these court cases, because there may be nothing left after the attorneys get through. Even if there is something left, I doubt that one percent of what we do here will be of any effect. I don't like to speak in terms of principal, but I can't think of another word and I don't like the Legislature stepping in and changing contracts. Now the PUD's made a contract with the underwriter; the underwriter made a contract with the individuals and it traces all the way back to the beginning. I have to rest my case on that point. Thank you."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3990.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3990 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McManus, Metcalf, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Thompson, Vognild, Williams, Wojahn - 30.

Voting nay: Senators Bluechel, Cantu, Deccio, Garrett, Guess, Hayner, Kiskaddon, McCaslin, McDermott, McDonald, Moore, Newhouse, Saling, Stratton, Talmadge, Warnke, Zimmerman - 17.

Excused: Senators Patterson, von Reichbauer - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3990, having received the constitutional majority, was declared past. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 4564, by Senators Vognild, Newhouse, Bottiger, McManus, Conner, DeJarnatt, Granlund, Moore, Bauer, Goltz, Rasmussen, Wojahn and Zimmerman

Authorizing municipal corporations and political subdivisions to establish accident and tort liability funds.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following amendment by Senators Vognild and Bottiger was adopted:

On page 2, line 5, after "to" strike everything down to and including "act." on line 6 and insert "increase the fund balance to at least three times the original balance at the end of five years, unless a judgment should exceed funds available in the fund. If a judgment should exceed funds available in the fund, the municipality shall have five years from the date of the entry of the judgment and interest payment plan, as provided in section 3 of this act, to increase the fund balance to at least three times the original balance of the fund, or three times the greatest level of the fund prior to entry of the judgment and interest payment plan, whichever is greater. Each annual budget appropriation for the fund shall be sufficient in any case,

to maintain the fund at a minimum of the previous year's level, except as provided in section 3 of this act."

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 4564 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4564.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4564 and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, McDonald, Newhouse, Pullen, Saling - 10.

Excused: Senators Patterson, von Reichbauer - 2.

ENGROSSED SENATE BILL NO. 4564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4611, by Senators Halsan, Talmadge, McCaslin, DeJarnatt, Saling, Moore, Williams, Bailey, Kreidler and Johnson

Requiring owners of pit bulls to maintain liability insurance or surety bond.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4611 was substituted for Senate Bill No. 4611 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the following amendment was adopted:

On page 2, beginning on line 13, after "section." strike all material down to and including "work." on line 14

On motion of Senator Halsan, the following amendment was adopted:

On page 3, after line 21, insert the following:

"(5) Subsections (1)(b), (1)(c), (1)(d), (2), and (3) of this section do not apply to police dogs performing police work, or guard dogs performing guard work on the premises of the owner, in a reasonable time, place, and manner."

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 4611 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Halsan, I wasn't paying attention when your last amendment--would you explain what you mean by guard dogs performing guard work on the premises of the owner in a reasonable time, place and manner?"

Senator Halsan: "What's intended by that, as I explained to one of the members of the Senate who has a Doberman, would be that if, in fact, that dog were in their home and protecting it from intruders, if it, in fact, bit an intruder there would be no liability. If the dog was roaming onto other people's property in the neighborhood and attacking people who were not logically, reasonably within the preview of its guard activities, it would not be exempt from the statute, and also if, in fact, the paperboy came up and was invited into the premises and the dog was not kept under control, that would not be in a reasonable manner, if, in fact, the paperboy was attacked while reasonably in the premises. What we're trying to do is, we're not trying to grant license to guard dogs to roam through the neighborhood and attack people, but we feel they have an appropriate place in society."

POINT OF INQUIRY

Senator Newhouse: "Senator Halsan, I note on page 3, Section 3, you have on line 7 dog is not validly licensed under Section 2 of this act.' and I don't see any licensing provisions in Section 2."

Senator Halsan: "I don't have that right in front of me. What we have tried to set up by the language we have in here, is the licensing is to be done by the local city municipality or county."

Senator Newhouse: "You have stricken, I think, the language of the original bill and didn't make the corrections in Section 3 to compensate for that."

Senator Halsan: "I would have to look into that."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President and members of the Senate, I believe in Section 2, sub (1), where it states, 'It is unlawful to possess, harbor, keep, or maintain a vicious dog in the state without a certificate of registration issued under this section,' may be the thing to which Senator Newhouse is referring. In sub (2) it talks about the animal control authority of the city being able to issue certificates of registration, and maybe the licensure is meant to refer to that certificate or registration. There is a reference, but it may not be licensure in the sense that we've come to know of dog licenses and so forth."

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, there was a young fellow that left the bowling alley and he had his bag and bowling ball with him and so forth and a police dog--I think it was a sheriff's dog attacked him and tore him all up--and the city ruled that the Legislature had said police dogs are like deputy sheriffs and policemen, if they bite you, there is nothing you can do about it, but he suffered quite a bit of damage. Will this correct that to those who have a vicious dog?"

Senator Talmadge: "My belief is that Senator Halsan's amendment, Senator Rasmussen, would, in fact, correct that kind of situation. If the police dog were in the business of doing police work with its controller-trainer, then there would be no liability involved or no penalty--no sanction involved. If, however, that police dog were simply roaming the streets and bit that individual in the way that you state, the provisions of this bill would apply."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Hansen: "Senator Halsan, in my area over there we have lots of pickups with all the farmer's tools or gas tanks, all the compressors and things like that and generally they pack a dog in the back end of them that is not vicious. They are there strictly for the protection and the only time they let themselves be known is if somebody starts to get into that pickup. What kind of category would that put those dogs in?"

Senator Halsan: "In that situation, I would not think they would qualify as being a vicious dog under the definition and they would not fall under the requirements of the statute."

Senator Hansen: "Most of them are German Shepherds or--"

Senator Halsan: "That's correct. The definition of a vicious dog is a dog that when unprovoked either chases or bites people in public areas or on property of another and it is set out pretty specifically. It doesn't cover all dogs. It covers the dogs that, in fact, that are vicious. It doesn't say they have to get one child chewed up before they are taken into the provisions of the act. I think the dog in the pickup would not be covered."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4611.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4611 and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognilid, Warnke, Williams, Wojahn - 39.

Voting nay: Senators Barr, Conner, Craswell, DeJarnatt, Garrett, Pullen, Thompson, Zimmerman - 8.

Excused: Senators Patterson, von Reichbauer - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4611, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4749, by Senators Bender and DeJarnatt

Revising reporting requirements for property and casualty insurers.

The bill was read the second time.

MOTION

On motion of Senator Bender, the rules were suspended, Senate Bill No. 4749 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4749.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4749 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Bluechel, Deccio, McDonald, Sellar - 4.

Excused: Senators Patterson, von Reichbauer - 2.

SENATE BILL NO. 4749, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4936, by Senators Granlund and Bottiger

Modifying insurance rate filing provisions.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 4936 was substituted for Senate Bill No. 4936 and the substitute bill was placed on second reading and read the second time.

Senator Metcalf moved that the following amendment by Senators Metcalf, Bailey and Stratton be adopted:

On page 2, after line 22, insert the following:

"Sec. 4. Section 1, chapter 80, Laws of 1971 as amended by section 1, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 4.16.350 are each amended to read as follows:

Any civil action for damages for injury occurring as a result of health care which is provided after June 25, 1976 against:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent

thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative; based upon alleged professional negligence shall be commenced within ~~((three))~~ eight years of the act or omission alleged to have caused the injury or condition ~~((or one year of the time the patient or his representative discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission)).~~ The time for commencement of a legal action may be tolled only upon proof of (a) fraud, (b) intentional concealment, or (c) the presence in the injured person of a foreign body that was not intended to have any therapeutic diagnostic purpose or effect. Any action not commenced in accordance with this section shall be barred ~~((PROVIDED: That the limitations in this section shall not apply to persons under a legal disability as defined in RCW 4.16.190)).~~

The provisions of this section apply notwithstanding RCW 4.16.190.

Renumber the remaining section consecutively.

POINT OF ORDER

Senator Kreidler: "Mr. President, a point of order. I would raise the question of scope and object on this particular amendment and I would do so because the title of the act that's being amended here is an act relating to the filings of insurance rates and this is an amendment that deals with the statute of limitations and medical malpractice suits. It seems to me it raises a very serious question as applicability of the amendment."

Debate ensued.

MOTION

On motion of Senator Vognild, and there being no objection, further consideration of Substitute Senate Bill No. 4936 was deferred.

President Pro Tempore Goltz assumed the chair.

SECOND READING

SENATE BILL NO. 4165, by Senators Thompson and Moore

Providing for the disclosure of checking account information.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4165 was substituted for Senate Bill No. 4165 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fleming, and there being no objection, further consideration of Substitute Senate Bill No. 4165 was deferred.

SECOND READING

SENATE BILL NO. 4465, by Senators Fleming and Talmadge

Modifying provisions relative to use of deadly force.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4465 was substituted for Senate Bill No. 4465 and the substitute bill was placed on second reading and read the second time.

Senator Pullen moved that the following amendment be adopted:

On page 1, line 18, after "implied," insert "including but not limited to the display of a deadly weapon."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen carried and the amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 4465 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4465.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4465 and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Craswell, Garrett, McCaslin, Metcalf, Owen, Pullen, Sellar - 7.

Excused: Senators Patterson, von Reichbauer - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4627, deferred February 14, 1986.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Moore moved to reconsider the vote by which the amendment by Senator Wojahn on page 3, line 36, was adopted.

Debate ensued.

Senator Moore demanded a roll call and the demand was sustained.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Moore to reconsider the vote by which the amendment on page 3, line 36, to Substitute Senate Bill No. 4627 was adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Moore for reconsideration of the vote passed the Senate by the following vote: Yeas, 26; nays, 20; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Saling, Sellar, Stratton, Vognild, Warnke, Zimmerman - 26.

Voting nay: Senators Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Johnson, Lee, McDermott, McDonald, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Williams, Wojahn - 20.

Absent: Senator Deccio - 1.

Excused: Senators Patterson, von Reichbauer - 2.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment on page 3, line 36, to Substitute Senate Bill No. 4627, on reconsideration.

Debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment on page 3, line 36, on reconsideration.

ROLL CALL

The Secretary called the roll and the amendment on page 3, line 36, on reconsideration, was not adopted by the following vote: Yeas, 22; nays, 24; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Johnson, Lee, McDermott, Metcalf, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Williams, Wojahn - 22.

Voting nay: Senators Barr, Benitz, Bluechel, Conner, Deccio, Garrett, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Saling, Stratton, Vognild, Warnke, Zimmerman - 24.

Absent: Senator Bottiger - 1.

Excused: Senators Patterson, von Reichbauer - 2.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bailey moved to reconsider the vote by which the amendment by Senator Wojahn on page 2, line 31, was adopted.

Debate ensued.

Senator Bailey demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Bailey to reconsider the vote by which the amendment on page 2, line 31, to Substitute Senate Bill No. 4627, was adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Bailey for reconsideration failed by the following vote: Yeas, 22; nays, 22; absent, 3; excused, 2.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Deccio, Garrett, Guess, Halsan, Hansen, Hayner, Kiskaddon, McCaslin, McManus, Metcalf, Moore, Owen, Saling, Stratton, Vognild, Warnke, Zimmerman - 22.

Voting nay: Senators Bailey, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Johnson, Kreidler, Lee, McDermott, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Williams, Wojahn - 22.

Absent: Senators Bottiger, McDonald, Newhouse - 3.

Excused: Senators Patterson, von Reichbauer - 2.

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 4627 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4627.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4627 and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Wojahn, Zimmerman - 35.

Voting nay: Senators Bluechel, Cantu, Craswell, Lee, McDonald, McManus, Pullen, Rasmussen, Saling, Sellar, Williams - 11.

Absent: Senator Bottiger - 1.

Excused: Senators Patterson, von Reichbauer - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4627, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4936 and the pending amendment by Senators Metcalf, Bailey and Stratton on page 2, line 22, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Kreidler, the President finds that Substitute Senate Bill No. 4936 is a measure changing only the time limit for the Insurance Commissioner to disapprove property and or casualty rates before they go into effect.

"The amendment proposed by Senators Metcalf, Bailey and Stratton increases the statute of limitations for civil actions based upon professional negligence and establishes elements of proof necessary for the time of commencement of a legal action based on professional negligence.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment was ruled out of order.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4936 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Granlund, if the Commissioner does not approve the rate within sixty days, then the rate is automatically approved? I think that's my understanding."

Senator Granlund: "Yes, that's correct. You have sixty days to disapprove the rates and at the close of sixty days, automatically the insurance companies can increase."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4936.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4936 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Bender, Benitz - 2.

Excused: Senators Patterson, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4936, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Peterson was excused.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4165, deferred earlier today.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 4165 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4165.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4165 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Rinehart - 1.

Absent: Senator Benitz - 1.

Excused: Senators Patterson, Peterson, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 4165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4917, by Senators Moore, Newhouse and Bender
Modifying provisions of Title 30 RCW.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4917 was substituted for Senate Bill No. 4917 and the substitute bill was placed on second reading and read the second time.

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Moore be adopted:

On page 47, after line 7, insert the following:

NEW SECTION, Sec. 54. It is the intent of the legislature to provide to the public current information on the condition of financial institutions conducting business in the state of Washington.

NEW SECTION, Sec. 55. A new section is added to chapter 43.19 RCW to read as follows:

The director of general administration shall annually, or by request, make available to the legislature the list of financial institutions designated by the federal reserve system or by the comptroller of the currency, known as the "watch list."

NEW SECTION, Sec. 56. Sections 54 and 55 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Rasmussen and Moore.

ROLL CALL

The Secretary called the roll and the amendment was adopted, the President voting 'aye,' by the following vote: Yeas, 21; nays, 21; absent, 4; excused, 3.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kiskaddon, McDermott, McManus, Metcalf, Moore, Pullen, Rasmussen, Talmadge, Vognild, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Guess, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDonald, Newhouse, Owen, Saling, Sellar, Stratton, Thompson, Zimmerman - 21.

Absent: Senators Benitz, Bottiger, Lee, Rinehart - 4.

Excused: Senators Patterson, Peterson, von Reichbauer - 3.

MOTIONS

On motion of Senator Moore, the following title amendments were considered simultaneously and adopted:

On page 1, line 10 of the title, strike "creating a new section; and" and insert "adding a new section to chapter 43.19 RCW; creating new sections;"

On page 1, line 14 of the title, after "30.40.060" insert "; and declaring an emergency"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 4917 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4917.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4917 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 42.

Voting nay: Senators Guess, Hayner, Zimmerman - 3.

Absent: Senator Benitz - 1.

Excused: Senators Patterson, Peterson, von Reichbauer - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4917, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Goltz assumed the chair.

SECOND READING

SENATE BILL NO. 4551, by Senators Vognild, Sellar, Peterson, Grantlund, Zimmerman, Hansen, Moore, Talmadge, Garrett, Gaspard, Bauer, Rasmussen, Bender, Bottiger and Conner

Prescribing penalties for assaults on fire protection personnel.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4551 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4551.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4551 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Grantlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Benitz, Deccio - 2.

Excused: Senators Patterson, Peterson, von Reichbauer - 3.

SENATE BILL NO. 4551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bender, Senator Bottiger was excused.

On motion of Senator Zimmerman, Senator Benitz was excused.

Vice President Pro Tempore Rasmussen assumed the chair.

SECOND READING

SENATE BILL NO. 4638, by Senators Goltz, Newhouse and Vognild

Eliminating the base rate computation of industrial insurance premiums for building industry employers.

The bill was read the second time.

MOTIONS

On motion of Senator Goltz, the following amendment by Senators Goltz, Guess and Newhouse was adopted:

On page 1, line 4, after "Sec. 1." strike all material down to and including "repealed." on line 6 and insert the following:

"Section 51.16.050, chapter 23, Laws of 1961 as amended by section 1, chapter 274, Laws of 1971 ex. sess. and RCW 51.16.050 are each amended to read as follows:

The premiums of employers of the building industry, which shall include all field activities in connection with the erection, alteration, repairing, renovation, or demolishing of any building or buildings or parts thereof or appurtenance thereto, adapted to (~~residential~~) business, governmental, educational, or manufacturing uses, except those building activities directly related to residential construction, shall be computed on a base rate only but appropriate annual dividends shall be returned to such employers based upon a protective premium formula promulgated by the director which encourages accident prevention incentives: PROVIDED, That the total base rate premium shall not exceed one hundred twenty per centum of a rate necessary to assure that premiums assessed against such employers will be neither excessive nor inadequate for payment of all claims incurred by such employers."

On motion of Senator Goltz, the following title amendment was adopted:
On page 1, line 1 of the title, after "and" strike "repealing" and insert "amending"

On motion of Senator Goltz, the rules were suspended, Engrossed Senate Bill No. 4638 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Guess was excused.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4638.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4638 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Benitz, Bottiger, Guess, Patterson, Peterson, von Reichbauer - 6.

ENGROSSED SENATE BILL NO. 4638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Goltz assumed the chair.

SECOND READING

SENATE BILL NO. 4683, by Senators Rasmussen, Owen, Deccio and Metcalf (by request of Department of Corrections)

Revising provisions relating to the death penalty.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4683 was substituted for Senate Bill No. 4683 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the following amendment was adopted:
On line 13, after "examiner" insert "or coroner"

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Bill No. 4683 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4683.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4683 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Warnke - 1.

Excused: Senators Benitz, Bottiger, Guess, Patterson, von Reichbauer - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4683, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4781, by Senators Moore and Goltz

Eliminating certain reporting requirements for primary candidates appearing on the general election ballot and continuing political committees.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4781 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4781.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4781 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Benitz, Bottiger, Guess, Patterson, von Reichbauer - 5.

SENATE BILL NO. 4781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4782, by Senators Moore, Deccio, Goltz, Warnke and Rasmussen

Requiring financial institutions to release funds within certain time periods after an item has been deposited.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 4782 was substituted for Senate Bill No. 4782 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 4782 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4782.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4782 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Benitz, Bottiger, Guess, Patterson, von Reichbauer - 5.

SUBSTITUTE SENATE BILL NO. 4782, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4784, by Senator Talmadge

Reauthorizing the public disclosure commission.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4784 was substituted for Senate Bill No. 4784 and the substitute bill was placed on second reading and read the second time.

Senator Pullen moved that the following amendments be considered simultaneously and adopted:

On page 1, line 14, after "(4)" strike the material down to "chapter)) on line 15 and insert "Investigate whether properly completed statements and reports have been filed within the times required by this chapter"

On line 15, after "chapter" add " ;"
 Renumber the subsections accordingly

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Pullen.

The motion by Senator Pullen carried and the amendments were adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 4784 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Thompson, I see here that they are given the authority to randomly make audits of filings received under the public disclosure system. Within the limits of staff capabilities and available funding, does that mean that we're going to have lot of pressure on us to increase their funding so that they can make complete audits of everything, in your opinion?"

Senator Thompson: "The language you're alluding to was taken out of the original bill as introduced, Senator Hayner, and now says 'shall audit each year at randomly selected sample of filings by persons required to comply with this chapter.' The language you're reading is not a part of the act now and the level of their activity will depend entirely on the appropriation the Legislature provides in the biennial budget."

Debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator Rinehart, under current law, is the lobbyist's employer required to report all costs associated with the employer's lobbying effort?"

Senator Rinehart: "Senator Saling, only the employer must make a good faith effort to report costs that it makes in connection with an attempt to influence legislation or agency rules."

Senator Saling: "Under current law, is the lobbyist's employer required to report non-lobbying related expenses?"

Senator Rinehart: "No."

Senator Saling: "Under current law, is the employer obligated to report personal travel expenses which are not related to lobbying and which are unreimbursed?"

Senator Rinehart: "No, Senator Saling. The employer reporting statute, RCW 42.17.180, clearly says that only expenditures made for lobbying purposes are reportable."

Senator Saling: "Under current law, is a lobbyist's employer obligated to report expenses incurred by its officers or employees who serve on legislative advisory committees?"

Senator Rinehart: "No."

Senator Saling: "Is a lobbyist's employer required to report all contacts between its employees and the Legislature?"

Senator Rinehart: "No, Senator Saling. If a legislator wanted technical information to better understand a matter before the Legislature, and knew that a particular company which employed a lobbyist had the expertise, the legislator could solicit that specific information and the employer could provide it without that being considered a lobbying expense. It would be a reportable lobbying expense, however, if the employer and/or the lobbyist were the initiator in providing the technical information."

Senator Saling: "Thank you."

POINT OF ORDER

Senator McCaslin: "A point of order, Mr. President. I wish to point out to the body that reading does occur on the floor and reading is accepted on the floor. I wish that entered in the journal. Thank you."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4784.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4784 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Bluechel, Hayner - 2.

Excused: Senators Benitz, Bottiger, Guess, Patterson, von Reichbauer - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4784, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, Senator Bender was excused.

SECOND READING

SENATE BILL NO. 4793, by Senators Wojahn, Talmadge, Johnson, Fleming and Guess

Authorizing a temporary fuel tax for certain counties.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4793 was substituted for Senate Bill No. 4793 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4793 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4793.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4793 and the bill passed the Senate by the following vote: Yeas, 31; nays, 12; excused, 6.

Voting yea: Senators Bailey, Barr, Bluechel, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Peterson, Rinehart, Saling, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 31.

Voting nay: Senators Bauer, Cantu, Craswell, Deccio, Hayner, McCaslin, Newhouse, Owen, Pullen, Rasmussen, Sellar, Stratton - 12.

Excused: Senators Bender, Benitz, Bottiger, Guess, Patterson, von Reichbauer - 6.

SUBSTITUTE SENATE BILL NO. 4793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5068, by Senator Moore

Modifying the office of the state actuary.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 5068 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Moore, in the summary, I notice it says, 'And the State Actuary serves at the pleasure of the committee,' and in the background it doesn't say the present situation. What change does that--"

Senator Moore: "Under the present statute, the six members of the committee, three from the Senate and three from the House hire the State Actuary and he has his own budget that's in our budget and that's the way it operates."

Senator Barr: "I just wondered. This indicates that there was a change in that the State Actuary would now serve at the pleasure of the committee."

Senator Moore: "That's true. He had a seven-year term before, now he will serve at our pleasure. You're right."

Senator Barr: "'To serve at the pleasure,' would indicate to me that the committee has the right to hire and fire and apparently they didn't before."

Senator Moore: "We had the right to hire, but it was really on a seven-year contract unless there was some malfeasance of some type."

Senator Barr: "Thank you, very much. That sound like an improvement."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 5068

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 5068 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Cantu, Pullen - 2.

Excused: Senators Benitz, Bottiger, Guess, Patterson, von Reichbauer - 5.

SENATE BILL NO. 5068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 138, by Senators Granlund, Zimmerman and Thompson

Revising procedure for filling vacancies in elective office.

MOTIONS

On motion of Senator Thompson, Substitute Senate Joint Resolution No. 138 was substituted for Senate Joint Resolution No. 138 and the substitute resolution was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Joint Resolution No. 138 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Resolution No. 138.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Resolution No. 138 and the resolution passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson,

Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Metcalf, Pullen - 3.

Excused: Senators Benitz, Bottiger, Guess, Patterson, von Reichbauer - 5.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 138, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Vognild, and there being no objection, Senate Bill No. 3535, Senate Bill No. 4677, Senate Bill No. 4946 and Senate Bill No. 5001, which were on the second reading calendar, were referred to the Committee on Rules.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Substitute House Bill No. 1593.

On motion of Senator Vognild, Substitute House Bill No. 1593 was referred to the Committee on Commerce and Labor.

On motion of Senator Vognild, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 1457.

On motion of Senator Vognild, Substitute House Bill No. 1457 was referred to the Committee on Financial Institutions.

MOTION

At 7:07 p.m., on motion of Senator Vognild, the Senate adjourned until 8:00 a.m., Monday, February 17, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 17, 1986

The Senate was called to order at 8:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Deccio, Gaspard, Johnson, Lee, Rasmussen, Rinehart, Patterson, Thompson and von Reichbauer. On motion of Senator Bender, Senator Gaspard was excused. On motion of Senator Zimmerman, Senators Patterson and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jeff Whiteman and Mary Talbo, presented the Colors. Reverend Hendrik Laur, pastor of Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

February 16, 1986

Mr. President:

The House has passed:

HOUSE BILL NO. 102,

SUBSTITUTE HOUSE BILL NO. 376

SUBSTITUTE HOUSE BILL NO. 378,

SUBSTITUTE HOUSE BILL NO. 458,

SUBSTITUTE HOUSE BILL NO. 1134, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 16, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 197,

SUBSTITUTE HOUSE BILL NO. 803,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1355,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1382,

HOUSE BILL NO. 1393,

SUBSTITUTE HOUSE BILL NO. 1395,

HOUSE BILL NO. 1450,

SUBSTITUTE HOUSE BILL NO. 1527,

HOUSE BILL NO. 1637,

SUBSTITUTE HOUSE BILL NO. 1651,

SUBSTITUTE HOUSE BILL NO. 1661,

HOUSE BILL NO. 1686,

HOUSE BILL NO. 1720,

SUBSTITUTE HOUSE BILL NO. 2080,

SUBSTITUTE HOUSE BILL NO. 2088,

SUBSTITUTE HOUSE BILL NO. 2089, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 16, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4519,

SUBSTITUTE SENATE BILL NO. 4876, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 102 by Representatives Sommers, B. Williams, Grimm, Brekke, Vander Stoep, Tilly, Braddock, Schoon, Thomas, Fuhrman, J. Williams, Winsley, Patrick, Hastings, Isaacson, Hankins, May and Silver (by request of Legislative Budget Committee)

Eliminating supplemental pension benefits for future higher education employees and permitting retirement plan options.

Referred to Committee on Ways and Means.

SHB 376 by Committee on Ways and Means (originally sponsored by Representatives Tilly, Sommers, Wang, B. Williams, Grimm, Braddock, Patrick, Silver, Winsley, Addison, Isaacson, Sanders, Padden and Haugen)

Providing for actuarial fiscal notes for retirement legislation.

Referred to Committee on Ways and Means.

SHB 378 by Committee on Ways and Means (originally sponsored by Representatives Sommers, Tilly, Wang, B. Williams, Grimm, Braddock, Patrick, Silver, Winsley, Basich, Miller, Isaacson and Brekke)

Requiring funding of cost of living retirement adjustments.

Referred to Committee on Ways and Means.

SHB 458 by Committee on Ways and Means (originally sponsored by Representatives Sommers, Tilly, B. Williams, Braddock, Wang, Grimm, Silver, Patrick and P. King)

Modifying provisions relating to judges' retirement.

Referred to Committee on Ways and Means.

SHB 1134 by Committee on Social and Health Services (originally sponsored by Representatives West, G. Nelson, Lewis, Isaacson and May)

Requiring department of social and health services to screen employees dealing with children and developmentally disabled persons.

Referred to Committee on Human Services and Corrections.

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

SECOND READING

SENATE BILL NO. 4425, by Senator Hansen

Relating to livestock.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 4425 was substituted for Senate Bill No. 4425 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 4425 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4425.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4425 and the bill passed the Senate by the following vote: Yeas, 41; absent, 5; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse.

Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Deccio, Johnson, Lee, Rasmussen, Thompson - 5.

Excused: Senators Gaspard, Patterson, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 4425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Zimmerman, Senator Deccio was excused.

On motion of Senator Bender, Senator Rasmussen was excused.

SECOND READING

SENATE BILL NO. 4592, by Senators Rasmussen and Zimmerman (by request of State Treasurer)

Abolishing the state school equalization fund.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 4592 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4592.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4592 and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Johnson, Lee - 2.

Excused: Senators Deccio, Gaspard, Patterson, Rasmussen, von Reichbauer - 5.

SENATE BILL NO. 4592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4593, by Senators Moore, Sellar and Rasmussen (by request of State Treasurer)

Establishing provisions relating to the deposit of public funds.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 4593 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4593.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4593 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Warnke - 1.

Absent: Senator Lee - 1.

Excused: Senators Gaspard, Patterson, Rasmussen, von Reichbauer - 4.

SENATE BILL NO. 4593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Lee was excused.

SECOND READING

SENATE BILL NO. 4615, by Senators Peterson, Patterson and Vognild (by request of Department of Transportation)

Transferring tax revenues paid on motor vehicle fuel used in aircraft to the aeronautics account.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4615 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4615.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4615 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Gaspard, Lee, Patterson, Rasmussen, von Reichbauer - 5.

SENATE BILL NO. 4615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4616, by Senators Peterson, Patterson and Vognild (by request of Department of Transportation)

Increasing fees for aircraft pilot registration.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4616 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4616.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4616 and the bill passed the Senate by the following vote: Yeas, 37; nays, 7; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 37.

Voting nay: Senators Craswell, Deccio, Garrett, Johnson, McDonald, Pullen, Zimmerman - 7.

Excused: Senators Gaspard, Lee, Patterson, Rasmussen, von Reichbauer - 5.

SENATE BILL NO. 4616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4617, by Senators Peterson, Hansen and Patterson (by request of Department of Licensing)

Permitting waiver of the drivers' examination for an instruction permit.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4617 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4617.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4617 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Metcalf - 1.

Excused: Senators Gaspard, Lee, Patterson, Rasmussen - 4.

SENATE BILL NO. 4617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4618, by Senators Guess, Peterson and Hansen (by request of Department of Licensing)

Revising the International Registration Plan.

MOTIONS

On motion of Senator Guess, Substitute Senate Bill No. 4618 was substituted for Senate Bill No. 4618 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Guess, the rules were suspended, Substitute Senate Bill No. 4618 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4618.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4618 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Gaspard, Lee, Patterson, Rasmussen - 4.

SUBSTITUTE SENATE BILL NO. 4618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4587, by Senator Williams

Revising utility and transportation commission regulations.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Bill No. 4587 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4587.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4587 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Gaspard, Lee, Patterson, Rasmussen - 4.

SENATE BILL NO. 4587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4931, by Senators Talmadge, Sellar, Warnke, Bender, Bauer, Wojahn, Johnson, Benitz, Bailey and Newhouse

Establishing state patrol retirement fund.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4931 was substituted for Senate Bill No. 4931 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4931 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McDonald: "Senator Talmadge, one of the things that always bothers me about the procedure of the Senate is that we don't have in our books any of the fiscal notes on these things that we're dealing with. I always get nervous, as I know Senator Rasmussen and others do, when we're dealing with pension systems and granting benefits that we're not going to be able to withhold. Do you have any idea or does anybody on the floor have any idea, Senator Talmadge, how much this is going to cost?"

Senator Talmadge: "My recollection, Senator McDonald, is that the fiscal impact was very small. We had the State Actuary before the Ways and Means Committee and my recollection was the impact was small. Senator McDermott may have a more specific number, but it's a very small number of people. I think it's about eighty people who have had six months' of time as a cadet, as their probationary period and they essentially have the time up until June 30 of '88 to buy that back. I don't think it has a huge fiscal impact at all."

POINT OF INQUIRY

Senator McDonald: "Senator McDermott, I guess I pose the same question to you that I did to Senator Talmadge."

Senator McDermott: "Senator McDonald, I don't have the figure here in front of me either. If you want, we can hold the bill and I can get the figure, but it's not a big impact. They have to pay back into the system the amount necessary to cover the liability."

Senator McDonald: "But will there be additional contributions to the state and to the general fund to implement this?"

Senator McDermott: "Mr. President, I move that we hold the bill and move on to the next one."

MOTION

On motion of Senator McDermott, and there being no objection, further consideration of Substitute Senate Bill No. 4931 was deferred.

SECOND READING

SENATE BILL NO. 4497, by Senators Bottiger, Peterson, Vognild, Rasmussen, Granlund, Talmadge, Wojahn and Moore

Regulating vehicle dealers.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4497 was substituted for Senate Bill No. 4497 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bottiger, the following amendments were considered simultaneously and adopted:

On page 13, line 31, strike all of the material down to "state," on page 14, line 31

Renumber the remaining sections consecutively.

On page 14, line 32, strike all of the material down to "canceled," on page 15, line 21

Renumber the remaining sections consecutively.

On motion of Senator Bottiger, the following title amendment was adopted:

On page 1, line 2, after ".061," strike "46.70.070, 46.70.075."

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 4497 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Warnke, does this bill require fleet dealers, or other businesses which own and operate motor vehicles, to register as vehicle dealers?"

Senator Warnke: "No, Senator Bottiger. Those businesses which own and operate their own motor vehicles would not be required to register as vehicle dealers. Section 3 of the proposed substitute states that a person must be engaged in buying and offering for sale, or buying and selling motor vehicles before registration is required. Firms which own and operate motor vehicles as a part of their operations are not in the business of buying and selling vehicles. It does not matter that those businesses later dispose of the vehicles. The registration requirements apply to those people who are in the business of buying and selling vehicles."

Further debate ensued.

POINT OF INQUIRY

Senator Garrett: "Senator Bottiger, the thing that confuses me--I want the consumer protection part of this bill, but it seems to me like your amendments which lowered the bond--how do you explain that as consumer protection?"

Senator Bottiger: "Senator, I didn't lower the bond. I just left it where it is now rather than raise it, because we found that the higher bond--the difficulty for small businesses to get it would drive--and it depends upon who you believe--some place between ten and twenty percent of the dealers out of business. They couldn't get the bond.

"While Senator Guess would probably tell you about the recreational vehicle dealer in Spokane that ran off with some three hundred thousand dollars worth of deposit money--we can't build a bond that high and leave anybody in business. I can't fix that part of the problem, but this does give some teeth to the people who aren't registering who when you buy a vehicle from them and you find out thirty days later they had sawdust in the transmission and you find out that it wasn't the guy that you dealt with. His name was never in the title. It was me, who sold it to him telling him that it's got a bad transmission and then he resells it. That's what we're after."

Senator Garrett: "I understand, Senator Bottiger, that you are not lowering the bond from what it is now, but is just appears to me that--like your original bill--

that if you don't raise the bond, it must be because those dealers are not responsible. I can't understand why the price of the bond would put them out of business unless they are at some risk there--that the price of the bond would keep them from getting it and so the consumer is still liable."

Senator Bottiger: "Senator, I can't tell you why bonding companies insist that you have actual liquid assets--double the amount of the amount to be bonded. You know that is like the old story that the only time the bank will loan you money is when you don't need it."

Further debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Warnke, has the director always been given the authority to make exceptions to this three thousand square feet provision which exists in the law?"

Senator Warnke: "I don't believe so, Senator."

Senator Hayner: "So, this is a new provision, with respect to that? You know, that bothers me a little bit. I certainly recognize the need for this bill, but to give the director or the head of an agency the power to make exception to the bills that we passed does concern me because of the over rates that we do and after all we're not out there watching what these agency directors do and sometimes they pay attention to these things and sometimes they do not. Sometimes they over react to them."

Senator Warnke: "The reason for that provision, Senator, I believe it's in either Senator Cantu's or Senator McDonald's district, there's a small firm that makes electronic equipment that may fall under the definition of three thousand square feet to display, and they are mobile units which they display and so the director was given the opportunity to give an exemption to that type of firm."

Senator Hayner: "Specifically to that type of firm?"

Senator Warnke: "No, but that's--"

Senator Hayner: "So you opened it all up to all of this, that's what I'm saying. You know, that kind of a provision does concern me."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4497.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4497 and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Kiskaddon, McCaslin, McDonald, Metcalf, Pullen, Sellar, Williams - 11.

Excused: Senators Gaspard, Lee, Patterson - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4978, by Senators Thompson, Barr, Bauer, Zimmerman, Sellar, Stratton, Bender and Moore

Modifying the taxation of ingredients, components, and chemicals used in processing.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 4978 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4978.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4978 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Bauer - 1.

Excused: Senators Gaspard, Lee, Patterson - 3.

SENATE BILL NO. 4978, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5044, by Senators Hansen and Barr

Modifying department of agriculture commodity authority.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 5044 was substituted for Senate Bill No. 5044 and the substitute bill was placed on second reading and read the second time.

Senator Barr moved that the following amendments be considered simultaneously and adopted:

On page 14, line 21, after "rapeseed" insert "by variety and geographic location"

On page 14, line 30, after "rapeseed" insert "by variety and geographic location"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the two amendments by Senator Barr.

The motion by Senator Barr carried and the amendments were adopted.

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute Senate Bill No. 5044 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5044.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5044 and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Johnson, McDonald, Sellar - 3.

Excused: Senator Patterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4560, by Senators Thompson, McDermott and McDonald

Revising provisions relating to the legislature and terms of state officials.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following amendment be adopted:
On Page 1, line 9, after "the" strike "second" and insert "third"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

The motion by Senator Metcalf failed and the amendment was not adopted.

MOTION

Senator Newhouse moved that the following amendments be considered simultaneously and adopted:

On page 1, line 9 after "of" strike "~~(January)~~ February" and insert "January"

On page 1, line 17 strike "January" and insert "~~(January)~~ December"

On page 1, line 20 after "Monday of" strike all material through "year" on line 20 and insert "December of each even-numbered year"

Debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator Newhouse, if the main purpose of your amendment is to swear the Governor in early, why do we have in each even numbered year coming back? What would the purpose be for the years that the Governor is not elected to come back in December?"

Senator Newhouse: "You could also swear in legislators at that time and whoever might be elected. We often have an election and the House members are elected that way."

Senator Saling: "I see. Thank you."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Newhouse.

The motion by Senator Newhouse failed and the amendments were not adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4560 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4560.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4560 and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, McDermott, McDonald, McManus, Owen, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Zimmerman - 29.

Voting nay: Senators Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, von Reichbauer - 18.

Absent: Senator Moore - 1.

Excused: Senator Patterson - 1.

SENATE BILL NO. 4560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:41 a.m., on motion of Senator Vognilid, the Senate was declared to be at ease.

The Senate was called to order at 10:35 a.m. by President Pro Tempore Goltz.

SECOND READING

SENATE BILL NO. 4418, by Senator Hansen

Relating to irrigation.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 4418 was substituted for Senate Bill No. 4418 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds that:

(a) The wise management and utilization of the state's water resources is in the best interests of the citizens of the state of Washington;

(b) Long-term planning of water uses and water supply projects is necessary to assure our state's water resources will be managed and utilized with the vision to maximize long-term benefits to assure that long-term opportunities are not permanently lost based on short-term conditions;

(c) It is the policy of the state to join with federal agencies and others in developing economically feasible, environmentally sound, and water conservation oriented facilities; and

(d) The state is participating in studies now being conducted by the federal government through the bureau of reclamation in the Yakima river and Columbia river basins for the purpose of determining plans for the proper development and utilization of the state's water resources under sound financing arrangements.

(2) It is the intent of the legislature that additional information be developed on future agricultural needs for water so that these needs will be recognized as planning for the use of water resources proceeds.

NEW SECTION, Sec. 2. (1) The director of the department of agriculture shall organize a committee to conduct a study on water supply availability to meet future agricultural needs. The study shall include the following:

(a) An examination of the potential for expansion of irrigated land in the state;

(b) An evaluation of the alternatives that are available to renew water rights reserved to maintain future options to expand the production of food; and

(c) A review of areas in the state in which available water and irrigable land both exist that have a reasonable potential for food production to meet growing demand for food in coming decades.

(2) The report shall be submitted to the governor and the legislature by January 1, 1987.

NEW SECTION, Sec. 3. The director of the department of ecology shall:

(1) Continue to participate with the federal government in its studies of the Yakima enhancement project and of options for future development of the second half of the Columbia basin project;

(2) Vigorously represent the state's interest in said studies, particularly as relates to protection of existing water rights and to resolve conflicts over water in basins that are currently undergoing a court adjudication of water rights and propose means of resolving the conflict without affecting users of water who depend on the utilization of their water for their livelihood.*

MOTION

Senator Hansen moved that the rules be suspended and Engrossed Substitute Senate Bill No. 4418 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

MOTION

On motion of Senator Bottiger, and there being no objection, further consideration of Engrossed Substitute Senate Bill No. 4418 was deferred.

SECOND READING

SENATE BILL NO. 4559, by Senators McDermott, McDonald, Thompson, Bluechel and Zimmerman

Authorizing limits on voter approved increases to the 106%-levy lid.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4559 was substituted for Senate Bill No. 4559 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4559 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4559.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4559 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Garrett - 1.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 4559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4777, by Senators McDermott, Sellar, Wojahn, Deccio and Warnke

Enacting the health care access and cost containment act of 1986.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4777 was substituted for Senate Bill No. 4777 and the substitute bill was placed on second reading and read the second time.

Senator Stratton moved that the following amendment by Senators Stratton, Saling, Metcalf, Bailey, Rasmussen, Hansen and Zimmerman be adopted:

On page 14, after line 33, strike all material through line 12 on page 15 and insert the following:

***NEW SECTION.** Sec. 21. A new section is added to chapter 82.24 RCW to read as follows:

Effective January 1, 1987, through June 30, 1992, there is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by this chapter, an additional tax upon the sale, use, consumption, handling, possession, or distribution of cigarettes in an amount equal to the rate of two mills per cigarette.

The moneys collected under this section shall be deposited in the basic health project trust account."

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Saling, from your remarks I would presume that if this particular amendment passes that you will then vote for this legislation?"

Senator Saling: "That's correct."

Further debate ensued.

Senator Stratton demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Stratton, Saling, Metcalf, Bailey, Rasmussen, Hansen and Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Stratton failed and the amendment was not adopted by the following vote: Yeas, 18; nays, 30; excused, 1.

Voting yea: Senators Bailey, Barr, Bluechel, Conner, Garrett, Guess, Johnson, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Pullen, Rasmussen, Saling, Stratton, von Reichbauer, Zimmerman - 18.

Voting nay: Senators Bauer, Bender, Benitz, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kreidler, McDermott, McDonald, Moore, Newhouse, Owen, Peterson, Rinehart, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 30.

Excused: Senator Patterson - 1.

MOTION

Senator McDermott moved that the following amendment by Senators McDermott and Newhouse be adopted:

On page 12, before line 1, insert the following:

"NEW SECTION. Sec. 1. The board shall submit to the 1987 session of the legislature the design plan for a schedule of basic health care services as outlined in section 9 of this act, including appropriate co-payments and/or deductibles, and the schedule of periodic payments that will be the responsibility of any enrollee. For this project to remain in effect it must be approved by the legislature by June 30, 1987, and the level of benefits and periodic payments cannot be changed without legislative approval."

Re-number remaining sections and make any internal corrections accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators McDermott and Newhouse.

The motion by Senator McDermott carried and the amendment was adopted.

MOTION

Senator Bailey moved that the following amendment be adopted:

On page 19, after line 25, strike the remainder of the bill and insert the following:

"NEW SECTION. Sec. 31. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

Senator Bailey demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bailey.

ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed and the amendment was not adopted by the following vote: Yeas, 14; nays, 33; absent, 1; excused, 1.

Voting yea: Senators Bailey, Cantu, Craswell, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Pullen, Saling, Stratton, Zimmerman - 14.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn - 33.

Absent: Senator Sellar - 1.

Excused: Senator Patterson - 1.

MOTION

Senator McDonald moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.39 RCW to read as follows:

(1) Not later than October 1, 1986, the commission shall determine the regional average percentage of the adjusted patient revenues of hospitals reflecting charity care by the hospitals in each region during their most recent complete fiscal year. For purposes of this section, the state shall be divided into four regions with the same boundaries as the four health service areas established pursuant to RCW 70.38.085. In no event may the commission make the initial of such annual determinations later than necessary for integration into the hospital and rate review process for hospital fiscal years beginning on or after January 1, 1987.

(2) Information submitted by hospitals for commission review for each hospital fiscal year beginning on or after January 1, 1987, shall indicate, consistent with the definitions promulgated by the commission pursuant to this chapter, the amount of charity care to be provided during the forthcoming fiscal year. Each hospital may also submit semiannual reports indicating the status of charity care.

(3) The Washington basic health plan trust account for charity care is established in the treasury. All revenues received under RCW 82.08.020(2) shall be deposited in the trust account.

(4) Quarterly, beginning April 1, 1987, each hospital which has provided less charity care than the commission has determined to be the applicable regional average pursuant to this chapter shall be assessed an amount determined by the commission to be the cost of such care had it been provided by the hospital during the preceding quarter. The assessments shall be deposited in the Washington basic health plan trust account for charity care.

(5) Quarterly, beginning July 1, 1987, each hospital which has provided more charity care than the commission has determined to be the regional average pursuant to this chapter shall receive, upon application, a distribution from the trust account which the commission in its sole discretion has determined to be equitable and reasonably reflective of each hospital's charity care effort relative to the regional need, but which shall not exceed seventy percent of its cost of the charity care provided in excess of the regional average. Quarterly distributions shall be made to the limit of trust resources, consistent with prudent management thereof. The commission may reduce any proposed distributions in recognition of any requirements of the federal Hill-Burton program under 42 U.S.C. Sec. 291, or any tax-supported revenues received to subsidize hospital operations, except those specifically designated by the legislature to subsidize medical education.

(6) In its annual review of hospital budgets, the commission shall review reports submitted under and assessments levied and distributions received under this section. The commission may reconcile assessments and distributions through rates established for the year following the year for which the reconciliation is provided.

Sec. 2. Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) An additional tax is imposed, effective January 1, 1987, through June 30, 1992, equal to one-twentieth of one percent. The moneys collected under this subsection shall be deposited in the basic health project trust account of the state treasury.

(3) The tax imposed under this chapter shall apply to successive retail sales of the same property.

~~((3))~~ (4) The rates provided in this section (~~applies~~) apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

NEW SECTION. Sec. 3. There is appropriated from the general fund to the basic health plan trust account, for the biennium ending June 30, 1987, the sum of one million dollars, to carry out the purposes of this act. Such appropriation shall be repaid to the general fund as soon as practicable, but not later than June 30, 1988, from the revenues accruing to the basic health plan trust account under RCW 82.08.020(2).

There is appropriated from the general fund to the department of revenue, for the biennium ending June 30, 1987, the sum of seven thousand dollars, or as much thereof as shall be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act shall take effect July 1, 1986."

Debate ensued.

MOTION

Senator Zimmerman moved that the following amendment to the amendment be adopted:

On page 1, line 4 of the amendment, strike lines 4 and 5 and insert new reference "On page 19, line 22, after Section 30, insert the following:"

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Zimmerman, is it your intention then to put a twentieth of a cent for the basic health plan and a twentieth of a cent in a proposal for charity care, making a total of a tenth of a cent?"

Senator Zimmerman: "The way I made the motion, it would keep the one twentieth that you have in your bill. It would take it out of the amendment. Now, I was taking it out of that amendment because I thought it might be a complication. I'm open a little bit either way. I think the five cents per one hundred dollars is the figure you used earlier—is a pretty nominal figure for us to be dealing with. I could spend ten cents on a hundred and feel it was not out of line, but I thought for the sake of a compromise, I was hopefully taking it out of the second part of it, which would take a million dollars out of the original eighteen to do what he's describing—in terms of what he was trying to do in the first place. Excuse me, I misspoke because obviously you need the twentieth to do what he wants to do and you need the twentieth to do what you want to do.

"If the body would agree, I would pull the Section 2 part out of it, which I haven't stuck up there any way. That would mean we would go for a tenth—that's

correct. The tax would be a tenth; we would raise ten cents per one hundred dollars a purchase to do what I think is a solution on both ends of this deal, in terms of the charity care and in terms of your proposal, and under those circumstances I could see we would find a need for a caucus."

Further debate ensued.

MOTION

On motion of Senator Zimmerman, and there being no objection, the amendment to the McDonald amendment was withdrawn.

Further debate on the McDonald amendment ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator McDonald.

The motion by Senator McDonald failed and the amendment was not adopted.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 4777 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute Senate Bill No. 4777 was deferred.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore introduced Michelle Nelson, the Washington State Wheat Queen, seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Queen Michelle to address the Senate.

SECOND READING

SENATE BILL NO. 4602, by Senators Williams, Moore, Metcalf, Johnson, Bottiger, Bender and Rasmussen

Establishing procedures for lender payment of property taxes.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 4602 was substituted for Senate Bill No. 4602 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the following amendment was adopted:

On page 1, line 9, after "charges," strike all the material down to the period on line 12, and insert "and the borrower is not delinquent on payments, the lender shall pay such taxes, insurance premiums, and similar charges on or before the due dates for payments"

On motion of Senator Sellar, the following amendments were considered simultaneously and adopted:

On page 1, line 13, after "If," strike all material through "RCW 84.56.020," on line 14 and insert "there are funds in the account sufficient to make the first semiannual payment of property taxes permitted by RCW 84.56.020, and the lender fails to make the payment."

On page 1, line 22, after "charges," insert "when there were funds in the account sufficient to pay all such charges."

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 4602 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4602.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4602 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent, 4; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore,

Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 42.

Voting nay: Senators Sellar, Zimmerman - 2.

Absent: Senators Barr, Deccio, Guess, Hayner - 4.

Excused: Senator Patterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:55 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Pro Tempore Goltz.

SECOND READING

SENATE BILL NO. 4574, by Senators Wojahn, Kiskaddon, DeJarnatt, Kreidler, Conner, Vognild, Johnson and Garrett (by request of Department of Social and Health Services)

Revising provisions on chore services.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4574 was substituted for Senate Bill No. 4574 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 4574 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4574.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4574 and the bill passed the Senate by the following vote: Yeas, 41; absent, 7; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Benitz, Conner, Fleming, Garrett, Guess, Hansen, Kiskaddon - 7.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 4574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Rasmussen assumed the chair.

SECOND READING

SENATE BILL NO. 4608, by Senator Owen

Authorizing the deposit of office security for motor vehicle dealers and manufacturers licenses.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4608 was substituted for Senate Bill No. 4608 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 4608 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4608.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4608 and the bill passed the Senate by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Voguild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Benitz, Fleming, Garrett, Guess, Hansen, Sellar - 6.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 4608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senators Fleming and Garrett were excused.

SECOND READING

SENATE BILL NO. 4658, by Senators Wojahn, Conner, McDonald and Moore (by request of Department of Social and Health Services)

Changing provisions relating to alternatives to state residential schools for the handicapped.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4658 was substituted for Senate Bill No. 4658 and the substitute bill was placed on second reading and read the second time.

Senator Kreidler moved that the following amendments be considered simultaneously and adopted:

On page 2, line 16, after "(4)" strike everything through "person." on line 20 and insert "(a) Beginning July 1, 1987, the secretary shall annually advise the persons specified in subsection (1) (a) or (b) of this section that they may, by application, propose program and placement alternatives for care, treatment, hospitalization, support, training, or rehabilitation of the handicapped person.

(b) Until July 1, 1987, the secretary may annually advise the persons specified in subsection (1) (a) or (b) of this section that they may, by application, propose program and placement alternatives for care, treatment, hospitalization, support, training, or rehabilitation of the handicapped person.

On page 2, line 32, after "it" strike everything through "plan." on line 36 and insert ":

(a) Shall, beginning July 1, 1987, be implemented as soon as reasonable, but not later than one hundred twenty days after completion of the determination process, unless the secretary determines that the alternative plan is more costly than the current plan; and

(b) May, until July 1, 1987, be implemented as soon as reasonable, unless the secretary determines that the alternative plan is more costly than the current plan."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Kreidler.

The motion by Senator Kreidler carried and the amendments were adopted.

MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Bill No. 4658 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4658.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4658 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson,

Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Benitz, Guess - 2.

Excused: Senators Fleming, Garrett, Patterson - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senators Benitz and Guess were excused.

SECOND READING

SENATE BILL NO. 4696, by Senators Granlund, Peterson, Conner, Kreidler and Vognild

Requiring appropriations for expenditures from ferry revenue.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4696 was substituted for Senate Bill No. 4696 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 4696 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4696.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4696 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator McDonald - 1.

Excused: Senators Benitz, Guess, Patterson - 3.

SUBSTITUTE SENATE BILL NO. 4696, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4679, by Senators Bender and Warnke

Requiring SPI to adopt rules providing for an assistant on school buses that transport students in wheelchairs.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 8, after "rule" strike all material down to and including "students" on line 11, and insert "by January 1, 1987, which provides for the safe transportation of children confined to wheelchairs or similar devices on student transportation vehicles within the common school system, including, but not limited to, wheelchair and bus specifications and personnel requirements"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4679 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4679.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4679 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Guess, Patterson - 3.

ENGROSSED SENATE BILL NO. 4679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Goltz assumed the chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4931, deferred on third reading earlier today.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4931.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4931 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Deccio, Lee - 2.

Excused: Senators Benitz, Guess, Patterson - 3.

SUBSTITUTE SENATE BILL NO. 4931, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 4418 and the pending motion by Senator Hansen to advance the bill to third reading and final passage, deferred earlier today.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hansen to suspend the rules and advance Engrossed Substitute Senate Bill No. 4418 to third reading and final passage.

The motion by Senator Hansen carried and Engrossed Substitute Senate Bill No. 4418 was advanced to third reading and final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4418.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4418 and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Hayner, McDonald, Sellar - 3.

Excused: Senators Benitz, Guess, Patterson - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Gaspard, Senator McDermott was excused.

SECOND READING

SENATE BILL NO. 4498, by Senators Talmadge and Newhouse

Implementing the recommendations of the judicial administration commission.

MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 4498 was substituted for Senate Bill No. 4498 and the second substitute bill was placed on second reading and read the second time.

Senator Metcalf moved that the following amendment by Senators Metcalf, Pullen, Rasmussen and Owen be adopted:

On page 9, line 15, after "conduct," insert "for failure to strictly adhere to and uphold the judicial oath of office."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Metcalf, Pullen, Rasmussen and Owen.

The motion by Senator Metcalf carried and the amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Second Substitute Senate Bill No. 4498 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 4498.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 4498 and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; absent, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vogniid, von Reichbauer, Warke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Owen, Pullen, Stratton - 3.

Absent: Senators Hayner, McDonald, Sellar - 3.

Excused: Senators Benitz, McDermott, Patterson - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senators Hayner and McDonald were excused.

SECOND READING

SENATE BILL NO. 4576, by Senators Halsan and Talmadge

Prescribing standards for community supervision of criminal offenders.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4576 was substituted for Senate Bill No. 4576 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the following amendment by Senator McCaslin was adopted:

On page 5, line 17, after "Crime-related" strike "conditions" and insert "provisions"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 4576 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4576.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4576 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Benitz, Hayner, McDermott, McDonald, Patterson - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4609, by Senators Halsan and Peterson

Allowing county rail districts to be established by petition of the voters.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

On page 1, line 12, after "which" strike "annexation" and insert "establishment, modification or dissolution"

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 4609 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4609.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4609 and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kreidler, Lee, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Craswell, McCaslin, Saling - 3.

Absent: Senator Kiskaddon - 1.

Excused: Senators Hayner, McDermott, McDonald, Patterson - 4.

ENGROSSED SENATE BILL NO. 4609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4725, by Senators Warnke, Hayner and Bottiger (by request of Board of Accountancy)

Revising provisions of the accountancy act.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 4, line 22, after "(5)" strike all material down to and including "accounting" on line 25 and insert "Requirements for continuing professional education to maintain or improve

the professional competence of ~~((permit)) certificate and license holders ((to practice under RCW 18.04.215)) as a condition to maintaining their ((continuing in the practice of public accounting)) certificate in the case of certified public accountants, or their license to practice under RCW 18.04.215 in the case of licensed public accountants"~~

On motion of Senator Warnke, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On page 5, line 24, strike ~~"((and))"~~ and insert "and"

On page 5, line 26, after "appropriate" strike all material down to and including "equivalent" on line 30

On page 8, line 9, after "(9)" strike all material down to and including "accountants." on line 14 and insert "A certificate of a "certified public accountant" under this chapter is issued on a biennial basis with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board."

(10) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant holding a certificate on the effective date of this act shall verify to the board that he or she has completed at least ten days or an accumulation of eighty hours of continuing professional education during the last two-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; and

(d) Establish proceedings for revocation, suspension, and reinstatement of certificates for failure to meet the continuing professional education requirement.

(11) Failure to furnish verification of the completion of the continuing professional education requirement constitutes grounds for revocation, suspension, or failure to renew the certificate, unless the board determines that the failure was due to reasonable cause or excusable neglect."

On page 12, beginning on line 9, strike all material down to and including "RCW 18.04.105" on line 12 and insert "who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent"

On page 15, line 16, before "a" insert "a certificate or"

On page 17, line 8, after "board" strike all material down to and including "(" on line 9 and insert "of accountancy"

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 4725 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4725.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4725 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Hayner, McDermott, McDonald, Patterson - 4.

ENGROSSED SENATE BILL NO. 4725, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4757, by Senators Williams and Peterson

Granting vehicle licensing reciprocity to Indian tribes.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4757 was substituted for Senate Bill No. 4757 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 4757 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Williams, how does this, if at all, affect the registration of the vehicles on the reservation? Do they all have to be registered with the state?"

Senator Williams: "If the tribe chooses to license vehicles themselves, in other words have their own license plate, they must use an approved plate, approved by the Department of Licensing, and also, they must meet all the registration requirements in terms of information and so forth and provide that information to the state so the state has the same kind of information on the Indian licensed vehicles as they have on the state of Washington licensed vehicles."

Senator Barr: "Thank you. That clarifies that."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4757.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4757 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Absent: Senators Metcalf, Sellar - 2.

Excused: Senators Hayner, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 4757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4815, by Senator McDermott

Relating to appropriations for projects recommended by the public works board.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4815 was substituted for Senate Bill No. 4815 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, further consideration of Substitute Senate Bill No. 4815 was deferred.

SECOND READING

SENATE BILL NO. 4892, by Senators Bender, McManus, Vognild, Gaspard and Bluechel

Revising provisions on the high-technology coordinating board.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 4892 was substituted for Senate Bill No. 4892 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 4892 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4892.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4892 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Benitz - 1.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 4892, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

. SECOND READING

SENATE BILL NO. 4906, by Senators Peterson and Patterson

Modifying provisions on the issuance and sale of certain highway bonds.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4906 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4906.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4906 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senators McCaslin, McDonald - 2.

Excused: Senator Patterson - 1.

SENATE BILL NO. 4906, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4927, by Senators Moore and Newhouse

Requiring monitoring of health services furnished to industrially injured workers.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On page 6, line 16, after "efficiency" strike (~~without discrimination or favoritism~~) and insert "without discrimination or favoritism"

On page 6, line 21, after "treatment" insert:

"PROVIDED, That the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost effective payment levels or rates are obtained by the department; AND PROVIDED FURTHER, That the department may enter into volume based contracts for services including, but not limited to, durable medical equipment so long as statewide access to quality service is maintained for injured workers.

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 4927 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4927.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4927 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators McDonald, Sellar - 2.

Excused: Senator Patterson - 1.

ENGROSSED SENATE BILL NO. 4927, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4675, by Senators Vognild, Guess, Garrett, Bender, Hansen, Sellar, Barr, Patterson, Metcalf, DeJarnatt, Johnson and Zimmerman

Repealing the mandatory vehicle license plate replacement program.

MOTION

Senator Peterson moved that Substitute Senate Bill No. 4675 be substituted for Senate Bill No. 4675 and the substitute bill be placed on second reading and read the second time.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Peterson that Substitute Senate Bill No. 4675 be substituted for Senate Bill No. 4675.

The motion by Senator Peterson failed and Senate Bill No. 4675 was not substituted.

Senate Bill No. 4675 was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4675 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4675.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4675 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognild, von Reichbauer, Wojahn, Zimmerman - 42.

Voting nay: Senators Owen, Peterson, Stratton, Thompson, Warnke, Williams - 6.

Excused: Senator Patterson - 1.

SENATE BILL NO. 4675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4815, deferred on second reading earlier today.

MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 2, after line 31, insert the following:

"The loans made with the moneys appropriated by this section shall bear interest at the rate of the equivalent coupon issue yield (as published by the federal reserve bank of San Francisco) of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month preceding the date the loan agreement was entered into."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

The motion by Senator Rasmussen failed and the amendment was not adopted.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4815 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, what is the tax rate on raising these funds for the CERB program?"

Senator McDermott: "Senator Rasmussen, I can't tell you the exact rates on garbage, sewage and water rates. I just don't have that at the tip of my tongue."

Senator Rasmussen: "About four percent?"

Senator McDermott: "I wouldn't want to hazard a guess, because I don't know."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4815.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4815 and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Benitz, Bluechel, Cantu, Guess, Hansen, Pullen, Rasmussen, Sellar - 8.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 4815, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4920, by Senators Peterson, Bottiger and Conner

Revising vessel pilot regulations.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4920 was substituted for Senate Bill No. 4920 and the substitute bill was placed on second reading and read the second time.

Senator Peterson moved that the following amendment be adopted:

On page 3, beginning on line 17, strike all the material down through "account."

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator Peterson, if we're going to pass this bill shouldn't we perfect it and put the same language into it as is in the House bill? If we were just

simply not going to pass the bill at all, then I could understand the reason for the amendment."

Senator Peterson: "No, I suspect that we are going to pass the bill. It was my opinion that it would be superfluous to put the language that we have in it and I was just going to strike it out."

Senator Saling: "But this language is in the House bill?"

Senator Peterson: "Yes."

MOTION

On motion of Senator Peterson, and there being no objection, the amendment was withdrawn.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 4920 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4920.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4920 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 4920, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SENATE BILL NO. 4234, by Senators Conner, Garrett, McManus, Williams and Johnson

Extending certain tax exemptions for ride-sharing vehicles.

The bill was read the third time and placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4234.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4234 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Patterson - 1.

SENATE BILL NO. 4234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:46 p.m., on motion of Senator Bauer, the Senate was declared to be at ease.

The Senate was called to order at 4:44 p.m. by President Pro Tempore Goltz.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 4664, by Senator Williams

Requiring owner/operator of low-level radioactive facilities to carry ten million dollars in liability insurance.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 4664 was substituted for Senate Bill No. 4664 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 4664 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4664.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4664 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Benitz, Pullen - 2.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 4664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5005, by Senators Talmadge and Moore

Providing consumer buyer protection in credit service transactions.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 5005 was substituted for Senate Bill No. 5005 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 5005 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5005.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5005 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senator Stratton - 1.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 5005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5034, by Senators Gaspard, Bauer, Granlund, Johnson, Saling and Bender (by request of Superintendent of Public Instruction)

Requiring a study of categorical educational services.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5034 was substituted for Senate Bill No. 5034 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5034 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5034 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Voting nay: Senators Craswell, Pullen, Zimmerman - 3.

Absent: Senator McCaslin - 1.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 5034, having received the constitutional majority; was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5037, by Senators Gaspard and Bauer

Requiring a study of the number of ninth through twelfth grade dropouts.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5037 was substituted for Senate Bill No. 5037 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5037 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5037.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5037 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators McCaslin, Sellar - 2.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 5037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator McDonald was excused.

SECOND READING

SENATE BILL NO. 5038, by Senators Gaspard and Bauer

Establishing a pilot project to develop "primary block" programs.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 5038 was substituted for Senate Bill No. 5038 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 5038 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5038.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5038 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Hayner, Pullen - 2.

Excused: Senators McDonald, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 5038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3796, by Senators Moore, Deccio, Wojahn and McManus

Requiring in-state representatives of nursing homes.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3796 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3796.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3796 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDonald, Patterson - 2.

SENATE BILL NO. 3796, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3847, by Senators McDermott and Patterson

Limiting the suspension of pension benefits to retired teachers teaching in public schools in this state.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3847 was substituted for Senate Bill No. 3847 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3847 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3847.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3847 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDonald, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 3847, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3097, by Senators Bauer, Zimmerman, McDermott and Kreidler

Modifying the interest rate paid to a taxpayer on the refund or recovery of excise taxes.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3097 was substituted for Senate Bill No. 3097 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 82.32.050, chapter 15, Laws of 1961 as last amended by section 16, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.050 are each amended to read as follows:

If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer such additional amount found to be due and ~~((as to assessments made on and after May 1, 1965, including assessments for additional tax or penalties due prior to that date))~~ shall add thereto interest ~~((at the rate of nine percent per annum))~~ from the last day of the year in which the deficiency is incurred until date of payment. The rate of interest shall be nine percent on taxable activity occurring before July 1, 1986, and the lesser of twelve percent or four percentage points above the equivalent coupon issue yield (as published by the Federal Reserve Bank of San Francisco) of the average bill rate for twenty-six week treasury bills determined semiannually on January 1st and July 1st of each year on taxable activity occurring after June 30, 1986. The department shall notify the taxpayer by mail of the additional amount and the same shall become due and shall be paid within ten days from the date of the notice, or within such further time as the department may provide. If payment is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

No assessment or correction of an assessment for additional taxes due may be made by the department more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

Sec. 2. Section 82.32.060, chapter 15, Laws of 1961 as last amended by section 4, chapter 95, Laws of 1979 ex. sess. and RCW 82.32.060 are each amended to read as follows:

If, upon receipt of an application by a taxpayer for a refund or for an audit of his records, or upon an examination of the returns or records of any taxpayer, it is determined by the

department that within the statutory period for assessment of taxes prescribed by RCW 82.32-.050 a tax has been paid in excess of that properly due, the excess amount paid within such period shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at his option. No refund or credit shall be made for taxes paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the department within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the department of a certified copy of the order or judgment of the court. Except as to the credits in computing tax authorized by RCW 82.04.435, interest (~~at the rate of three percent per annum~~) shall be allowed by the department and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by him (~~after May 1, 1949~~), and interest (~~at the same rate~~) shall be allowed on any judgment recovered by a taxpayer for taxes, penalties, or interest paid (~~after such date~~). The rate of interest shall be three percent on taxable activity occurring before July 1, 1986, and the lesser of twelve percent or four percentage points above the equivalent coupon issue yield (as published by the Federal Reserve Bank of San Francisco) of the average bill rate for twenty-six week treasury bills determined semiannually on January 1st and July 1st of each year on taxable activity occurring after June 30, 1986.

NEW SECTION, Sec. 3. This act shall take effect July 1, 1986.

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3097 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3097.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3097 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDonald, Patterson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4729, by Senators Barr, Rinehart, Lee, Goltz and Craswell

Permitting certain school districts to average their enrollments over two school years to avoid dissolution of the district.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 4729 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4729.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4729 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Talmadge - 1.

Excused: Senators McDonald, Patterson - 2.

SENATE BILL NO. 4729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Bauer was excused.

SECOND READING

SENATE BILL NO. 4949, by Senators Wojahn, Johnson, Deccio, Kreidler, Bender and Zimmerman

Requiring an approved list for inspections by health care assistants.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4949 was substituted for Senate Bill No. 4949 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the following amendment was adopted:

On page 3, line 8, after "agent" and before the period insert "unless the delegator is physically present in the immediate area where the drug is administered"

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Bill No. 4949 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4949.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4949 and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; excused, 2.

Voting yea: Senators Bailey, Bender, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Johnson, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Garrett, Hansen, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, Vognild - 20.

Excused: Senators Bauer, Patterson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4949, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4968, by Senators Warnke and Rasmussen (by request of Employment Security)

Authorizing transfer of funds for unemployment insurance program.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following amendment by Senators Vognild and Newhouse was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The provisions of RCW 50.16.070 to the contrary notwithstanding, one million dollars shall be transferred from the federal interest payment fund to the unemployment compensation fund.

NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect March 31, 1986.

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 4968 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4968.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4968 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bauer, Patterson - 2.

ENGROSSED SENATE BILL NO. 4968, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4763, by Senators McDermott, Gaspard, Bluechel and Moore

Revising provisions on the conditions for obtaining certain property tax exemptions.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4763 was substituted for Senate Bill No. 4763 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4763 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4763.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4763 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Voting nay: Senator Craswell - 1.

Absent: Senator Wojahn - 1.

Excused: Senators Bauer, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 4763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3336, by Senators Moore, Warnke, Sellar, McManus and Benitz

Authorizing hotels to sell liquor by the bottle to registered guests.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3336 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3336.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3336 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Johnson, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Wojahn - 36.

Voting nay: Senators Bottiger, Craswell, Fleming, Goltz, Hayner, Kiskaddon, Kreidler, Metcalf, Rinehart, Williams, Zimmerman - 11.

Excused: Senators Bauer, Patterson - 2.

SENATE BILL NO. 3336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 4777, deferred on third reading earlier today.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4777.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4777 and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea: Senators Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, McDermott, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 29.

Voting nay: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Garrett, Guess, Hayner, Kiskaddon, Lee, McCaslin, McDonald, McManus, Pullen, Saling, Stratton - 18.

Excused: Senators Bauer, Patterson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Rasmussen assumed the chair.

SECOND READING

SENATE BILL NO. 4531, by Senators Talmadge, Newhouse, Bender, Lee, Rinehart, McManus, Bauer and Conner

Modifying provisions relating to mental health insurance coverage.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4531 was substituted for Senate Bill No. 4531 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4531 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4531.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4531 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senator Lee - 1.

Excused: Senators Bauer, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 4531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4896, by Senators Goltz, Lee and Halsan

Providing for the licensure of home health agencies.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4896 was substituted for Senate Bill No. 4896 and the substitute bill was placed on second reading and read the second time.

Senator Kiskaddon moved that the following amendment be adopted:

On page 3, line 8, insert a new section to read as follows: ,

"NEW SECTION, Sec. 3. No Home health agency licensed under this chapter shall be required to meet federal Medicare certification standards for home health agencies."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon.

The motion by Senator Kiskaddon failed and the amendment was not adopted.

MOTION

Senator Kiskaddon moved that the following amendment be adopted:

On page 3, line 14, after "(1)" insert the following:

"A home health agency which delivers home health care only through licensed health care practitioners operating within the scope of their respective practices."

Re-number the remaining sections consecutively.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon.

The motion by Senator Kiskaddon failed and the amendment was not adopted.

MOTION

Senator Kiskaddon moved that the following amendment be adopted:

On page 4, line 1, strike everything after "chapter" through "rules" on line 4.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon.

The motion by Senator Kiskaddon failed and the amendment was not adopted on a rising vote.

MOTION

Senator Kiskaddon moved that the following amendments be considered simultaneously and adopted:

On page 8, line 26, after "activities;" insert "and"

On page 8, line 30, after "resources" strike "; and" through "county" on line 32.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Kiskaddon.

The motion by Senator Kiskaddon carried and the amendments were adopted.

MOTIONS

On motion of Senator Bender, Senator Bottiger was excused.

On motion of Senator Zimmerman, Senator Barr was excused.

MOTION

On motion of Senator Goltz, the rules were suspended, Engrossed Substitute Senate Bill No. 4896 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4896.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4896 and the bill passed the Senate by the following vote: Yeas, 37; nays, 8; excused, 4.

Voting yea: Senators Bailey, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognd, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Craswell, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Pullen - 8.

Excused: Senators Barr, Bauer, Bottiger, Patterson - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4896, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3182, by Committee on Ways and Means (originally sponsored by Senators Bauer, Wojahn, Gaspard, Halsan and Kreidler)

Allowing reentering public employees to restore withdrawn contributions to retirement system.

MOTIONS

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3182 was returned to second reading and read the second time.

On motion of Senator McDermott, the following amendments were considered simultaneously and adopted:

On page 2, line 1, after "this" delete "1985" and insert "1986" and after "June 30," delete "1986" and insert "1987"

On page 2, line 32, after "this" delete "1985" and insert "1986" and after "June 30," delete "1986" and insert "1987"

On page 5, line 3, after "June 30," delete "1986" and insert "1987"

On motion of Senator McDermott, the rules were suspended, Reengrossed Substitute Senate Bill No. 3182 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3182.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3182 and the bill passed the Senate by the following vote: Yeas, 37; nays, 8; absent, 2; excused, 2.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McDermott,

McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Bailey, Cantu, Craswell, Deccio, Hayner, McCaslin, McDonald, Sellar - 8.

Absent: Senators Guess, Hansen - 2.

Excused: Senators Barr, Patterson - 2.

REENGROSSED SENATE BILL NO. 3182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3084, by Senators Warnke, McDonald, Vognild, Newhouse, McDermott, Owen and Conner

Repealing provisions that limit state funding of the state council on aging.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3084 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3084.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3084 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 3; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senators Craswell, Guess, Hansen - 3.

Excused: Senators Barr, Patterson - 2.

SENATE BILL NO. 3084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4483, by Senators Talmadge, Moore, Halsan, Bender, Garrett, Gaspard, Vognild and Rasmussen

Revising certain provisions governing families in conflict.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4483 was substituted for Senate Bill No. 4483 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4483 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Talmadge, under this section of the bill, what's the definition of a child--how old?"

Senator Talmadge: "My understanding, Senator Kiskaddon, is the same definition as we have under the juvenile code, which is a person under the age of eighteen years."

Senator Kiskaddon: "So a seventeen-year old that would be going to a movie and would be getting out of the movie at 12:30, from just looking at the summary, it looks like they would not be coming from a youth activity or just going from a place of employment. Would that seventeen-year old who is able to see an R rated movie then not be able to be out after midnight just going to a movie?"

Senator Talmadge: "Senator, in response to your question. One of the reasons that we did not adopt a criminal curfew statute, which is what the House has considered and which the city attorney in Seattle has suggested is that very problem. We have simply indicated to the law enforcement officers those circumstances where we believe a child can be in danger per se, but we still preserved to the law enforcement officer that officer's good discretion in exercising that authority, so that the child literally has to be in a dangerous situation.

"We said that there are certain circumstances that we believe constitute danger per se. I would suggest to you finding a thirteen-year old child on the streets of downtown Seattle on 4th and Pike at 3 o'clock in the morning, in my view, puts that child clearly in danger. Some officers have had some question about that. This simply makes that clear, but we leave to the officer some discretion in exercising that determination as to when a child is in danger, under this code. It is not a criminal statute. It is more designed for the protection of the children."

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4483.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4483 and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 3; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Benitz, Craswell, Pullen - 3.

Absent: Senators Deccio, Rinehart, Seilar - 3.

Excused: Senators Barr, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 4483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Goltz assumed the chair.

SECOND READING

SENATE BILL NO. 4489, by Senators Warnke, Rasmussen and Rinehart

Requiring parking lots to give receipts.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 13, after "customer" insert ": PROVIDED, That an owner or operator of a public parking facility may employ the services of an unrelated person or entity who is a registered tow truck operator pursuant to chapter 46.55 RCW, with whom the owner or operator has no organizational or contractual relationship other than a fee-for-service arrangement, to remove or impound a vehicle when adequate parking charges have not been paid."

Senator McDermott moved that the following amendment be adopted:

On page 4, line 15, insert the following:

NEW SECTION, Sec. 5. A new section is added to chapter 46.61 RCW to read as follows: The public streets within the eight block radius of the legislative building shall be considered public parking areas and vehicles parked within that area shall not be subject to parking fines for overtime violations.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator McDermott.

The motion by Senator McDermott failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 4489 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4489.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4489 and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 25; absent, 2; excused, 2.

Voting yea: Senators Bender, Bluechel, Bottiger, Conner, Gaspard, Guess, Halsan, Hansen, Kreidler, McDermott, McManus, Metcalf, Owen, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Williams, Wojahn - 20.

Voting nay: Senators Bailey, Bauer, Benitz, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Moore, Pullen, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 25.

Absent: Senators Deccio, Newhouse - 2.

Excused: Senators Barr, Patterson - 2.

ENGROSSED SENATE BILL NO. 4489, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Warnke served notice that he would move to reconsider the vote by which Engrossed Senate Bill No. 4489 failed to pass the Senate.

There being no objection, the President Pro Tempore reverted the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 197 by Committee on Social and Health Services (originally sponsored by Representatives Brekke, Lewis, Braddock, Sanders, Sayan and Isaacson; by Department of Social and Health Services request)

Providing for adjustment of nursing home rates for health retrofitting.

Referred to Committee on Ways and Means.

SHB 803 by Committee on Judiciary (originally sponsored by Representatives Scott, Silver, Armstrong, Schmidt, Locke, Tilly and J. Williams)

Prescribing penalties for criminal mistreatment.

Referred to Committee on Judiciary.

ESHB 1355 by Committee on Agriculture (originally sponsored by Representatives Madsen, R. King, Vekich, P. King, Baugher, Isaacson, Todd, C. Smith and K. Wilson)

Authorizing a Washington-bred horse marketing program.

Referred to Committee on Agriculture.

ESHB 1382 by Committee on Ways and Means (originally sponsored by Representatives Rust, Allen, Jacobsen, Nutley, Belcher and Unsoeld)

Revising off-road vehicle funds distribution.

Referred to Committee on Transportation.

HB 1393 by Representatives Sayan, Vekich and Belcher

Adding judicial positions in Mason and Thurston counties and dividing the judicial district.

Referred to Committee on Judiciary.

- SHB 1395 by Committee on Commerce and Labor (originally sponsored by Representative Wang)
Prohibiting certain pseudo-games of skill.
Referred to Committee on Commerce and Labor.
- HB 1450 by Representative Baugher
Authorizing performance standards for motor vehicle equipment.
Referred to Committee on Transportation.
- SHB 1527 by Committee on Natural Resources (originally sponsored by Representatives Haugen, S. Wilson, McMullen, Kremen, Braddock and K. Wilson)
Establishing monitoring programs for Puget Sound whiting fishery.
Referred to Committee on Natural Resources.
- HB 1637 by Representatives Baugher, Rayburn, Jacobsen, McMullen, Haugen, Zellinsky, Dellwo, Smitherman, Taylor, Day, Lewis, Braddock, Nealey, Unsoeld, P. King, J. Williams, Silver and Todd.
Expanding access to state emergency information telephone lines.
Referred to Committee on Energy and Utilities.
- SHB 1651 by Committee on Social and Health Services (originally sponsored by Representatives Brekke, Cole and Rust)
Revising provisions on educational requirements for mental health professionals.
Referred to Committee on Human Services and Corrections.
- SHB 1661 by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Fisher, Sutherland, Isaacson, Baugher, Rayburn, Dellwo, Bristow, Peery, S. Wilson, Hargrove, Bond, Hine, Scott, Madsen, Haugen, Basich, Vekich, K. Wilson, Braddock, Zellinsky, Taylor, Hankins and Schoon)
Modifying payment provisions on motor vehicle and special fuel taxes.
Referred to Committee on Transportation.
- HB 1686 by Representatives Scott, Long, K. Wilson, Armstrong, Appelwick and P. King
Establishing quasi-community property in Washington state.
Referred to Committee on Judiciary.
- HB 1720 by Representatives Wang, Cole and Patrick
Modifying provisions on boilers and unfired pressure vessels.
Referred to Committee on Commerce and Labor.
- SHB 2080 by Committee on Financial Institutions and Insurance (originally sponsored by Representative Lux)
Authorizing a joint underwriting association to provide insurance for day care providers.
Referred to Committee on Financial Institutions.
- SHB 2088 by Committee on Financial Institutions and Insurance (originally sponsored by Representative Lux)
Providing for a market assistance plan to provide insurance.
Referred to Committee on Financial Institutions.

SHB 2089 by Committee on Financial Institutions and Insurance (originally sponsored by Representative Lux)

Requiring insurers to give written notice of policy cancellation.

Referred to Committee on Financial Institutions.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Parks and Ecology was relieved of further consideration of Substitute House Bill No. 1593.

On motion of Senator Vognild, Substitute House Bill No. 1593 was referred to the Committee on Commerce and Labor.

MOTION

At 7:26 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Tuesday, February 18, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 18, 1986

The Senate was called to order at 9:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bender, Johnson, Lee, McDermott, McDonald, Owen, Peterson and Talmadge. On motion of Senator Vognild, Senators Bender and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Pages Marianne Prosser and Robert Cadena, presented the Colors. Reverend Larry Finch, pastor of the Bible Baptist Church of Auburn, and a guest of Senator Frank Warnke, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

February 16, 1986

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1565,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1609

ENGROSSED HOUSE BILL NO. 1699,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1704,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1723,

HOUSE JOINT MEMORIAL NO. 29, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 17, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678,

ENGROSSED HOUSE BILL NO. 1786,

HOUSE BILL NO. 1805, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SENATE JOINT MEMORIAL NO. 133, by Senators Bottiger, Moore, Granlund and Metcalf

Requesting that U.S. Congress establish satellite remote sensing receiving station in Hawaii and allocate funds for purchase of oceanographic color display.

The memorial was read the second time.

MOTION

On motion of Senator Bottiger, the rules were suspended, Senate Joint Memorial No. 133 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 133.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 133 and the memorial passed the Senate by the following vote: Yeas, 41; absent, 6; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McManus, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Johnson, Lee, McDermott, McDonald, Owen, Peterson - 6.

Excused: Senators Bender, Talmadge - 2.

SENATE JOINT MEMORIAL NO. 133, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Senator von Reichbauer, Senator McDonald was excused.

On motion of Senator Bottiger, Senators McDermott and Peterson were excused.

SECOND READING

SENATE JOINT MEMORIAL NO. 134, by Senators Bottiger, Moore, Granlund and Metcalf

Requesting that the National Oceanic and Atmosphere Administration restore weather satellite coverage to mid-Pacific.

The memorial was read the second time.

MOTION

On motion of Senator Bottiger, the rules were suspended, Senate Joint Memorial No. 134 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 134.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 134 and the memorial passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Bender, McDermott, McDonald, Peterson, Talmadge - 5.

SENATE JOINT MEMORIAL NO. 134, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 113, by Senators McManus, Bailey, DeJarnatt, Garrett and Pullen

Requesting Congress to retain the Small Business Administration.

The memorial was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Senate Joint Memorial No. 113 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 113.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 113 and the memorial passed the Senate by the following vote: Yeas, 39; nays, 4; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Benitz, Bluechel, Guess, Kiskaddon - 4.

Absent: Senator Hayner - 1.

Excused: Senators Bender, McDermott, McDonald, Peterson, Talmadge - 5.

SENATE JOINT MEMORIAL NO. 113, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 136, by Senators Conner, Peterson, Goltz, Hansen, Garrett and Rasmussen

Petitioning the Washington state congressional delegation to assist in obtaining a national veterans' cemetery within the state of Washington.

The memorial was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Joint Memorial No. 136 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 136.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 136 and the memorial passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Voting nay: Senator Lee - 1.

Absent: Senator Wojahn - 1.

Excused: Senators Bender, McDermott, McDonald, Peterson, Talmadge - 5.

SENATE JOINT MEMORIAL NO. 136, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 140, by Senators Warnke, Kreidler and Sellar

Requesting Congress to fund the sealing of open mines and shafts.

The memorial was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 16, after "open" insert "mine"

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Joint Memorial No. 140 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Joint Memorial No. 140.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 140 and the memorial passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Bender, McDermott, McDonald, Peterson, Talmadge - 5.

ENGROSSED SENATE JOINT MEMORIAL NO. 140, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 141, by Senators Kreidler and Moore

Requesting funding for research to study alternative means of long-term care for the elderly and disabled.

The memorial was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended, Senate Joint Memorial No. 141 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 141.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 141 and the memorial passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, Guess, Pullen - 3.

Excused: Senators McDermott, McDonald, Peterson, Talmadge - 4.

SENATE JOINT MEMORIAL NO. 141, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Bender, Senator Rinehart was excused.

SECOND READING

SENATE JOINT MEMORIAL NO. 143, by Senator Williams

Petitioning for a regional approach to regulation of the transportation of radioactive materials.

The memorial was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Joint Memorial No. 143 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 143.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 143 and the memorial passed the Senate by the following vote: Yeas, 41; nays, 2; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse,

Owen, Patterson, Rasmussen, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Guess, Pullen - 2.

Absent: Senator Stratton - 1.

Excused: Senators McDermott, McDonald, Peterson, Rinehart, Talmadge - 5.

SENATE JOINT MEMORIAL NO. 143, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 126, by Senators Bender, Rasmussen, Moore, McDermott, DeJarnatt, Warnke and Garrett

Petitioning Congress to prevent reductions in benefits to disabled veterans.

The memorial was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Joint Memorial No. 126 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 126.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 126 and the memorial passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Sellar - 1.

Excused: Senators McDermott, McDonald, Peterson, Talmadge - 4.

SENATE JOINT MEMORIAL NO. 126, having received the constitutional majority, was declared passed.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SENATE BILL NO. 3555, by Senators Moore, Metcalf, Rasmussen and Barr

Requiring actions to examine the federal reserve system.

The bill was read the third time and placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3555.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3555 and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Cantu, Conner, Craswell, Deccio, Garrett, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Benitz, Bluechel, Bottiger, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Kreidler, Peterson, Saling, Thompson - 12.

Absent: Senator Newhouse - 1.

Excused: Senators McDermott, McDonald, Talmadge - 3.

SENATE BILL NO. 3555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Rasmussen assumed the chair.

There being no objection, the Vice President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 4712, by Senators Thompson, Sellar, Zimmerman, Kreidler and Williams (by request of Secretary of State)

Creating state archivist oral history program.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4712 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4712.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4712 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Newhouse, Sellar - 2.

Excused: Senators McDermott, McDonald, Talmadge - 3.

SENATE BILL NO. 4712, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4575, by Senators Halsan and Moore

Providing certain protections for credit card users.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4575 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4575.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4575 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Guess - 1.

Excused: Senators McDermott, McDonald, Talmadge - 3.

SENATE BILL NO. 4575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4577, by Senators Halsan, Talmadge and Warnke

Requiring alcohol-sensing ignition interlocks on vehicles driven by persons granted deferred prosecution from driving while intoxicated.

MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 4577 was substituted for Senate Bill No. 4577 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 4577 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4577.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4577 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Hayner - 1.

Excused: Senators McDermott, McDonald, Talmadge - 3.

SUBSTITUTE SENATE BILL NO. 4577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4738, by Senators Talmadge and Halsan

Revising provisions relating to juvenile offenders.

The bill was read the second time.

MOTIONS

On motion of Senator Halsan, the following Committee on Judiciary amendment was adopted:

On page 3, beginning on line 17, after "disposition." strike the remainder of the paragraph and insert "If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday."

On motion of Senator Halsan, the rules were suspended, Engrossed Senate Bill No. 4738 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4738.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4738 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senator Sellar - 1.

Excused: Senators McDonald, Talmadge - 2.

ENGROSSED SENATE BILL NO. 4738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4790, by Senators Kreidler, Bluechel and Talmadge
Regulating the use and disposal of sludge.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 4790 was substituted for Senate Bill No. 4790 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the following amendment was adopted:

On page 1, line 8, after "disposal" insert ", except on a temporary, emergency basis, if the jurisdictional health department determines that a potentially unhealthful circumstance exists"

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 4790 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4790.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4790 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Voting nay: Senators Hayner, Zimmerman - 2.

Absent: Senator Deccio - 1.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4766, by Senators Williams, McDermott, Bailey, Kreidler, Bauer, Halsan, McManus and Rasmussen

Prohibiting the termination of residential space heating from November 15 through March 15 due to delinquent and unpaid charges under certain circumstances.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 4766 was substituted for Senate Bill No. 4766 and the substitute bill was placed on second reading and read the second time.

Senator Bottiger moved that the following amendment be adopted:

On page 8, after line 25, strike everything down to and including "1990." on page 12, line 15

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

The motion by Senator Bottiger failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 4766 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4766.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4766 and the bill passed the Senate by the following vote: Yeas, 28; nays, 17; absent, 3; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Granlund, Guess, Hayner, Johnson, Kiskaddon, McCasin, McDonald, Newhouse, Pullen, Saling, Zimmerman - 17.

Absent: Senators Bottlger, Metcalf, Sellar - 3.

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 4766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4562, by Senator Goltz

Providing sales and use tax exemptions for certain sale/leaseback agreements.

The bill was read the second time.

MOTIONS

Senator Goltz moved that the following amendment by Senators Goltz and McDermott be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to lease amounts paid by a seller/lessee to a lessor after the effective date of this act under a sale/leaseback agreement in respect to property used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish, nor to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term: PROVIDED, That the seller/lessee previously paid the tax imposed by this chapter or chapter 82.12 RCW at the time of acquisition of the property.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to lease amounts paid by a seller/lessee to a lessor after the effective date of this act under a sale/leaseback agreement in respect to property used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish, nor to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term: PROVIDED, That the seller/lessee previously paid the tax imposed by this chapter or chapter 82.08 RCW at the time of acquisition of the property.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator McDermott, the following amendment to the amendment was adopted:

On page 2, after line 12 of the Goltz and McDermott amendment, insert the following:

NEW SECTION. Sec. 3. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales to free hospitals of items reasonably necessary for the operation of, and provision of health care by, free hospitals.

(2) As used in this section, "free hospital" means a hospital that does not charge any patient for health care provided by the hospital.

NEW SECTION. Sec. 4. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use by free hospitals of items reasonably necessary for the operation of, and provision of health care by, free hospitals.

(2) As used in this section, "free hospital" means a hospital that does not charge any patient for health care provided by the hospital."

Renumber remaining section consecutively.

The Vice President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Goltz and McDermott, as amended.

Debate ensued.

The motion by Senator Goltz carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Goltz, the following title amendments were considered simultaneously and adopted:

On page 1, line 3 of the title, strike "creating a new section;"

On page 1, line 1 of the title after "adding", strike "a new section" and insert "new sections"

On page 1, line 2 of the title after "adding" strike "a new section" and insert "new sections"

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 4562 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4562.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4562 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Deccio - 1.

ENGROSSED SENATE BILL NO. 4562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4893, by Senators Warnke, Bender, McManus, Gaspard, Newhouse, Zimmerman, Deccio, McCaslin, Garrett and Rasmussen

Exempting certain hearing aids from sales and use tax.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 4893 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4893.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4893 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Kiskaddon - 1.

SENATE BILL NO. 4893, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4926, by Senators Thompson, McDonald, Rinehart and Cantu

Revising provisions relating to agency reporting of fiscal data under the budget and accounting act.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4926 was substituted for Senate Bill No. 4926 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4926 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4926.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4926 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Guess, Lee - 2.

SUBSTITUTE SENATE BILL NO. 4926, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

MOTION

On motion of Senator Zimmerman, Senator Patterson was excused.

SECOND READING

SENATE BILL NO. 5026, by Senator Kreidler

Authorizing the disposal of small quantities of hazardous wastes by farmers free of charge.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 5026 was substituted for Senate Bill No. 5026 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 5026 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5026.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5026 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Guess - 1.

Excused: Senator Patterson - 1.

SUBSTITUTE SENATE BILL NO. 5026, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President introduced former Senator Reuben Knoblauch, seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Senator Knoblauch to address the Senate.

SECOND READING

SENATE JOINT RESOLUTION NO. 136, by Senators Talmadge and Metcalf

Revising the membership of the judicial qualifications commission.

The resolution was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Joint Resolution No. 136 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Resolution No. 136.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Resolution No. 136 and the resolution passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Bluechel, McDonald, Stratton - 3.

Excused: Senator Patterson - 1.

SENATE JOINT RESOLUTION NO. 136, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT RESOLUTION NO. 137, by Senators Talmadge, Newhouse and Halsan

Revising provisions relating to judges pro tempore.

The resolution was read the second time.

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 1, line 16, after "court" and before the period insert "and may try cases if agreed upon in writing by the parties litigant or their attorneys of record"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Joint Resolution No. 137 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, are you a member of the Seattle/King County Bar?"

Senator Talmadge: "Yes."

Senator Rasmussen: "And you would violate the Bar ethics by going against the resolution of the Seattle/King County Bar?"

Senator Talmadge: "Absolutely not, Senator. I can disagree with them freely as I can disagree with any organization and association of which I'm a member."

Senator Rasmussen: "Well, I guess I have to ask you, why would the largest Bar association in the state come out in opposition to this constitutional amendment?"

Senator Talmadge: "Because, Senator, I suspect what they really want is some additional judicial positions from this Legislature. You know, the King County Superior Court Bench, at the present time, has thirty-nine judicial positions, and if you looked at the weighted case load method of the office of the administrator for the courts, they are entitled to forty-five or forty-six positions. So, Senator, maybe the option is for you to sponsor a bill that would authorize seven or eight new judicial positions for King County, because I suspect that's what the Seattle/King County Bar Association wants, rather than methods of trying to decongest the calendar of the court and looking to alternatives to the court system for resolving disputes."

Senator Rasmussen: "Thank you, Senator Talmadge."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Resolution No. 137.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Resolution No. 137 and the resolution failed to receive the constitutional two-thirds majority by the following vote: Yeas, 26; nays, 21; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Kiskaddon, Kreidler, McDermott, McManus, Moore, Newhouse, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Garrett, Guess, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Owen, Pullen, Rasmussen, Saling, Seltar, von Reichbauer - 21.

Absent: Senator Zimmerman - 1.

Excused: Senator Patterson - 1.

SENATE JOINT RESOLUTION NO. 137, having failed to receive the constitutional two-thirds majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Moore served notice that he will move to reconsider the vote by which Senate Bill No. 3555 passed the Senate earlier today.

There being no objection, the Senate resumed consideration of Senate Joint Resolution No. 128 and the pending amendments by Senators Pullen and Metcalf on page 1, lines 15 and 16, deferred February 13, 1986.

MOTION

On motion of Senator Pullen, and there being no objection, the amendments were withdrawn.

MOTION

Senator Pullen moved that the following amendment by Senators Pullen, Craswell and Metcalf be adopted:

On page 1, line 15, after "devoted" strike "primarily" and insert "solely"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Craswell and Metcalf.

The motion by Senator Pullen failed and the amendment was not adopted.

MOTION

Senator McCaslin moved that the following amendments by Senators McCaslin and Pullen be considered simultaneously and adopted:

On page 1, line 15 strike "low-income" and "contain"

On page 1, line 16 strike all language before the word "shall"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators McCaslin and Pullen.

The motion by Senator McCaslin failed and the amendments were not adopted.

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 1, line 19, after "property" and before the period insert " PROVIDED, That if any current use assessments in any county are applied to housing pursuant to (c) of this section, then all housing within that county meeting the eligibility requirements of (c) shall also be assessed at current use"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen failed and the amendment was not adopted.

MOTIONS

On motion of Senator Zimmerman, Senator Johnson was excused.

On motion of Senator Fleming, the rules were suspended, Senate Joint Resolution No. 128 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Resolution No. 128.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Resolution No. 128 and the resolution failed to receive the constitutional two-thirds majority by the following vote: Yeas, 28; nays, 18; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Saling, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Fleming, Guess, Hayner, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, von Reichbauer - 18.

Absent: Senator Stratton - 1.

Excused: Senators Johnson, Patterson - 2.

SENATE JOINT RESOLUTION NO. 128, having failed to receive the constitutional two-thirds majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Fleming served notice that he would move to reconsider the vote by which Senate Joint Resolution No. 128 failed to pass the Senate.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a parliamentary inquiry, can you tell me what's the number of votes required for an immediate reconsideration?"

REPLY BY THE PRESIDENT

President Cherberg: "To immediately reconsider, the vote would require a two-thirds majority."

Senator McDonald: "Thank you."

Editor's Note: (See further remarks by President on reconsideration later on in the day)

MOTION

At 12:14 p.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

MOTION

On motion of Senator Bender, Senator Fleming was excused.

SECOND READING

SENATE BILL NO. 4613, by Senators Wojahn, Sellar and Stratton

Providing purchasing authority to state hospitals for mentally ill.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4613 was substituted for Senate Bill No. 4613 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 4613 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Wojahn, would this bill affect procedures for competitive bidding in any way?"

Senator Wojahn: "It's something that the department has done with every other state in the area of institutional departments on small amounts of money and it's an area that they do not accept bids on."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4613.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4613 and the bill passed the Senate by the following vote: Yeas, 40; absent, 6; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 40.

Absent: Senators Bluechel, Craswell, Deccio, Guess, McDermott, Zimmerman - 6.

Excused: Senators Fleming, Johnson, Patterson - 3.

SUBSTITUTE SENATE BILL NO. 4613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate. In reply to an inquiry by Senator McDonald, the President calls your attention to Rule 37, which requires, and inasmuch as this is a cutoff date, that any Senator giving notice of reconsideration will have to give the motion to reconsider before five p.m. today."

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, this was in connection with the ruling that you made that as two-thirds majority required?"

President Cherberg: "Yes."

Senator McDonald: "Thank you."

SECOND READING

SENATE BILL NO. 4770, by Senators Hansen, Goltz, Barr, Gaspard, Benitz and Bailey

Authorizing an irrigation district to defend employees, officers or agents in suits filed against them.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 4770 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4770.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4770 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McDermott - 1.

Excused: Senator Patterson - 1.

SENATE BILL NO. 4770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3487, by Senators Goltz, Bailey, Williams and Benitz

Returning energy conservation savings to state agencies.

MOTIONS

On motion of Senator Williams, Second Substitute Senate Bill No. 3487 was substituted for Senate Bill No. 3487 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Second Substitute Senate Bill No. 3487 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Williams, I can understand your frustration in not seeing some data that is useful to us in trying to see where we could possibly expend some capital money or reward those who have used energy conservation methods because of our lack of data, but I think what my concern is that we're still using the term 'agency' rather than relating it to buildings or to particular kinds of activities. I can understand how an agency can monitor its energy conservation as far as, possibly, its own automobiles are concerned, but we have a state motor pool which is not an agency, per se. We have buildings that are under the authority of General Administration rather than DSHS, for example, as far as maintenance and other kinds of things. I guess what I'm really asking you is why do you think that using the agency approach is going to get us these factors better than using the program approach?"

Senator Williams: "I'm not sure I totally understand what you're saying. Let me make just one comment and then I think Senator Goltz may comment on it. One of the reasons for using the agency approach is we want the agencies themselves to be the instigators of the change, so that they themselves then see the specific benefits to their programs and to their institution in this program.

"That's the best way I can answer it. In other words, we are trying to direct those people to do the job themselves, so they understand what they're doing and what they're getting back for it, as opposed to doing it through some outside force or through some sort of program element which might not have quite the relationship to this particular agency. I'm not sure that it's the appropriate answer to what you're asking, but perhaps Senator Goltz might comment on it."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President and members of the Senate. One of the problems that state agencies have is trying to compose or to conduct problems within the

agency which are beneficial to the agency and to the state, such as energy conservation, because there is no reward for it.

"The way we budget for energy is you pay the bill. That's the way you tell the agencies to budget--to pay the bill. What this will say is that the Office of Fiscal Management will give them what you might call energy target reductions and the savings that they earn in reaching those targets of reduction of energy--those funds will be allowed to remain with the agency.

"If you are referring to programs, such as the use of automobiles or something as broad as that across agency lines, I would think that it's hard to do that unless you get the agencies to participate as management experts at getting it within the agency. So, what we're trying to inspire here is some incentive and some reward for participating in a program which I think otherwise simply is taken for granted. They'll just get the money no matter how much energy they use, so I support this approach. I think it will save energy. I think it will save money and I think it will give some good tools for management in the state agencies."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3487.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3487 and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Benitz, Craswell, Guess, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Stratton - 9.

Absent: Senator Barr - 1.

Excused: Senator Patterson - 1.

SECOND SUBSTITUTE SENATE BILL NO. 3487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4557, by Senators Thompson and Zimmerman

Modifying rule-making authority of state building code council.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4557 was substituted for Senate Bill No. 4557 and the substitute bill was placed on second reading and read the second time.

Senator Rasmussen moved that the following amendment be adopted:

On page 6, line 2, after "council" and before the period, insert "and study the adoption of code amendments to permit the conversion of single-family residences to include separate, code-approved units within existing space to promote energy efficiency and reduce resource waste. A portion of the surcharge provided by this 1986 amendatory act shall be used to fund this study"

Debate ensued.

Senators Vognild, Talmadge and Hansen demanded the previous question and the demand was sustained.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Rasmussen.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen carried and the amendment was adopted by the following vote: Yeas, 28; nays, 18; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Cantu, Conner, Craswell, Deccio, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Stratton, von Reichbauer, Warnke, Wojahn - 28.

Voting nay: Senators Bender, Benitz, Bluechel, Bottiger, DeJarnatt, Fleming, Garrett, Hayner, Kreidler, McManus, Moore, Rinehart, Sellar, Talmadge, Thompson, Vognild, Williams, Zimmerman - 18.

Absent: Senators Guess, McDermott - 2.

Excused: Senator Patterson - 1.

MOTIONS

On motion of Senator Thompson, the following amendment by Senators Thompson and Williams was adopted:

On page 6, line 32, after "study," insert the following:

"Sec. 6, Section 3, chapter 76, Laws of 1979 ex. sess. as amended by section 2, chapter 144, Laws of 1985 and RCW 19.27A.020 are each amended to read as follows:

(1) The state building code ((**advisory council**)) shall promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a revised state code. The revised code shall be designed to achieve reductions in energy consumption relative to buildings constructed to comply with the state energy code, June 30, 1980 edition, as amended. The council shall follow the legislature's guidelines set forth in this section to design a revised code which requires new buildings to meet a certain level of energy efficiency, but allows flexibility in building design and construction within that framework. The revised code shall take into account regional climatic conditions and shall be designed according to the following guidelines:

(a) For new electric resistance heated residential buildings, the code shall be designed to achieve energy savings equivalent to savings achieved in typical buildings constructed with:

(i) Ceilings insulated to a level of R-38, except single rafter or joist vaulted ceilings may be insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 (total assembly);

(iii) Floors over unheated spaces insulated to a level of R-19 for areas with six thousand or less annual heating degree days and to a level of R-25 for areas with more than six thousand annual heating degree days (R value includes insulation only);

(iv) Double glazed windows with tested R values not less than 1.79 when tested according to the procedures of the American architectural manufacturers association; and

(v) In areas with more than six thousand annual heating degree days a maximum of seven percent of the floor area in glazing; in areas with six thousand or less annual heating degree days a maximum of twenty-one percent of the floor area in glazing. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent.

(b) For new residential buildings which are space-heated with other fuels, the code shall be designed to achieve energy savings equivalent to savings achieved in typical buildings constructed with:

(i) Ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 (total assembly);

(iii) Floors over unheated spaces insulated to a level of R-19 (R value includes insulation only);

(iv) Double glazed windows with tested R values not less than 1.40 when tested according to the procedures of the American architectural manufacturers association; and

(v) In areas with more than six thousand annual heating degree days a maximum of seven percent of the floor area in glazing; in areas with six thousand or less annual heating degree days a maximum of twenty-one percent of the floor area in glazing. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent.

(c) For new nonresidential buildings, the code shall be designed to achieve a ten percent reduction in energy consumption relative to buildings constructed to comply with the state energy code, June 30, 1980 edition, as amended.

(2) In developing the revised code, the council shall consider possible health and respiratory problems caused by insulating buildings so tightly that the rate of air exchange is significantly retarded, thereby concentrating toxic pollutants at unhealthy high levels.

(3) The council shall publish the revision as proposed rules pursuant to chapter 34.04 RCW and provide for the rules to become effective January 1, 1986. All cities, towns, and counties shall enforce the revised state energy code not later than April 1, 1986.

Sec. 7, Section 5, chapter 144, Laws of 1985 and RCW 19.27A.050 are each amended to read as follows:

As used in this chapter, references to the state building code ((**advisory**)) council shall be construed to include any successor agency.

On motion of Senator Thompson, the following title amendment was adopted:

On page 1, line 4, after "19.27A.010," strike "and" and after "19.27A.040" insert ", 19.27A.020, and 19.27A.050"

MOTIONS

On motion of Senator Zimmerman, Senators Barr and Guess were excused.

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 4557 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4557.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4557 and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent, 4; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senator Pullen - 1.

Absent: Senators Lee, McDermott, Thompson, von Reichbauer - 4.

Excused: Senators Barr, Guess, Patterson - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4914, by Senators Peterson, Wojahn, Granlund and Talmadge

Establishing a demonstration project at Northern State for the neurologically impaired.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the following amendment by Senator McDermott, which was on the desk, was tabled:

On page 1, line 27, after "1986" insert "and shall be known as the Marjorie and Woodie Guthrie Neurological Center"

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4914 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4914.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4914 and the bill passed the Senate by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Craswell, Deccio, McDermott, McDonald - 4.

Excused: Senators Guess, Patterson - 2.

SENATE BILL NO. 4914, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4463, by Senator Bailey

Encouraging the promotion of Washington products.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On page 1, line 15, after "is" strike all material down to and including "a" on line 16, and insert "directed to develop and promote"

On page 1, after line 28, insert "(4) In carrying out these powers and duties the department shall cooperate and coordinate with other agencies of government and the private sector."

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 4463 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "I assume, Senator Bailey, that this effort is in addition to and it does not conflict with any of the efforts by the Commodity Commission and the University of Washington on forest products and Washington State University on agricultural products and if it doesn't conflict, what's left?"

Senator Bailey: "Well, you assumed correctly, Senator Goltz, and I think it was Senator Vognild that put the amendment on that we have cooperative working agreements between the Department of Agriculture and Trade and Economic Development. And, yes, there are a lot of things left—a lot of Washington products."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4463.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4463 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Craswell - 1.

Excused: Senators Guess, Patterson - 2.

ENGROSSED SENATE BILL NO. 4463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4620, by Senators Halsan, Johnson, Peterson, Bender, Bottiger, McManus, Warnke, Deccio and Lee (by request of Select Committee on Petroleum Marketing Practices)

Modifying provisions on the retail sale of motor vehicle fuel.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 4, beginning on line 16, strike all material through "19.86 RCW."

Re-number the remaining sections consecutively.

Senator Halsan moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advertisement" means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communication media published in connection with an offer or sale of a franchise.

(2) "Affiliate" means any person, firm, or corporation who controls or is controlled by any motor fuel refiner-supplier, and includes any subsidiary or affiliated corporation in which the

motor fuel refiner-supplier or its shareholders, officers, agents, or employees hold or control more than twenty-five percent of the voting shares.

(3) "Community interest" means a continuing financial interest between the motor fuel refiner-supplier and motor fuel retailer in the operation of the franchise business.

(4) "Marketing area" means an area five miles or less in any direction from a retail motor fuel outlet selling products of the same trademark as the motor fuel refiner-supplier.

(5) "Motor fuel" means gasoline or diesel fuel of a type distributed for use in self-propelled motor vehicles and includes gasohol.

(6) "Motor fuel franchise" means any oral or written contract, either expressed or implied, between a motor fuel refiner-supplier and motor fuel retailer under which the motor fuel retailer is supplied motor fuel for resale to the public or for sale on commission or for a fee to the public, or any agreements between a motor fuel refiner-supplier and motor fuel retailer under which the retailer is permitted to occupy premises owned, leased, or controlled by the refiner-supplier for the purpose of engaging in the retail sale of motor fuel supplied by the motor fuel refiner-supplier.

(7) "Motor fuel refiner-supplier" means any person, firm, or corporation, including any affiliate of the person, firm, or corporation, engaged in the refining of crude oil into petroleum who supplies motor fuel for sale, consignment, or distribution through retail outlets and has an operable refinery capacity of three hundred twenty-five thousand barrels a day or more as reported to the federal department of energy.

(8) "Motor fuel retailer" means a person, firm, or corporation engaged primarily in the retail sale of motor fuel pursuant to a motor fuel franchise entered into with a refiner-supplier.

(9) "Offer or offer to sell" includes every attempt or offer to dispose of or solicitation of an offer to buy a franchise or an interest in a franchise.

(10) "Person" means a natural person, corporation, partnership, trust, or other entity and in the case of an entity, it shall include any other entity which has a majority interest in such an entity or effectively controls such other entity as well as the individual officers, directors, and other persons in act of control of the activities of each such entity.

(11) "Price" means the net purchase price, after adjustment for commission, brokerage, rebate, discount, services or facilities furnished, or other such adjustment.

(12) "Publish" means publicly to issue or circulate by newspaper, mail, radio, or television or otherwise to disseminate to the public.

(13) "Retail motor fuel outlet" means any location where motor fuel is distributed for purposes other than resale.

(14) "Sale or sell" includes every contract of sale, contract to sell, or disposition of a franchise.

NEW SECTION. Sec. 2. It is unlawful for any motor fuel refiner-supplier to discriminate in price between motor fuel retailers for purchases of motor fuel of like grade and quality, where the effect of the discrimination may be substantially to injure, destroy, or prevent competition with any retailer who receives the benefit of the discrimination, or with the customers of either retailer. Nothing in this section prevents differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the fuel is sold to retailers. Upon proof being made of discrimination under this section, the burden of rebutting the prima facie case thus made by showing justification is upon the refiner-supplier.

NEW SECTION. Sec. 3. Notwithstanding the terms of any motor fuel franchise, a motor fuel refiner-supplier shall not absolutely prohibit or unreasonably withhold its consent to any sale, assignment, or other transfer of the motor fuel franchise by a motor fuel retailer to a third party without fairly compensating the motor fuel retailer for the fair market value, at the time of expiration of the franchise, of the motor fuel retailer's inventory, supplies, equipment, and furnishings purchased from the motor fuel refiner-supplier, and good will, exclusive of personalized materials which have no value to the motor fuel refiner-supplier, and inventory, supplies, equipment, and furnishings not reasonably required in the conduct of the franchise business. A motor fuel refiner-supplier may offset against amounts owed to a motor fuel retailer under this section any amounts owed by the motor fuel retailer to the motor fuel refiner-supplier.

NEW SECTION. Sec. 4. Notwithstanding the terms of any motor fuel franchise, no motor fuel refiner-supplier may prohibit or prevent the sale, assignment, or other transfer of the motor fuel franchise to a corporation in which the motor fuel retailer has a controlling interest if the motor fuel retailer offers in writing personally to guarantee the performance of the obligations under the motor fuel franchise.

NEW SECTION. Sec. 5. Notwithstanding the terms of any motor fuel franchise, the interest of a motor fuel retailer under such an agreement shall be considered personal property and shall devolve on the death of the motor fuel retailer to a designated successor in interest of the retailer, limited to the retailer's spouse, adult child, or adult stepchild or, if no successor in interest is designated, to the retailer's spouse, if any. The designation shall be made, witnessed in writing by at least two persons, and delivered to the motor fuel refiner-supplier during the term of the franchise. The designation may be revised at any time by the motor fuel retailer and shall be substantially in the following form:

"I (motor fuel retailer name) at the service station located at in the City of Washington, designate as my successor in interest under section 4 of this act and as my alternate successor if the originally designated successor is unable or unwilling so to act.

I so specify this day of 19...."

The motor fuel refiner-supplier shall assist the designated successor in interest temporarily in the day-to-day operation of the service station to insure continued operation of the service station.

NEW SECTION. Sec. 6. Notwithstanding the terms of any motor fuel franchise, the retailer shall be given the right of first refusal to purchase the real estate and/or improvements owned by the refiner-supplier at the franchise location, and at least thirty days' advance notice within which to exercise this right, prior to any sale thereof to any other buyer.

NEW SECTION. Sec. 7. Notwithstanding the terms of any motor fuel franchise, no motor fuel refiner-supplier may:

(1) Require any retailer to meet mandatory minimum sales volume requirements for fuel or other products unless the refiner-supplier proves that its price to the retailer has been sufficiently low to enable the retailer reasonably to meet the mandatory minimum;

(2) Alter, or require the retailer to consent to the alteration of, any provision of the franchise during its effective term without mutual consent of the retailer;

(3) Interfere with any retailer's right to assistance of counsel on any matter or to join or be active in any trade association; and

(4) Set or compel, directly or indirectly, the retail price at which the retailer sells motor fuel or other products to the public.

NEW SECTION. Sec. 8. It is unlawful for any person in connection with the offer, sale, or purchase of any franchise directly or indirectly:

(1) To sell or offer to sell a franchise in this state by means of any written or oral communication which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made in light of the circumstances under which they were made not misleading.

(2) To employ any device, scheme, or artifice to defraud.

(3) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

(4) To violate any order of the attorney general.

NEW SECTION. Sec. 9. Without limiting the other provisions of this chapter, the following specific rights and prohibitions shall govern the relation between the motor fuel refiner-supplier and the motor fuel retailers:

(1) The parties shall deal with each other in good faith.

(2) For the purposes of this chapter and without limiting its general application, it shall be an unfair or deceptive act or practice or an unfair method of competition and therefore unlawful and a violation of this chapter for any person to:

(a) Require a motor fuel retailer to purchase or lease goods or services of the motor fuel refiner-supplier or from approved sources of supply unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that such restrictive purchasing agreements are reasonably necessary for a lawful purpose justified on business grounds, and do not substantially affect competition: PROVIDED, That this provision shall not apply to the initial inventory of the franchise. In determining whether a requirement to purchase or lease goods or services constitutes an unfair or deceptive act or practice or an unfair method of competition the courts shall be guided by the decisions of the courts of the United States interpreting and applying the anti-trust laws of the United States.

(b) Discriminate between motor fuel retailers in the charges offered or made for royalties, goods, services, equipment, rentals, advertising services, or in any other business dealing, unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that any classification of or discrimination between motor fuel retailers is reasonable, is based on franchises granted at materially different times and such discrimination is reasonably related to such difference in time or on other proper and justifiable distinctions considering the purposes of this chapter, and is not arbitrary.

(c) Sell, rent, or offer to sell to a motor fuel retailer any product or service for more than a fair and reasonable price.

(d) Require motor fuel retailer to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this chapter.

NEW SECTION. Sec. 10. (1) Any person who sells or offers to sell a franchise in violation of this chapter shall be liable to the motor fuel retailer or motor fuel refiner-supplier who may sue at law or in equity for damages caused thereby for rescission or other relief as the court may deem appropriate. In the case of a violation of section 8 of this act rescission is not available to the plaintiff if the defendant proves that the plaintiff knew the facts concerning the untruth or omission or that the defendant exercised reasonable care and did not know or if he had exercised reasonable care would not have known of the untruth or omission.

(2) The suit authorized under subsection (1) of this section may be brought to recover the actual damages sustained by the plaintiff: PROVIDED, That the prevailing party may in the discretion of the court recover the costs of said action including a reasonable attorneys' fee.

(3) Any person who becomes liable to make payments under this section may recover contributions as in cases of contracts from any persons who, if sued separately, would have been liable to make the same payment.

(4) A final judgment, order, or decree heretofore or hereafter rendered against a person in any civil, criminal, or administrative proceedings under the United States anti-trust laws, under the Federal Trade Commission Act, or this chapter shall be regarded as evidence against such persons in any action brought by any party against such person under subsection (1) of this section as to all matters which said judgment or decree would be an estoppel between the parties thereto.

NEW SECTION. Sec. 11. The pendency of any civil, criminal, or administrative proceedings against a person brought by the federal or Washington state governments or any of their agencies under the anti-trust laws, the Federal Trade Commission Act, or any federal or state act related to anti-trust laws or to franchising, or under this chapter shall toll the limitation of this action if the action is then instituted within one year after the final judgment or order in such proceedings: PROVIDED, That said limitation of actions shall in any case toll the law so long as there is actual concealment on the part of the person.

NEW SECTION. Sec. 12. Any motor fuel retailer who is injured in his or her business by the commission of any act prohibited by this chapter, or any motor fuel retailer injured because of his or her refusal to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter may bring a civil action in superior court to enjoin further violations, to recover the actual damages sustained by him or her, or both, together with the costs of the suit, including reasonable attorney's fees.

NEW SECTION. Sec. 13. (1) The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act herein prohibited or declared to be unlawful. The prevailing party may in the discretion of the court recover the costs of such action including a reasonable attorneys' fee.

(2) Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

NEW SECTION. Sec. 14. In any proceeding under this chapter, the burden of proving an exception or an exemption from definition is upon the person claiming it. Any condition, stipulation or provision purporting to bind any person acquiring a franchise at the time of entering into a franchise or other agreement to waive compliance with any provision of this chapter or any rule or order hereunder is void.

NEW SECTION. Sec. 15. The provisions of this chapter apply to any motor fuel franchise or contract entered into or renewed on or after the effective date of this act between a motor fuel refiner-supplier and a motor fuel retailer.

NEW SECTION. Sec. 16. The Administrative Procedure Act, chapter 34.04 RCW, shall wherever applicable herein govern the rights, remedies, and procedures respecting the administration of this chapter.

NEW SECTION. Sec. 17. It is the intent of the legislature that this chapter be interpreted consistent with chapter 19.100 RCW.

NEW SECTION. Sec. 18. This chapter shall be liberally construed to effectuate its beneficial purposes.

NEW SECTION. Sec. 19. This chapter shall be known as the "Dealer Bill of Rights Act."

NEW SECTION. Sec. 20. The Washington state attorney general shall conduct a study to determine whether motor fuel refiner-suppliers are injuring competition from motor fuel retailers, by charging retailers that sell products under their trademark, prices for motor fuel which equal or exceed the prices charged for motor fuel in the same geographic market to retail customers at retail motor fuel outlets operated by company personnel, a subsidiary company, or commissioned or contract agents. The attorney general shall report his findings and recommendations to the legislature by January 1, 1987. For the purposes of this study, the attorney general is authorized to use all of the civil investigative demand powers enumerated in RCW 19.86.110, subject to the procedures and requirements specified in RCW 19.86.110: PROVIDED, That disclosure of documentary material, answers to written interrogatories, or transcripts of oral testimony produced pursuant to a demand, or the contents thereof, to members of the legislature and legislative staff shall not require a court order unless the documentary material, answers to written interrogatories, or transcripts of oral testimony are identified at the time they are furnished as containing trade secrets. When seeking a court order allowing disclosure of material containing trade secrets, the attorney general shall give reasonable notice of such proceeding to the party furnishing the material.

NEW SECTION. Sec. 21. To carry out this act, the sum of seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated to the office of attorney general from the motor vehicle fund for the biennium ending June 30, 1987.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. Sections 1 through 19 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 24. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect March 30, 1986."

MOTION

Senator Bottiger moved that the following amendment by Senators Bottiger, Sellar and Cantu to the amendment be adopted:

On page 2 of the Halsan amendment, on line 16, after "hundred" strike "twenty-five"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Bottiger, Sellar and Cantu to the Halsan amendment.

The motion by Senator Bottiger carried and the amendment to the amendment was adopted.

Debate ensued on the amendment by Senator Halsan, as amended.

The President declared the question before the Senate to be adoption of the amendment by Senator Halsan, as amended.

The motion by Senator Halsan carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, strike "amending RCW 19.100.010;"

On page 1, line 3 of the title, after "RCW:" strike "prescribing penalties;" and insert "creating a new section; prescribing penalties; making an appropriation;"

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 4620 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4620.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4620 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Garrett - 1.

Excused: Senators Guess, Patterson - 2.

ENGROSSED SENATE BILL NO. 4620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4663, by Senators Williams, Saling, McManus, Bailey, Granlund, Goltz, Halsan, McCaslin, Garrett, Gaspard, Bauer, Bender and Vognild

Regulating transportation of radioactive materials.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 4663 was substituted for Senate Bill No. 4663 and the substitute bill was placed on second reading and read the second time.

Senator Benitz moved that the following amendment be adopted:

On page 1, line 19, following "means", strike the remainder of subsection (5) through line 20 and insert "radioactive material, other than spent fuel or high-level radioactive material,

which contains less than 10 nCi (nanocuries) of transuranics per gram of material and which is no longer of use and is intended for disposal or treatment for the purposes of disposal."

Debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator Benitz, your amendment suggests that the radioactive material be less than ten nanocuries. That means a very small amount of radioactive material, does it not?"

Senator Benitz: "Yes, and that's the definition you have before you. It is the federal definition and this is my concern that we are not adopting a state statute that conforms with the federal regulation and if we don't, it's in conflict, and I can assure you that the Feds are going to prevail. It cleans it up and puts it in the same context as the federal one and that's the reason I urge you to adopt it."

Senator Saling: "Well, Senator Benitz, if it is less than ten nanocuries, it seems to me that the whole bill would only refer to those radioactive materials that had a very small amount of radioactivity in it and we would be ignoring those with the greater amount. Is that correct?"

Senator Benitz: "Not quite. It's true that would be low level waste and that's what we should be referring to. We do not have the authority to legislate and put into being high level waste, and this is the correct definition."

The President declared the question before the Senate to be adoption of the amendment by Senator Benitz.

The motion by Senator Benitz failed and the amendment was not adopted on a rising vote.

MOTIONS

On motion of Senator Williams, the following amendment was adopted:

On page 1, beginning on line 21, strike "social and health services" and insert "the agency, as defined in subsection (1) of this section"

On motion of Senator Williams, the following amendments were considered simultaneously and adopted:

On page 7, line 10, strike "subsections (1) and (2)" and insert "subsection (1)"

On page 7, after line 29, insert the following:

"(3) A person who knowingly fails to obtain a permit required under section 2 of this act is guilty of a gross misdemeanor and is subject to a fine of not more than five thousand dollars or imprisonment not to exceed one year, or both, for each violation."

Renumber the subsections consecutively.

On motion of Senator Williams, the following amendment was adopted:

On page 7, line 34, after "attorney general" and before the period insert "or any appropriate prosecuting attorney"

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 4663 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Williams, will this bill impose any new requirements or restrictions on facilities, such as the Boeing Radiation Effects Laboratory?"

Senator Williams: "To my knowledge, it would not."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4663.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4663 and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Johnson, Metcalf, Newhouse, Pullen, Sellar - 10.

Absent: Senators Deccio, McDonald - 2.

Excused: Senators Guess, Patterson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4932, by Senators Bender, Moore, Bottiger, Talmadge, Rasmussen, Fleming, Johnson and Bauer

Prohibiting surcharges by the seller when a buyer purchases with a credit card.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, the following amendments by Senators Bender and Owen were considered simultaneously and adopted:

On page 1, line 4, after "1." insert "A new section is added to chapter 19.86 RCW to read as follows:"

On page 1, line 15, after "2." insert "A new section is added to chapter 19.86 RCW to read as follows:"

On motion of Senator Owen, the following amendment by Senators Bender and Owen was adopted:

On page 1, line 7, after "payment" insert ", unless such surcharge is prominently displayed to the consumer"

On motion of Senator Bender, the following title amendment was adopted:

On page 1, line 1, after "sections" insert "in chapter 19.86 RCW"

On motion of Senator Bender, the rules were suspended, Engrossed Senate Bill No. 4932 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4932.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4932 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Deccio, Thompson - 2.

Excused: Senators Guess, Patterson - 2.

ENGROSSED SENATE BILL NO. 4932, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 4544.

SECOND READING

SENATE BILL NO. 4544, by Senators Moore, Talmadge, Granlund, Newhouse, Wojahn, Conner and Lee

Requiring specified person to report abuse of vulnerable adults.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4544 was substituted for Senate Bill No. 4544 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4544 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4544.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4544 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator McManus - 1.

Excused: Senators Guess, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 4544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4783, by Senators Thompson, Hayner and Newhouse

Revising seizure provisions of the uniform controlled substances act.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4783 was substituted for Senate Bill No. 4783 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4783 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4783.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4783 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator McManus - 1.

Excused: Senators Guess, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 4783, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4659, by Senators Talmadge, McDonald, Wojahn and Moore (by request of Department of Social and Health Services)

Providing for the nonrecognition of separate property agreements in medical care eligibility determinations.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4659 was substituted for Senate Bill No. 4659 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendments be considered simultaneously and adopted:

On page 1, line 14, after "transferee," insert "This section shall expire on June 30, 1987."

On page 1, after line 14, insert:

"NEW SECTION. Sec. 2. The senate judiciary committee, the senate human services and corrections committee, the senate ways and means committee, the house judiciary committee, the house social and health services committee, and the house ways and means committee shall review the effects of this 1986 act and may propose alternatives to the 1987 legislature regarding state community property law in medical care eligibility determinations."

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, do these amendments, and I'd ask you the same thing on final passage, do these affect the transfer of the asset's amendment that you and I placed in statute in 1982?"

Senator Talmadge: "No, they do not, Senator. They only affect those assets by separate property agreement. Assets as to income--only income."

The President declared the question before the Senate to be adoption of the amendments by Senator Talmadge.

The motion by Senator Talmadge carried and the amendments were adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended. Engrossed Substitute Senate Bill No. 4659 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, how far back was this decision rendered by the court?"

Senator Talmadge: "The decision is a relatively recent one, Senator. I believe it happened in the fall of this year, late in the fall of 1985. Surely before the legislative session."

Senator Rasmussen: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4659.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4659 and the bill failed to pass the Senate by the following vote: Yeas, 11; nays, 35; absent, 1; excused, 2.

Voting yea: Senators Bottiger, DeJamatt, Gaspard, Goltz, Kreidler, McDermott, McManus, Moore, Pullen, Thompson, Wojahn - 11.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Melcalf, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 35.

Absent: Senator Newhouse - 1.

Excused: Senators Guess, Patterson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4659, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Talmadge served notice that he would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 4659 failed to pass the Senate.

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 4640.

SECOND READING

SENATE BILL NO. 4640, by Senator McDermott

Revising business and occupation taxation of health and social welfare services.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4640 was substituted for Senate Bill No. 4640 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4640 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4640.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4640 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Guess, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 4640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3231, by Senators Moore, Deccio, Kreidler, McManus and Rasmussen

Providing that home delivered nursing services may be eligible for insurance coverage.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3231 was substituted for Senate Bill No. 3231 and the substitute bill was placed on second reading and read the second time.

Senator Bottiger moved that the following amendment be adopted:

On page 1, line 8, after "RCW 18.51.010(5)(a)" insert "to patients who have received convalescent or chronic care in that nursing home immediately before the commencement of home-delivered nursing services."

Senator Bluechel moved that the following amendment to the amendment be adopted:

On page 1, line 3, of the Bottiger amendment, after "home" strike "immediately"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, what difference does it make? You've got a patient out there and in the case that Senator Bluechel explained, he is going to get adequate care and if he or his relatives decide they don't want it, they can go to some other care. I'm thinking about it from the patient's standpoint and what's best for them. I would think the availability of this would be better and I would think that the oral amendment by Senator Bluechel, striking 'immediately' doesn't harm the patient, but gives them an option and I would most certainly agree with the amendment."

Senator Bottiger: "Senator, what we're talking about is this whole bill pertains to whose going to pay for it. It doesn't have anything to do with who you can contract for if you want to pay for it with your own money, but if it comes under your insurance policy, then that's what this bill is about."

"Now the turf battle is between one group who we have required to be licensed, certified and tested, called Home Health Care Service Providers and on the other hand nursing homes who are licensed to conduct a facility, but normally do not leave the premises to provide service. They are not willing to go through the whole regulatory process to become Home Health Care Service Providers. They feel because they've got a nursing home license that's about all they should have to do, so we've got a turf problem. I'm trying to find the middle road--if a patient who went home and they're continuing the service, they can, but if it was a fifteen year-old who broke his leg thirty years ago, they can't."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bluechel to the amendment by Senator Bottiger.

The motion by Senator Bluechel carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger, as amended.

The motion by Senator Bottiger carried and the amendment, as amended, was adopted.

MOTION

Senator Bottiger moved that the following amendment be adopted:

On page 1, line 10, after "040" insert ": PROVIDED, That the patient care standards promulgated pursuant to chapter 18.51 RCW are substantially equivalent to those required for certification pursuant to RCW 70.126.040"

Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Bottiger, the thing that I'm wondering about is, does this say as to which one is which? Are we going to say that the nursing homes in any way would have to be having to do greater standards than--"

Senator Bottiger: "Senator Kiskaddon, both sides agreed to this amendment. They say it resolves a turf problem."

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

The motion by Senator Bottiger carried and the amendment was adopted.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 3231 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3231.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3231 and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Garrett, Gaspard, Granlund, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 37.

Voting nay: Senators DeJarnatt, Fleming, Goltz, Halsan, McDermott, McManus, Owen, Rinehart, Thompson, Wojahn - 10.

Excused: Senators Guess, Patterson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:47 p.m., on motion of Senator Vognild, the Senate recessed until 4:00 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 4:00 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3948, by Senator Peterson

Relating to transportation.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3948 was substituted for Senate Bill No. 3948 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3948 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3948.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3948 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Rinehart - 1.

Excused: Senators Guess, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 3948, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4695, by Senators Thompson and Zimmerman

Broadening the powers of flood control districts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4695 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4695.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4695 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Guess, Patterson - 2.

SENATE BILL NO. 4695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4674, by Senators Thompson and Warnke

Providing adjustments to salaries of elective state officials.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4674 was substituted for Senate Bill No. 4674 and the substitute bill was placed on second reading and read the second time.

Senator Thompson moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 43.03.010, chapter 8, Laws of 1965 as last amended by section 3, chapter 29, Laws of 1983 1st ex. sess. and RCW 43.03.010 are each amended to read as follows:

(1) (~~Effective July 1, 1979, the annual salaries of the following named state elected officials shall be: Governor, fifty-eight thousand nine hundred dollars; lieutenant governor, twenty-six thousand eight hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, twenty-eight thousand nine hundred dollars; state treasurer, thirty-four thousand eight hundred dollars; state auditor, thirty-four thousand eight hundred dollars; attorney general, forty-four thousand dollars; superintendent of public instruction, forty thousand dollars; commissioner of public lands, forty thousand dollars; state insurance commissioner, thirty-four thousand eight hundred dollars. Members of the legislature shall receive for their service nine thousand eight hundred dollars per annum, effective January 8, 1979; and in addition, ten cents per mile for travel to and from legislative sessions.~~

~~(2) Effective ((July 1, 1986)), January 1, 1987, the annual salaries of the following named state elected officials shall be: Governor, ((sixty-three)) seventy-four thousand nine hundred dollars; lieutenant governor, ((twenty-eight)) forty-one thousand ((six)) two hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, ((thirty-one)) forty-two thousand four hundred dollars; state treasurer, ((thirty-seven)) forty-six thousand ((two)) four hundred fifty dollars; state auditor, ((thirty-seven)) forty-six thousand ((two)) four hundred fifty dollars; attorney general, ((forty-seven)) fifty-five thousand ((one)) four hundred fifty dollars; superintendent of public instruction, ((forty-two)) fifty-three thousand ((eight)) three hundred dollars; commissioner of public lands, ((forty-two)) fifty-three thousand ((eight)) three hundred dollars; state insurance commissioner, ((thirty-seven)) forty-six thousand ((two)) four hundred fifty dollars.~~

~~(2) Effective January 1, 1988, the annual salaries of the following named state elected officials shall be: Governor, eighty-six thousand eight hundred dollars; lieutenant governor, fifty-three thousand eight hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, fifty-three thousand eight hundred dollars; state treasurer, fifty-five thousand seven hundred dollars; state auditor, fifty-five thousand seven hundred dollars; attorney general, sixty-three thousand eight hundred dollars; superintendent of public instruction, sixty-three thousand eight hundred dollars; commissioner of public lands, sixty-three thousand eight hundred dollars; state insurance commissioner, fifty-five thousand seven hundred dollars.~~

~~(3) (a) Members of the legislature shall receive for their service ((eleven thousand two hundred dollars per annum, effective January 12, 1981; twelve thousand dollars per annum effective January 1, 1982; twelve thousand eight hundred fifty dollars effective January 10, 1983; and)) thirteen thousand seven hundred fifty dollars effective January 1, 1984; and in addition, reimbursement for mileage for travel to and from legislative sessions as provided in RCW 43.03.060.~~

~~(b) The annual salary specified in this subsection shall be increased by the following percentages, rounded to the nearest fifty dollars:~~

- ~~(i) Three percent on January 1, 1987;~~
- ~~(ii) Five percent on January 1, 1988;~~
- ~~(iii) Five percent on January 1, 1989; and~~
- ~~(iv) Five percent on January 1, 1990.~~

~~NEW SECTION. Sec. 2. This act shall take effect on January 1, 1987.*~~

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Thompson, as to members of the Legislature, they would have to be reelected? In my case, since I'm not up for election until '89, I could not draw any increase until that time. Is that correct?"

Senator Thompson: "That's correct and it is provided for in the Constitution."

The President declared the question before the Senate to be adoption of the amendment by Senator Thompson.

The motion by Senator Thompson carried and the amendment was adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 4674 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4674.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4674 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Barr, Bauer, Cantu, Craswell, Goltz, Guess, Halsan, Hayner, Lee, McCaslin, McManus, Newhouse, Pullen, Saling, Stratton, von Reichbauer, Zimmerman - 17.

Absent: Senator Benitz - 1.

Excused: Senator Patterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4674, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 4798.

SECOND READING

SENATE BILL NO. 4798, by Senators Granlund, Zimmerman, Kreidler and Talmadge

Providing for enforcement of water quality.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4798 was substituted for Senate Bill No. 4798 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Granlund, the following amendment was adopted:

On page 2, line 3, after "90.48 RCW." insert a new section as follows:

"NEW SECTION. Sec. 7. The department is not required to comply with sections 3, 4, and 5 of this act unless specific funding is provided therefore."

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 4798 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Granlund, I notice in the synopsis here, 'The Department of Ecology is to periodically review water quality standards and a report is to be submitted to the Legislature by January.' Are they going to review and change the water quality standards or what do they have in mind?"

Senator Granlund: "They were unable to do so with the fiscal note that's attached because it didn't appropriate the funds to do that. I would assume they could make a report back to us on the unannounced investigations to help do something with water quality."

Senator Rasmussen: "Is it your belief that they will stick with the federal water quality standards as published?"

Senator Granlund: "Yes."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Lee: "Senator Granlund, since we have effectively taken out anything except the requirement for them to make a ten percent inspection for those who already have water quality permits and that those be unannounced, I'm just wondering why there's really any need for the bill at all, if we are no longer--and I really can't understand why they thought they needed an additional appropriation for us to require them to put together rules and regulations for these particular kinds of waste discharge permits when the Legislative Budget Committee quite clearly in their analysis of this Department chided them for not having done so when they had specifically been granted additional funds in this biennium budget to make such inspections, as well as the rules and regulations. Why we're suddenly saying now--unless they get an additional appropriation--they don't have to do it. I just think that's a cop-out for us."

Senator Granlund: "I don't think we're saying they don't have to do it. We're hopeful that they will do it, Senator Lee."

Senator Lee: "What you're saying is the Department is not required to comply with those sections, unless specific funding is provided."

Senator Granlund: "You're correct. The part that they can do or have not been doing is the unannounced investigations and until the funding is there it would not be done. Certainly, we would expect the report that LBC has asked for."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4798.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4798 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Hansen, Pullen - 2.

Absent: Senator Guess - 1.

Excused: Senator Patterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4798, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 4454.

SECOND READING

SENATE BILL NO. 4454, by Senators Barr and Owen

Establishing venue for actions under the residential landlord-tenant act.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4454 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4454.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4454 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar,

Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Owen - 1.

Excused: Senator Patterson - 1.

SENATE BILL NO. 4454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Senate Bill No. 4960.

SECOND READING

SENATE BILL NO. 4960, by Senator Moore

Declaring that contract bridge is not gambling.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 4960 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4960.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4960 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Voting nay: Senators Cantu, Newhouse, Zimmerman - 3.

Absent: Senator Guess - 1.

Excused: Senator Patterson - 1.

SENATE BILL NO. 4960, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rasmussen: "Mr. President, a point of personal privilege. I just wanted to compliment the new leather lungs. He very clearly calls the roll and does an excellent job. That's namely Dave DeForrest up there."

President Cherberg: "Thank you very much, Senator Rasmussen."

MOTION

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Talmadge moved that the Senate now reconsider the vote by which Engrossed Substitute Senate Bill No. 4659 failed to pass the Senate earlier today.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate reconsider the vote by which Engrossed Substitute Senate Bill No. 4659 failed to pass the Senate.

The motion by Senator Talmadge carried and the Senate resumed consideration of Engrossed Substitute Senate Bill No. 4659, on reconsideration.

MOTIONS

On motion of Senator Talmadge, Engrossed Substitute Senate Bill No. 4659 was returned to second reading and read the second time.

Senator Talmadge moved that the following amendment be adopted:

Strike everything after the enacting clause and insert:

NEW SECTION. Sec. 1. A new section is added to chapter 74.09 RCW to read as follows:

The department shall apply community property law under chapter 26.16 RCW for purposes of determining eligibility for medical assistance or the limited casualty program for the medically needy for institutionalized persons and recipients of home and community-based waivers as defined in Title XIX of the federal social security act except that:

(1) An agreement between spouses transferring or assigning rights to future income from one spouse to the other shall be invalid for purposes of determining eligibility for medical assistance or the limited casualty program for the medically needy, but this subsection does not affect agreements between spouses transferring or assigning resources, and income produced by transferred or assigned resources shall continue to be recognized as the separate income of the transferee; and

(2) The department shall not apply community property law where the income or earnings of the nonapplicant spouse exceeds the income or earnings of the applicant spouse.

NEW SECTION. Sec. 2. There is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1987, the sum of two million seven hundred nine thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, I have a letter from Secretary Shinpoch of the Department of Social and Health Services, dated February the 4th, which says that the Department does not intend to impact the transfer of the asset's amendment which permits unlimited transfer of resources between spouses. In your opinion, does this amendment affect the statement made by Senator Shinpoch in any way?"

Senator Talmadge: "I think it's consistent with the statement made by Secretary Shinpoch. It affects only income and not assets."

Senator Deccio: "I guess the next question I have is the difference between transfer of resources as opposed to income."

Senator Talmadge: "The intention, Senator, is to affect only income not tangible assets or resources of the parties. That would be handled consistent with the section that you and I worked on back in 1982."

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:
On page 1, line 2. after "74.09 RCW;" insert "making an appropriation;"

On motion of Senator Talmadge, the rules were suspended, Reengrossed Substitute Senate Bill No. 4659 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McDonald: "Senator Talmadge, the exchange between you and Senator Deccio attracts my attention. This only deals with income so you could have a lot of wealth, but not much income and transfer that around? Is that correct?"

Senator Talmadge: "That is correct, Senator McDonald. Of course, you should recall that the federal tax code frowns upon such transfers of assets and such transfers of assets do carry some considerable capital gain and income significance, that's why there's some disincentive for people to do that. This permits people to make the kind of separate property agreements and community property agreements that are rather common out there that people utilize. There is some value in doing that but it does not, in effect, provide an incentive for people to do that as a mechanism for qualifying someone for a public assistance, specifically medicaid."

Senator McDonald: "Then the barrier to doing that would be the penalty that you pay in capital gains?"

Senator Talmadge: "That's my belief, yes--among other things."

Senator McDonald: "Thank you."

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, it's not quite clear yet. Take that person that has a three hundred dollar income and the other person that has seven hundred dollars, say, combined they've got a thousand dollars, which is a minimum standard of living. What would this do? Would this say that you split the income with the one person who's going into the nursing home or whatever?"

Senator Talmadge: "Senator, I'll let Senator Kreidler respond to that. The idea is to recognize in a limited way the separate property status of the property, the community property status of the property, depending upon whether they're the primary generator of income and the other individual is in a situation of qualifying for assistance.

"Senator Kreidler may respond--"

Senator Rasmussen: "Why I was interested in it, is that the survivor never has enough money to live on. Once it's decided, that money is gone. The person that is in the home dies. The decision still stands and whoever is the survivor, man or woman, there's no inheritance after you've taken it away. No, because many of these pensions are not inheritable."

REMARKS BY SENATOR KREIDLER

Senator Kreidler: "Senator Rasmussen, if the person in the nursing home was the person with the seven hundred dollar income and the person on the outside was the one with three hundred, then community property would apply. You would essentially get five hundred dollars of the income from the person on the outside. If the person on the outside has the seven hundred dollar income and the person in the nursing home had three hundred, then community laws don't apply. The person on the outside keeps the seven hundred.

"That is a marked improvement over the current practice that preceded the Purser case or the one that is being applied after the Purser case. I should say the one after the Purser case essentially protects that position for that--"

Senator Rasmussen: "One other question, please. The Purser v. Rahm went in last fall according to Senator Talmadge. How many cases have been filed? And were they wealthy or poor?"

Senator Kreidler: "Essentially, the people who have come back under the Purser situation were women who ever since medicaid became the law of the land, and essentially what would happen is that person on the outside who was the low income one would have community property applied, so that they would have essentially then been limited effectively to the five hundred dollars by virtue--excuse me, to half of the property that was on the outside. If it were a hundred and fifty, they would come under SSI and qualify that way. They were really penalized. As a result of the Purser case then, they benefited in exactly the way the amendment specifies in the sense that if community laws applied, it would be averaging of their two incomes and fifty percent then of that would be applied."

Senator Rasmussen: "My concern is that women live an average of ten years longer than the men and that's my concern that they'll be left with nothing."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 4659.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 4659 and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn - 39.

Voting nay: Senators Bluechel, Cantu, Garrett, McDermott, Newhouse, Rasmussen, Stratton, Williams, Zimmerman - 9.

Excused: Senator Patterson - 1.

REENGROSSED SUBSTITUTE SENATE BILL NO. 4659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4951, by Senators McManus and DeJarnatt

Creating a pilot project in entrepreneurial education.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4951 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4951.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4951 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Gaspard, Rinehart - 2.

Absent: Senator Guess - 1.

Excused: Senator Patterson - 1.

SENATE BILL NO. 4951, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator McDonald moved that the Senate now consider Senate Bill No. 4795. Debate ensued.

MOTION

At 4:53 p.m., Senator Vognild moved that the Senate adjourn until 11:00 a.m., Wednesday, February 19, 1986.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Vognild that the Senate adjourn until 11:00 a.m., Wednesday, February 19, 1986.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild to adjourn passed the Senate by the following vote: Yeas, 27; nays, 20; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 20.

Absent: Senator Guess - 1.

Excused: Senator Patterson - 1.

MOTION

At 4:57 p.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Wednesday, February 19, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 19, 1986

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Johnson and Pullen. On motion of Senator von Reichbauer, Senators Johnson and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Brady Roach and Amy Brown, presented the Colors. Reverend Hendrick Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

February 17, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 508,

ENGROSSED HOUSE BILL NO. 1607,

ENGROSSED HOUSE BILL NO. 1784,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1830,

SUBSTITUTE HOUSE BILL NO. 1838,

ENGROSSED HOUSE BILL NO. 1900,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1937,

HOUSE BILL NO. 1956,

SUBSTITUTE HOUSE BILL NO. 1967,

SUBSTITUTE HOUSE BILL NO. 1972,

SUBSTITUTE HOUSE BILL NO. 2011,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021,

ENGROSSED HOUSE BILL NO. 2055,

SUBSTITUTE HOUSE BILL NO. 2083,

ENGROSSED HOUSE JOINT MEMORIAL NO. 38, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 18, 1986

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1357,

ENGROSSED HOUSE BILL NO. 1389,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1429,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1717,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,

HOUSE BILL NO. 1825,

HOUSE BILL NO. 1851, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 18, 1986

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1555,

ENGROSSED HOUSE BILL NO. 1614,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 11, 1986

Mr. President:

The House has passed:

HOUSE BILL NO. 1928, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 508 by Committee on Natural Resources (originally sponsored by Representatives Vekich, Basich, Thomas, R. King, Lundquist, S. Wilson and Haugen)

Requiring timber from public lands to be sold on a sustainable yield basis.

Referred to Committee on Natural Resources.

SHB 1357 by Committee on Commerce and Labor (originally sponsored by Representative Wang)

Regulating cigarette sales.

Referred to Committee on Commerce and Labor.

EHB 1389 by Representatives Jacobsen, Appelwick, Ballard and Lux

Requiring needs assessment and certificate of need review for air and land ambulance services.

Referred to Committee on Human Services and Corrections.

ESHB 1429 by Committee on Ways and Means (originally sponsored by Representatives Rust, Allen, Unsoeld, Brough, May, Ebersole, Nutley, Wang, Cole, Leonard, K. Wilson, McMullen, Jacobsen and Lux)

Authorizing grants for mediations.

Referred to Committee on Ways and Means.

ESHB 1447 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Patrick, Bristow and P. King)

Modifying accounting and reporting requirements for public works contracts.

Referred to Committee on Governmental Operations.

ESHB 1555 by Committee on State Government (originally sponsored by Representatives Belcher, Niemi, Leonard, Allen, Haugen, Locke, Cole, Sayan, Unsoeld, Brough and Wang)

Identifying other programs for the certification of minority and women's business enterprises.

Referred to Committee on Governmental Operations.

EHB 1565 by Representatives Valle, S. Wilson, Dellwo, Lux, Crane, Sutherland, Winsley, Addison and Unsoeld

Providing for the selection of bond counsel by state and local government.

Referred to Committee on Governmental Operations.

EHB 1607 by Representatives Sommers and Prince

Revising provisions relating to negotiations by community college academic personnel.

Referred to Committee on Ways and Means.

ESHB 1609 by Committee on Social and Health Services (originally sponsored by Representatives Niemi, Ballard, Leonard, Brooks and P. King)

Providing for the certification of respiratory care practitioners.

Referred to Committee on Human Services and Corrections.

ESHB 1614 by Representatives Long and Armstrong (by request of Department of Licensing)

Delaying certain new prerequisites for the issuance of vehicle licenses.

Referred to Committee on Transportation.

ESHB 1678 by Committee on Energy and Utilities (originally sponsored by Representatives Wang, Jacobsen, Tilly, Todd, Fisher, Patrick, D. Nelson, Barnes, Lux, Isaacson, Locke, Sayan, Unsoeld, Long, Sutherland, Brough, Van Luven, Winsley, Gallagher, Nealey, P. King, C. Smith and Taylor)

Regulating telephone solicitation.

Referred to Committee on Energy and Utilities.

ESHB 1699 by Representatives Lux, Barrett, Nutley, Schmidt, Zellinsky, Appelwick, Unsoeld and P. King

Requiring property and casualty insurers to report loss and expense experiences.

Referred to Committee on Financial Institutions.

ESHB 1704 by Committee on Higher Education (originally sponsored by Representatives Sommers, Ebersole and Allen) (by request of Governor Gardner)

Establishing the state board for vocational education.

Referred to Committee on Education.

ESHB 1717 by Committee on Ways and Means (originally sponsored by Representative Braddock)

Adopting the long-term care corporations planning act of 1986.

Referred to Committee on Ways and Means.

ESHB 1723 by Committee on Local Government (originally sponsored by Representatives Nutley, L. Smith, Ebersole and Madsen)

Revising regulation of public dances and recreational activities.

Referred to Committee on Governmental Operations.

ESHB 1731 by Committee on Judiciary (originally sponsored by Representatives K. Wilson, Lewis, Day, Winsley, Braddock, Bristow, Scott, Tilly and P. King)

Revising provisions on juveniles.

Referred to Committee on Judiciary.

ESHB 1754 by Committee on Trade and Economic Development (originally sponsored by Representatives Tanner, Sanders, Long, Peery and P. King)

Encouraging employers to hire recipients of unemployment insurance benefits and public assistance.

Referred to Committee on Commerce and Labor.

EHB 1784 by Representatives Day, Vander Stoep, Dellwo, van Dyke, Addison, Wineberry and Tanner

Changing provisions relating to disclosures required in securities registration statements.

Referred to Committee on Financial Institutions.

EHB 1786 by Representatives Unsoeld, Belcher, Allen, Vekich, Miller and Sayan

Creating the twenty-fourth community college district.

Referred to Committee on Education.

HB 1805 by Representatives Jacobsen, Belcher and Sanders

Increasing the authority of certain agencies to use local private printing companies.

Referred to Committee on Governmental Operations.

HB 1825 by Representatives Vekich, Basich, McMullen, Peery and May (by request of Department of Community Development)

Authorizing the use of the local hotel/motel tax to develop strategies to expand tourism.

Referred to Committee on Commerce and Labor.

ESHB 1830 by Committee on Ways and Means (originally sponsored by Representatives Ebersole, Holland and Cole) (by request of Superintendent of Public Instruction)

Authorizing bonds for common school capital projects.

Referred to Committee on Ways and Means.

SHB 1838 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Barnes and Fisher)

Changing provisions relating to campaign financing disclosure.

Referred to Committee on Governmental Operations.

HB 1851 by Representatives Bristow, Appelwick, B. Williams, J. King, Ebersole, Sutherland, Tilly, L. Smith, Silver, Ballard and Fuhrman

Modifying the taxation of ingredients, components, and chemicals used in processing.

Referred to Committee on Ways and Means.

EHB 1900 by Representatives Baugher, Rayburn, Bristow, Vekich, Peery and Braddock

Allowing agreement to run purebred or crossbred bulls and proportioning number of cows to bulls on range area.

Referred to Committee on Agriculture.

HB 1928 by Representatives Zellinsky, Walk, Smitherman, Hargrove, Dellwo, Haugen and Fisch

Funding investigation of accidents involving state-licensed pilots and legal fees.

Referred to Committee on Transportation.

ESHB 1937 by Committee on Education (originally sponsored by Representatives Locke, Scott, Nutley, Winsley, Niemi, Wineberry, Jacobsen, Wang, Miller and R. King) (by request of Governor Gardner)

Providing for school districts to operate child care programs.

Referred to Committee on Education.

HB 1956 by Representatives Grimm, Padden and May (by request of Secretary of State)

Clarifying terms of judges of the state court of appeals.

Referred to Committee on Judiciary.

SHB 1967 by Committee on Local Government (originally sponsored by Representative McMullen)

Providing for the lease of state lands for county fairgrounds.

Referred to Committee on Governmental Operations.

SHB 1972 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives P. King and Long)

Authorizing entities to self-insure for property damage and casualty insurance.

Referred to Committee on Financial Institutions.

SHB 2011 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives P. King and Addison)

Requiring maintenance of separate accounts for insurance agents.

Referred to Committee on Financial Institutions.

ESHB 2021 by Committee on Social and Health Services (originally sponsored by Representatives J. King and Brooks)

Creating Washington health care project commission.

Referred to Committee on Human Services and Corrections.

EHB 2055 by Representative Grimm

Relating to bonded indebtedness.

Referred to Committee on Ways and Means.

SHB 2083 by Committee on Financial Institutions and Insurance (originally sponsored by Representative Lux)

Creating insurance plans for providers of day care services.

Referred to Committee on Financial Institutions.

HJM 29 by Representatives Lux, Appelwick, Locke, Dellwo, Belcher, Armstrong, Nutley, Unsoeld, Crane and Fisch

Requesting the federal regulation of insurance.

Referred to Committee on Financial Institutions.

EHJM 38 by Representatives D. Nelson, Armstrong, Long, Jacobsen, Sutherland, Todd, Unsoeld, Nutley and Peery

Requesting the state to encourage short-term nuclear waste storage so that long-term alternative deadlines may be extended for purposes of further study of long-term alternatives.

Referred to Committee on Energy and Utilities.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 19, 1986

GA 213 GARY WIGGS, to the position of Chairman of the Industrial Insurance Appeals Board, appointed by the Governor on September 26, 1985, for the term ending June 17, 1991, succeeding Michael Hall.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Halsan, Lee, Moore, Newhouse, Williams.

Passed to Committee on Rules.

February 19, 1986

GA 215 JANE WILKINSON, to the position of member of the Public Employees Relations Commission, reappointed by the Governor on September 16, 1985, for the term ending September 8, 1990.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Halsan, Lee, Moore, Newhouse, Williams.

Passed to Committee on Rules.

MOTION

On motion of Senator Vognild, the Senate advanced to the eighth order of business.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Sheriff's Deputy Paul Ingram, crime prevention officer, from the Thurston County Sheriff's Office who was accompanied by Dog McGruff, the Sheriff's crime prevention dog and national symbol for the Safe House program.

With permission of the Senate, business was suspended to permit Dog McGruff to address the Senate.

MOTION

On motion of Senator Talmadge, the following resolution was adopted:

SENATE RESOLUTION 1986-134

by Senators Talmadge, Moore, Warnke, Sellar, Guess, Rasmussen, Bauer, Bottiger, Zimmerman, Patterson, DeJarnatt, Stratton and McCaslin

WHEREAS, There is increasing public concern over the thousands of missing and/or kidnapped children reported each year; and

WHEREAS, The mobility of modern day society enables missing and/or kidnapped children to be transported from one end of the state to another in a short period of time; and

WHEREAS, There is a need for a "Safe House" program to establish homes in local communities that would serve as a safe refuge for children who are frightened, injured, lost, in danger, crime victims, or in any emergency situation; and

WHEREAS, There are several different symbols currently utilized to alert missing and/or kidnapped children of a safe location; and

WHEREAS, McGruff, the crime fighting dog, is a national symbol well known to children;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Legislature encourages, supports, and recommends that local communities establish a Safe House program for the protection of our children; and

BE IT FURTHER RESOLVED, That only one symbol should be utilized to enable such children to readily recognize a symbol regardless of what part of the state said child is from; and

BE IT FURTHER RESOLVED, That the Legislature encourages, supports and recommends that the crime prevention dog, "McGruff," be the symbol used to represent Safe House.

MOTION

On motion of Senator Bauer, the following resolution was adopted:

SENATE RESOLUTION 1986-149

by Senators Bauer, Zimmerman, Thompson, DeJarnatt and McCaslin

WHEREAS, In 1886, the Washington Territorial Legislature established a state school for the blind and deaf youth in Vancouver, Washington; and

WHEREAS, The Washington State School for the Blind became a separate institution in 1913 with specific programs of instruction for the blind and visually impaired; and

WHEREAS, The school, over the past 100 years, made significant contributions to the state and nation through the success of its students in business, the professions, and the arts; and

WHEREAS, The School for the Blind provides quality education services to visually impaired youth through direct instruction and outreach services to public school students; and

WHEREAS, The school is an integral part of the state educational delivery system providing expertise in technology and methodology of the visually impaired to local school districts and serves as a state resource center for the education of the blind and visually impaired; and

WHEREAS, The month of February marks their 100th anniversary;

NOW, THEREFORE, BE IT RESOLVED, On this 19th day of February that the Senate of the state of Washington salute and congratulate all graduates, students and staff of the School for the Blind for the contributions they have made to the state of Washington; and

BE IT FURTHER RESOLVED, A suitably inscribed copy of the resolution be transmitted to the State School for the Blind, Vancouver, Washington.

INTRODUCTION OF SPECIAL GUESTS

The President introduced students from the State School for the Blind who were seated in the gallery.

The President reverted the Senate to the sixth order of business.

SECOND READING

HOUSE JOINT MEMORIAL NO. 26, by Representatives D. Nelson, Belcher, Lux, Cole, Allen, Leonard, Valle, Brekke, P. King, Unsoeld, Jacobsen, Rust, Locke, Niemi, Wang, Wineberry, Armstrong, Ebersole, Todd, Fisher, Tanner and O'Brien

Urging Congress to negotiate a verifiable test ban treaty and to stop nuclear weapons testing.

The memorial was read the second time.

MOTIONS

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

On page 2, line 9, after "treaty" strike all material through "well" on line 11

On motion of Senator Williams, the rules were suspended, House Joint Memorial No. 26, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 26, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Joint Memorial No. 26, as amended by the Senate, and the memorial passed the Senate by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Bender, Bluechel, Hansen, Kiskaddon - 4.

Excused: Senators Johnson, Pullen - 2.

HOUSE JOINT MEMORIAL NO. 26, as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Vognild, the following bills were returned to the Committee on Rules.

THIRD READING

ESB 3211.

ESB 4286.

SECOND READING

ESB 3044.

SB 3226.

SB 3260.

SSB 3414.

SB 3523.

SB 3788.

SB 4150.

SB 4264.

SB 4321.

SB 4444.

SB 4449.

SB 4471.

SB 4504.

SB 4514.

SB 4518.

SB 4530.

SB 4549.

SB 4554.

SB 4565.

SB 4600.

SB 4642.

SB 4715.

SB 4736.

SB 4742.

SB 4753.

SB 4754.

SB 4795.

SB 4858.

SB 4884.

SB 4885.

SB 4886.

SB 4903.

SB 4912.

SB 4913.

SB 4965.

SB 4971.

SB 4972.

SJM 131.

SJM 137.

SJM 138.

SJM 142.

SCR 127, SCR 129 and SCR 133 remain on the second reading calendar.

INTRODUCTION OF SPECIAL GUEST

The President introduced the President of The National Conference of State Legislators, and Senate Majority Leader from the state of North Dakota, David E. Nething, who was seated with him on the rostrum.

With permission of the Senate, business was suspended, to permit Senator Nething to address the Senate.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Engrossed Substitute House Bill No. 1484.

On motion of Senator Vognild, Engrossed Substitute House Bill No. 1484 was referred to the Committee on Parks and Ecology.

On motion of Senator Vognild, the Committee on Transportation was relieved of further consideration of Engrossed Substitute House Bill No. 1382.

On motion of Senator Vognild, Engrossed Substitute House Bill No. 1382 was referred to the Committee on Ways and Means.

MOTION

At 11:51 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Thursday, February 20, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 20, 1986

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Owen.

The Sergeant at Arms Color Guard, consisting of Pages Brice Howard and Carrie Kendell, presented the Colors. Reverend Hendrick Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 19, 1986

SCR 134 Prime Sponsor, Senator McDermott: Requiring a study of retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Cantu, Goltz, Hayner, Lee, Moore, Talmadge, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1986

HB 1371 Prime Sponsor, Representative Ebersole: Permitting school districts to use school buses and drivers hired without prior authorization from the state board of education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McDermott, McManus.

Passed to Committee on Rules for second reading.

February 19, 1986

SHB 1433 Prime Sponsor, Committee on Ways and Means: Allowing state agencies to assert claims against state lottery prize winners. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Cantu, Goltz, Hayner, Lee, Moore, Rinehart, Talmadge, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1986

HB 1441 Prime Sponsor, Representative Appelwick: Modifying provisions on unclaimed property. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Fleming, Hayner, McDonald, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

February 19, 1986

HB 1510 Prime Sponsor, Representative Belcher: Abolishing the state school equalization fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Goltz, Hayner, Lee, Moore, Rinehart, Talmadge, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1986

HB 1516 Prime Sponsor, Representative Appelwick: Modifying provisions on the state property tax levy. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Fleming, Hayner, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

February 19, 1986

HB 1517 Prime Sponsor, Representative Appelwick: Modifying provisions on estate taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Fleming, Goltz, Hayner, Lee, Moore, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1986

HB 1633 Prime Sponsor, Representative Appelwick: Providing for the taxation of timber harvested by public entities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Lee, Moore, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 19, 1986

HB 1702 Prime Sponsor, Representative Valle: Appropriating funds for the developmentally disabled. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Cantu, Goltz, Hayner, Lee, Moore, Rinehart, Talmadge, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1986

EHB 1725 Prime Sponsor, Representative Ebersole: Providing an alternative method for review of learning objectives program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Fleming, Goltz, Granlund, Guess, Kiskaddon, McDermott, McManus.

Passed to Committee on Rules for second reading.

February 19, 1986

EHB 1743 Prime Sponsor, Representative Nutley: Providing for use tax collection. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1986

SHB 1831 Prime Sponsor, Committee on Education: Studying models for evaluating teachers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, Guess, Kiskaddon, McDermott, McManus.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

February 13, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Ruth A. Beck, appointed February 13, 1986, for a term ending December 31, 1990, as a member of the Public Disclosure Commission.

Sincerely,
BOOTH GARDNER, Governor

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Gaspard, the appointment of Lyle Jacobsen as a member of the Higher Education Coordinating Board was confirmed.

APPOINTMENT OF LYLE JACOBSEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Owen - 1.

MOTION

On motion of Senator Bender, Senator Owen was excused.

MOTION

On motion of Senator Rinehart, the appointment of John Fluke, Jr. as a member of the Higher Education Coordinating Board was confirmed.

APPOINTMENT OF JOHN FLUKE, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Owen - 1.

MOTION

On motion of Senator Zimmerman, Senator McCaslin was excused.

MOTION

On motion of Senator Wojahn, the appointment of Terry Sebring as a member of the Corrections Standards Board was confirmed.

APPOINTMENT OF TERRY SEBRING

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Deccio - 1.

Excused: Senators McCaslin, Owen - 2.

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Mrs. Helen Hardin Jackson, wife of Senator Henry "Scoop" Jackson. The President appointed Senators Vognild, Saling, Hayner, Wojahn, Guess and Bottiger to escort the honored guest to the Senate Rostrum.

With permission of the Senate, business was suspended to permit Mrs. Jackson to address the Senate.

MOTION

On motion of Senator Vognild, the following resolution was adopted:

SENATE RESOLUTION 1986-153

by Senators Vognild, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms

WHEREAS, On September 1, 1983, our state lost one of our most distinguished and beloved public servants and one of the great senators in our nation's history with the death of Senator Henry M. "Scoop" Jackson; and

WHEREAS, In Senator Jackson's career of almost 43 years in Congress as Representative and Senator, he devoted his efforts to helping people, to the defense of freedom, and to the pursuit of world peace; and

WHEREAS, He was a leader in supporting measures to promote the natural environment, to develop natural resources, to adopt a national energy policy, and to further education; and

WHEREAS, He was a champion of international human rights, an advocate of a strong Western deterrence as a means to safeguard freedom and peace, a pioneer in efforts to secure mutual, balanced reduction of nuclear and conventional arms, and a leading practitioner of bi-partisanship in his approach to foreign policy issues; and

WHEREAS, He was an early advocate of strengthening trade relationships with the nations of the Pacific Rim, including China, and he viewed such trade as particularly important to Washington State; and

WHEREAS, Senator Jackson believed that improving the effectiveness of domestic policy and international policy depended on higher standards of excellence and education for elected, appointed, and career governmental officials, and on a greater understanding of the history, languages and cultures of the Asian, Slavic, and middle Eastern nations; and

WHEREAS, The Henry M. Jackson Foundation has been established, chaired by Mrs. Helen Hardin Jackson, to help carry on the Senator's "unfinished work" with

particular emphasis on supporting the Henry M. Jackson School of International Affairs at the University of Washington.

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and applaud the work of the Henry M. Jackson Foundation and particularly its efforts to support the Jackson School as a center for study of the history, politics, economics, and languages of the world's major regions. This work is in keeping with Senator Jackson's concern for nurturing the roots of scholarship and education so essential to an intelligent United States foreign policy and a vibrant trade policy, matters of special interest to the state of Washington; and

BE IT FURTHER RESOLVED, That the Senate celebrates the memory of our great and beloved Senator Henry M. Jackson by declaring May 31, 1987, the 75th anniversary of his birth as Scoop Jackson Day in the State of Washington.

The honored guest was escorted from the Senate Chambers and the committee was discharged.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Rules was relieved of further consideration of Senate Bill No. 4905.

On motion of Senator Vognild, Senate Bill No. 4905 was placed on the second reading calendar.

On motion of Senator Vognild, the Committee on Ways and Means was relieved of further consideration of Engrossed Substitute House Bill No. 1429.

On motion of Senator Vognild, Engrossed Substitute House Bill No. 1429 was referred to the Committee on Parks and Ecology.

Senator Vognild moved that the Committee on Governmental Operations be relieved of further consideration of Engrossed Substitute House Bill No. 1681 and that Engrossed Substitute House Bill No. 1681 be referred to the Committee on Commerce and Labor.

Debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Vognild to relieve the Committee on Governmental Operations of Engrossed Substitute House Bill No. 1681 and to refer the bill to the Committee on Commerce and Labor.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild carried by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Excused: Senator Owen - 1.

The Committee on Governmental Operations was relieved of further consideration of Engrossed Substitute House Bill No. 1681 and Engrossed Substitute House Bill No. 1681 was referred to the Committee on Commerce and Labor.

MOTION

At 11:53 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Friday, February 21, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 21, 1986

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz and McDermott. On motion of Senator Bender, Senator McDermott was excused.

The Sergeant at Arms Color Guard, consisting of Pages Eric Sodorff and Heather Hudson, presented the Colors. Reverend Hendrick Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 20, 1986

SHB 37 Prime Sponsor, Committee on Environmental Affairs: Authorizing above-ground tanks for recycling used oil. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 19, 1986

EHB 134 Prime Sponsor, Representative Jacobsen: Regulating the use of automatic dialing and announcing devices. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 20, 1986

SHB 205 Prime Sponsor, Committee on Ways and Means: Authorizing a limited offering exemption to the securities act. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Granlund, McDermott, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 20, 1986

ESHB 355 Prime Sponsor, Committee on Ways and Means: Providing for state patrol retirement credit for cadets. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Fleming, Goltz, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1986

SHB 681 Prime Sponsor, Committee on Environmental Affairs: Establishing an annual "governor's award of excellence" for outstanding achievement in hazardous or solid waste management. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 20, 1986

EHB 1353 Prime Sponsor, Representative Rayburn: Modifying requirements for approval of plats in irrigation districts. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 20, 1986

ESHB 1355 Prime Sponsor, Committee on Agriculture: Authorizing a Washington-bred horse marketing program. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 20, 1986

HB 1486 Prime Sponsor, Representative Peery: Repealing the sunset termination of the fairs commission. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 20, 1986

EHB 1563 Prime Sponsor, Representative Rust: Changing provisions relating to winter recreational facilities. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 19, 1986

HB 1572 Prime Sponsor, Representative Todd: Modifying certain practices in proceedings of the utilities and transportation commission. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 20, 1986

HB 1599 Prime Sponsor, Representative Dellwo: Revising snowmobile regulation. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 20, 1986

HB 1637 Prime Sponsor, Representative Baugher: Expanding access to state emergency information telephone lines. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman, Bailey, Benitz, Halsan, Kreidler, McCaslin, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 20, 1986

HB 1868 Prime Sponsor, Representative Belcher: Prohibiting unauthorized use of official logos of the 1989 Washington centennial. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 20, 1986

HB 1899 Prime Sponsor, Representative Prince: Providing for the establishment of a state land bank. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 20, 1986

EHJM 38 Prime Sponsor, Representative D. Nelson: Requesting the state to encourage short-term nuclear waste storage so that long-term alternative deadlines may be extended for purposes of further study of long-term alternatives. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, McCaslin, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 20, 1986

EHCR 19 Prime Sponsor, Representative Fisch: Directing the department of ecology to report to the legislature on the prevention and cleanup of oil spills. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

MOTION

At 11:07 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:21 a.m. by President Cherberg.

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

SECOND READING

SENATE BILL NO. 4905, by Senators Peterson and Patterson (by request of Governor Gardner)

Adopting the supplemental transportation budget.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4905 was substituted for Senate Bill No. 4905 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended. Substitute Senate Bill No. 4905 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4905.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4905 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Voting nay: Senators Bauer, Halsan, Kreidler, McManus, Talmadge, Wojahn - 6.

Absent: Senator Benitz - 1.

Excused: Senator McDermott - 1.

SUBSTITUTE SENATE BILL NO. 4905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Brigadier General William K. White, Commander of the Colorado Army National Guard, who was seated with him on the rostrum, a special guest of Senator Peter von Reichbauer. Also introduced were officers of the National Guard accompanying General White.

MOTION

On motion of Senator von Reichbauer, Senator Benitz was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Wojahn, the appointment of Marian Troyer-Merkel as a member of the Hospital Commission was confirmed.

APPOINTMENT OF MARIAN TROYER-MERKEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Sellar - 1.

Excused: Senators Benitz, McDermott - 2.

MOTION

On motion of Senator Wojahn, the appointment of William E. Henry as a member of the Prison Terms and Paroles Board was confirmed.

APPOINTMENT OF WILLIAM E. HENRY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Barr, McCaslin - 2.

Excused: Senators Benitz, McDermott - 2.

MOTION

On motion of Senator Wojahn, the appointment of George W. Johnson as a member of the Prison Terms and Paroles Board was confirmed.

APPOINTMENT OF GEORGE W. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Sellar - 1.

Excused: Senators Benitz, McDermott - 2.

MOTION

On motion of Senator Bottiger, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Fleming, the following resolution was adopted:

SENATE RESOLUTION 1986-155

by Senators Fleming, Conner and Zimmerman

WHEREAS, George Washington accomplished more with fewer resources than any other military leader in the history of the world by leading the United States through the most successful revolution for freedom in world history; and

WHEREAS, George Washington's life was marked by military brilliance and a deep, lasting concern for his soldiers and the people; and

WHEREAS, George Washington was a man of impeccable moral and spiritual character who openly acknowledged and followed God's Word in founding America; and

WHEREAS, George Washington was the highest example of leadership possible as chairman of the most important convocation of political leaders in the history of the world in the formation of the United States Constitution; and

WHEREAS, George Washington's commitment to the leadership of the newly formed country did not end after the Revolutionary War, but, through a deep sense of commitment to freedom, he served eight years as the first President of the United States of America; and

WHEREAS, George Washington instilled this example in the hearts of all Americans, thus causing all of American history and the people involved in it to be permeated with his ideals and example; and

WHEREAS, These ideals have caused America to be the greatest nation in the history of the world;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honors the birthday of George Washington; and that we attribute to him the honor and respect due him in light of his great accomplishments and achievements in forming the freedom we so often take for granted today.

MOTION

On motion of Senator Williams, the following resolution was adopted:

SENATE RESOLUTION 1986-151

by Senators Williams, McDonald, Goltz, Wojahn, McDermott, Rinehart, Cantu, Guess and Zimmerman

WHEREAS, Architect Minoru Yamasaki, FAIA, a Seattle native born in 1912, died on February 6, 1986, at the age of seventy-three in Detroit; and

WHEREAS, Yamasaki's extraordinary talent and artistic sensitivity contributed to a life's work that characterized him as one of the premier architects of our time; and

WHEREAS, Among Yamasaki's contributions to the world of architecture are the: World Trade Center in New York, Century Plaza Towers in Los Angeles, Pacific Science Center in Seattle, Rainier Bank Tower in Seattle, IBM Building in Seattle,

United States' Consulate General's office in Kobe, Japan, Dharan International Airport in Saudi Arabia (pictured on Saudi currency), Woodrow Wilson School of Public and International Affairs at Princeton University, McGregor Memorial Community Conference Center at Wayne State University in Detroit; and

WHEREAS, During his early years in Washington state, Yamasaki graduated from Garfield High School in Seattle, where he played football and earned a basketball letter. Yamasaki went on to study architecture at the University of Washington where he earned his Bachelor of Architecture degree, thereafter moving to New York City in the mid 1930's; and

WHEREAS, Between 1943 and 1945 Yamasaki taught at Columbia University before moving to Detroit. Yamasaki opened his own design firm, Minoru Yamasaki and Associates, in the late 1940's in Troy, Michigan; and

WHEREAS, In 1960 the University of Washington Alumni Association honored Yamasaki as Alumnus Summa Laude Dignatus. In 1983, he was named to this state's Centennial Hall of Honor by the Washington State Historical Society; and

WHEREAS, In 1948, Yamasaki joined the Detroit Chapter, American Institute of Architects and was invested as a Fellow of the American Institute of Architects in 1960, and received the following design awards: In 1956, the American Institute of Architects Award of Merit for the Feld Clinic in Detroit, Michigan, while Yamasaki was affiliated with Lein Weber and Associates; in 1959, the American Institute of Architects Award of Merit for Benjamin Franklin High School in Wayne, Michigan, while Yamasaki was affiliated with Minoru Yamasaki and Associates; in 1959, the American Institute of Architects Honor Award for the McGregor Memorial Community Conference Center at Wayne State University; in 1961, the American Institute of Architects Honor Award for the Reynolds Metals Regional Sales Building in Detroit, Michigan; and in 1963, the American Institute of Architects Honor Award for Dharan International Air Terminal in Dharan, Saudi Arabia;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate takes this opportunity to recognize the tremendous contributions of a native son to the state of Washington and the world through his architectural design and honors the memory of his life and accomplishments; and

BE IT FURTHER RESOLVED, That the Washington State Senate appreciates the loss to the Yamasaki family of a devoted husband, father, brother and grandfather and joins in the world's sincerest sympathy for his passing; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Washington State Senate to the Yamasaki family.

MOTION

At 11:52 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Monday, February 24, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 24, 1986

The Senate was called to order at 11:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Kreidler, McDonald, Patterson, Rinehart and Stratton. On motion of Senator Bender, Senator Stratton was excused.

The Sergeant at Arms Color Guard, consisting of Pages Ian Henderson and Linda Reger, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 20, 1986

SHB 2 Prime Sponsor, Committee on State Government: Government employee exchange program. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1986

SHB 131 Prime Sponsor, Committee on Social and Health Services: Revising the regulation of health-related professions. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Granlund, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

February 20, 1986

2SHB 136 Prime Sponsor, Committee on Environmental Affairs: Promoting local governments hazardous waste management programs. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 20, 1986

SHB 243 Prime Sponsor, Committee on Natural Resources: Authorizing a voluntary food fish or shellfish license suspension program in conservation crisis. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Stratton, Vice Chairman; Barr, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 21, 1986

ESHB 308 Prime Sponsor, Committee on Local Government: Relating to municipal incorporation proceedings and elections. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1986

HB 464 Prime Sponsor, Representative Patrick: Restricting the sale of wildlife skins and furs at auction. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Stratton, Vice Chairman; Barr, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 20, 1986

SHB 594 Prime Sponsor, Committee on Social and Health Services: Establishing plans for institutional industries and requiring purchase of products from institutional industries. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Deccio, Granlund, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

February 20, 1986

SHB 1096 Prime Sponsor, Committee on Natural Resources: Modifying provisions relating to surface mining permits and fees. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Stratton, Vice Chairman; Barr, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 20, 1986

ESHB 1177 Prime Sponsor, Committee on Environmental Affairs: Providing public access to records of hazardous waste handlers. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 20, 1986

SHB 1332 Prime Sponsor, Committee on Social and Health Services: Allowing consumer choice of brand name or generic drugs. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson, Stratton.

Passed to Committee on Rules for second reading.

February 20, 1986

SHB 1335 Prime Sponsor, Committee on State Government: Modifying requirements for personal services contracts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 21, 1986

EHB 1358 Prime Sponsor, Representative Wang: Changing provisions relating to teacher abuse. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bailey, Bender, Craswell, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Warnke.

Passed to Committee on Rules for second reading.

February 19, 1986

SHB 1363 Prime Sponsor, Committee on Transportation: Preventing escape of debris from vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Patterson, Vognil, von Reichbauer.

Passed to Committee on Rules for second reading.

February 20, 1986

HB 1407 Prime Sponsor, Representative Haugen: Authorizing sewer or water districts to expend funds for information for residents of areas proposed for annexation. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1986

SHB 1408 Prime Sponsor, Committee on Local Government: Eliminating the findings of fact on withdrawal of territory from a water district. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1986

EHB 1442 Prime Sponsor, Representative Leonard: Modifying provisions on oil and gas leases on state lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Stratton, Vice Chairman; Barr, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 21, 1986

ESHB 1449 Prime Sponsor, Committee on Local Government: Authorizing municipal resource recovery facilities and solid waste handling systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1986

EHB 1463 Prime Sponsor, Representative Leonard: Revising provisions relating to controlled substances. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Craswell, Granlund, Kiskaddon, Stratton.

Passed to Committee on Rules for second reading.

February 20, 1986

HB 1472 Prime Sponsor, Representative Vekich: Promoting the marketing of agricultural products. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 19, 1986

SHB 1495 Prime Sponsor, Committee on Social and Health Services: Permitting health care assistants to perform in certain functions. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Granlund, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

February 20, 1986

HB 1602 Prime Sponsor, Representative Sayan: Requiring advisement in notice of sale or prospectus that timber sold separate from public land is subject to property tax. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Stratton, Vice Chairman; Barr, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 19, 1986

SHB 1669 Prime Sponsor, Committee on Transportation: Giving board of pilotage commission jurisdiction to regulate state licensed pilots on coastwise and enrolled vessels. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Patterson, von Reichbauer.

Passed to Committee on Rules for second reading.

February 19, 1986

SHB 1762 Prime Sponsor, Committee on Transportation: Revising vessel pilot regulation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Granlund, Johnson, Patterson.

Passed to Committee on Rules for second reading.

February 20, 1986

HB 1776 Prime Sponsor, Representative Scott: Establishing provisions relating to medical program directors. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Craswell, Deccio, Granlund, Johnson, Kiskaddon, McDonald, Peterson, Stratton.

Passed to Committee on Rules for second reading.

February 19, 1986

HB 1928 Prime Sponsor, Representative Zellinsky: Funding investigation of accidents involving state-licensed pilots and legal fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Patterson.

Passed to Committee on Rules for second reading.

February 19, 1986

HJM 32 Prime Sponsor, Representative Zellinsky: Requesting concurrent state and federal jurisdiction over pilot discipline. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Patterson.

Passed to Committee on Rules for second reading.

February 20, 1986

EHJM 33 Prime Sponsor, Representative Sutherland: Requesting by Joint Memorial that amendments to the Nuclear Waste Policy Act require the U.S. Department of Energy to select the best nuclear waste repository site from among all potential geologic media. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, McCaslin, Saling, Stratton.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 21, 1986

GA 274 JOHN ANDERSON, to the position of member of the Export Assistance Board of Directors, appointed by the Governor on December 13, 1985, for the term ending October 25, 1989.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules.

February 21, 1986

GA 276 KATHY TAGGARES, to the position of member of the Export Assistance Board of Directors, appointed by the Governor on December 13, 1985, for the term ending October 25, 1991.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules.

February 21, 1986

GA 278 KEN ROHAR, to the position of member of the Export Assistance Board of Directors, appointed by the Governor on December 13, 1985, for the term ending October 25, 1991.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules.

February 21, 1986

GA 280 MERLE ADLUM, to the position of member of the Export Assistance Board of Directors, appointed by the Governor on December 13, 1985, for the term ending October 25, 1991.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules.

February 21, 1986

GA 281 EMILY C. YEH, to the position of member of the Export Assistance Board of Directors, appointed by the Governor on December 13, 1985, for the term ending October 25, 1991.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

February 21, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on February 21, 1986, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 4519

Relating to the financing of water pollution control facilities and activities.

Substitute Senate Bill No. 4876

Relating to low-level radioactive waste disposal.

Sincerely,

TERRY SEBRING, Counsel to the Governor

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Gaspard, the appointment of Bill Burns as a member of the Higher Education Coordinating Board was confirmed.

APPOINTMENT OF BILL BURNS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bauer, Bottiger, Kreidler, McDonald, Patterson, Rinehart - 6.

Excused: Senator Stratton - 1.

There being no objection, the President Pro Tempore reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 21, 1986

Mr. President:

The House concurred in the Senate amendment to HOUSE JOINT MEMORIAL NO. 26 and passed the memorial as amended by the Senate.

DENNIS L. HECK, Chief Clerk

MOTION

At 11:13 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 12:00 noon by President Pro Tempore Goltz.

MOTION

At 12:00 noon, on motion of Senator Vognild, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 4:00 p.m. by President Pro Tempore Goltz.

MOTION

At 4:00 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 4:03 p.m. by President Pro Tempore Goltz.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 1986

EHB 1350 Prime Sponsor, Representative Sommers: Providing for annual adjustment to higher education tuition fees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Craswell, Fleming, Goltz, Granlund, Guess, Johnson, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 21, 1986

SHB 1451 Prime Sponsor, Committee on Judiciary: Adopting the 1977 amendments to Article 8 of the Uniform Commercial Code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 21, 1986

EHB 1459 Prime Sponsor, Representative Armstrong: Restricting evidentiary use of a breathalyzer test refusal. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, Metcalf, Newhouse, Pullen, Thompson.

Passed to Committee on Rules for second reading

February 21, 1986

SHB 1480 Prime Sponsor, Committee on Ways and Means: Eliminating the requirement on vending machine sales that sales taxes be stated separately. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1986

EHB 1786 Prime Sponsor, Representative Unsoeld: Creating the twenty-fourth community college district. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Goltz, Granlund, Guess, Kiskaddon, McManus, Saling.

Passed to Committee on Rules for second reading.

MOTION

At 4:05 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Tuesday, February 25, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 25, 1986

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Guess and Stratton. On motion of Senator Bender, Senator Stratton was excused. On motion of Senator von Reichbauer, Senator Guess was excused.

The Sergeant at Arms Color Guard, consisting of Pages Chris Flowers and Tammy Guillory, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 24, 1986

HB 43 Prime Sponsor, Representative Lux: Requiring insurers to file their annual statement convention blank. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Granlund, McDermott, Sellar.

Passed to Committee on Rules for second reading.

February 21, 1986

SHB 686 Prime Sponsor, Committee on Commerce and Labor: Reducing compensation for disability by the amount of unemployment benefits. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1986

SHB 712 Prime Sponsor, Committee on Commerce and Labor: Permitting claimants to review their industrial insurance files. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1986

HB 1058 Prime Sponsor, Representative Cole: Exempting certain emergency calls from provisions prohibiting interception or recording of private communications. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Kreidler, McCaslin, Saling.

Passed to Committee on Rules for second reading.

February 24, 1986

SHB 1368 Prime Sponsor, Committee on Financial Institutions and Insurance: Revising provisions relating to abstracts of driving records. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Granlund, McDermott, Vognilid.

Passed to Committee on Rules for second reading.

February 21, 1986

HB 1377 Prime Sponsor, Representative Wang: Modifying the employments covered by workers compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognilid, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1986

SHB 1385 Prime Sponsor, Committee on Local Government: Authorizing water and sewer district commissioner elections from commissioner districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 24, 1986

EHB 1398 Prime Sponsor, Representative Zellinsky: Publishing maximum interest rates in the state register. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Granlund, McDermott, Newhouse.

Passed to Committee on Rules for second reading.

February 24, 1986

SHB 1413 Prime Sponsor, Committee on Local Government: Authorizing alternative procedures for the issuance of revenue bonds by local governments. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 24, 1986

HB 1462 Prime Sponsor, Representative Lux: Establishing regulations to govern the sale of nursing home insurance policies. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1986

SHB 1624 Prime Sponsor, Committee on Education: Authorizing school levies to be for a period in excess of one year. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Granlund, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules for second reading.

February 24, 1986

HB 1662 Prime Sponsor, Representative Hankins: Authorizing fire protection districts to assist hazardous materials response team. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 24, 1986

ESHB 1688 Prime Sponsor, Committee on Higher Education: Regulating private degree-granting institutions. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Granlund, Kiskaddon, McManus, Warnke.

Passed to Committee on Rules for second reading.

February 24, 1986

ESHB 1892 Prime Sponsor, Committee on Energy and Utilities: Limiting the taxation of telecommunications services by cities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Kreidler, McCaslin.

Passed to Committee on Rules for second reading.

February 24, 1986

SHB 2011 Prime Sponsor, Committee on Financial Institutions and Insurance: Requiring maintenance of separate accounts for insurance agents. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1986

SHB 2080 Prime Sponsor, Committee on Financial Institutions and Insurance: Authorizing a joint underwriting association to provide insurance for day care providers. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1986

HJR 55 Prime Sponsor, Representative Peery: Specifying the time period for levies for renovation and construction of school facilities. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Granlund, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

February 21, 1986

GA 282 HERB SIMON, to the position of member of the Export Assistance Board of Directors, appointed by the Governor on December 13, 1985, for the term ending October 25, 1991.

Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams.

Passed to Committee on Rules.

MOTION

At 10:05 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:07 p.m. by President Cherberg.

REPORT OF STANDING COMMITTEE

February 25, 1986

SB 4762 Prime Sponsor, Senator McDermott: Adopting the supplemental budget. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4762 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Hold.

MOTION

On motion of Senator McDermott, the rules were suspended and Senate Bill No. 4762 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator McDermott, the appointment of Eleanor Chase as a member of the Board of Trustees for Eastern Washington University was confirmed.

APPOINTMENT OF ELEANOR CHASE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bauer, Halsan, Lee - 3.

Excused: Senators Guess, Stratton - 2.

MOTION

At 2:17 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:49 p.m. by President Cherberg.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Gaspard, the appointment of William Wiley as a member of the Higher Education Coordinating Board was confirmed.

APPOINTMENT OF WILLIAM WILEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Absent: Senators Bauer, Rinehart, Wojahn - 3.

Excused: Senators Guess, Stratton - 2.

SECOND READING

SENATE BILL NO. 4762, by Senators McDermott and Rasmussen (by request of Governor Gardner)

Adopting the supplemental budget.

MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 4762 was substituted for Senate Bill No. 4762 and the substitute bill was placed on second reading and read the second time.

POINT OF INQUIRY

Senator Vognild: "Senator McDermott, I have two amendments on my desk as committee amendments by the Committee on Ways and Means. Do I properly understand that they are incorporated in the substitute bill as you substituted?"

Senator McDermott: "Yes."

Senator Vognild: "Thank you."

MOTION

Senator Lee moved that the following amendment be adopted:

On page 18, after line 34, insert:

"(b) \$3,900,000 for the period ending June 30, 1987 of the general fund--state appropriation is provided solely for home aid services."

Reletter the remaining subsections accordingly.

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Excused: Senators Guess, Stratton - 2.

MOTION

Senator Kreidler moved that the following amendment be adopted:

On page 31, line 31, following "appropriation" strike all the underlined material down to and including "lapse," on page 32, line 2 and insert: "shall be utilized by the department of community development for the purpose of studying how public access to the legislature can be improved, including the possibility of building a public parking garage on the capitol campus in order to accommodate such assess: PROVIDED, That such study shall be conducted in cooperation with the department of general administration."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Kreidler.

The motion by Senator Kreidler failed and the amendment was not adopted.

MOTIONS

On motion of Senator Williams, the following amendment was adopted:

On page 31, line 32, after "service" strike the remainder of subsection (10) down the period on page 32, line 2

Senator Craswell moved that the following amendment be adopted:
On page 52, after line 31, strike all of subsection (12)

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Craswell.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 24; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Decchio, Goltz, Hansen, Hayner, Kiskaddon, Lee, McCaslin, McDonald, McManus, Melcalf, Patterson, Pullen, Rasmussen, Sellar, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Johnson, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Saling, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 24.

Absent: Senator Newhouse - 1.
Excused: Senators Guess, Stratton - 2.

MOTION

Senator Saling moved that the following amendment by Senators Saling, Lee and von Reichbauer be adopted:

On page 77, line 29, after "basis," insert:

"NEW SECTION. Sec. 703. A new section is added to chapter 6 Laws of 1985 ex. sess. to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TEACHERS RETIREMENT BENEFITS
General Fund Appropriation \$ 5,300,000

The appropriation in this section is subject to the following conditions and limitations:

(1) For fiscal year 1987, beneficiaries receiving a retirement allowance pursuant to 41.32 RCW shall receive a minimum of fifteen dollars per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by fifteen dollars. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) The provisions of subsection (1) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.32.540 or 41.32.760 through 41.32.825."

Debate ensued.

Senator Zimmerman demanded a roll call and the demand was sustained.

Further debate on the amendment by Senators Saling, Lee and von Reichbauer ensued.

POINT OF INQUIRY

Senator Goltz: "Mr. President, I'd like to ask someone a question. I guess Senator Talmadge. What I'm looking for is a second opinion. You gave me a legal opinion that this is a substantive change in law which would not be done in a budget bill, and I guess I was turned to the other side of the aisle to the most available legal opinion I can get for nothing and ask Senator Hayner.

"Senator Hayner, is it your opinion that this is a substantive change in RCW which should not be allowed in a budget bill?"

Senator Hayner: "Senator Goltz, I think you can make an appropriation at any time and it's true, it may only be good for the length of this budget, but we have done that previously."

Further debate ensued.

MOTION

Senator Goltz moved that the amendment by Senators Saling, Lee and von Reichbauer be laid on the table.

Senator Hayner demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Goltz to lay the amendment by Senators Saling, Lee and von Reichbauer on the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Goltz carried by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Seillar, von Reichbauer, Zimmerman - 21.

Excused: Senators Guess, Stratton - 2.

The amendment by Senators Saling, Lee and von Reichbauer on page 77, line 29, was laid on the table.

MOTION

Senator Cantu moved that the following amendments be considered simultaneously and adopted:

On page 63, after line 6, strike everything down to and through "section." on page 65, line 3, and insert:

"NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SALARY AND COMPENSATION INCREASES

General Fund Appropriation \$ 50,828,000

The appropriation in this section is subject to the following definitions, conditions and limitations:

(1) "State-supported staff" means state-funded staff in the following programs: Basic education (program 01), general instructional support (program 94), general support (program 97), secondary vocational education (program 31), skill centers (program 45), handicapped education (program 21), institutional education (programs 26 and 56), transitional bilingual (program 65), remediation assistance (program 55), highly capable (gifted) students (program 74), vocational-technical institutes (program 47), adult education (program 83), pupil transportation (program 99), and state-supported staff in educational service districts.

(2) "Incremental fringe benefits" means 19.44 percent for certificated staff and 15.49 percent for classified staff, which percentage shall be applied to salary increase and is for employer contributions to employee benefits and retirement benefits.

(3) Increases provided by this section shall be included for the purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(4) "Revised LEAP Document 7" means the computer tabulation of certificated and classified derived base salaries for basic education staff developed by the legislative evaluation and accountability program and dated February 21, 1986 at 18.10 hours.

(5)(a) A maximum of \$8,307,000 is provided, effective September 1, 1986, for incremental fringe benefits and to increase each district's classified derived base salary, as shown on revised LEAP Document 7, by a dollar amount equal to three percent of the state-wide average classified derived base salary, as shown on revised LEAP Document 7, for state-supported basic education staff. With respect to the remaining state-supported classified staff of a district, the superintendent of public instruction shall distribute a three percent salary increase using the pertinent program state-wide average classified derived base for such staff.

(b) The salary increase authorized by (a) of this subsection shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.

(6)(a) A maximum of \$32,522,000 is provided, effective September 1, 1986, for incremental fringe benefits and to increase each district's certificated derived base salary, as shown on revised LEAP Document 7, by the percent of the state-wide average certificated derived base salary, as shown on revised LEAP Document 7, for state-supported basic education staff. With respect to the remaining state-supported certificated staff of a district, the superintendent of public instruction shall distribute a three percent salary increase using the pertinent program state-wide average certificated derived base for such staff.

(b) The salary increase authorized by (a) of this subsection shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session."

On page 76, line 4 strike everything through "1,583,000" on page 77, line 7 and insert:

"FOR THE GOVERNOR—COMPENSATION INCREASES

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject the conditions and limitations specified in this section.

(1) There is appropriated for the department of personnel exempt employees and higher education graduate assistants a three percent salary increase effective September 1, 1986.

General Fund Appropriation—State	\$	1,146,000
General Fund Appropriation—Federal	\$	66,000
Special Fund Salary Increase Revolving Fund Appropriation	\$	819,000
Total Appropriation	\$	2,031,000

(2) There is hereby appropriated for faculty of the four-year institutions of higher education an average ten percent salary increase effective September 1, 1986; PROVIDED, That no institution may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

General Fund Appropriation	\$	18,340,000
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(3) There is hereby appropriated for all faculty of the state board for community colleges an average four and one-half percent salary increase effective September 1, 1986; PROVIDED, That no institution may grant from any fund source whatsoever any salary increase greater than that provided in this subsection.

General Fund Appropriation	\$	4,918,000
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(4) There is hereby appropriated for all exempt employees of the four-year institutions of higher education and the state board for community college education an average three percent salary increase effective September 1, 1986; PROVIDED, That no institution may grant from any fund source whatsoever any salary increase greater than that provided in this subsection.

General Fund Appropriation	\$	1,434,000
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(5) There is appropriated for commissioned officers of the Washington state patrol a five percent salary increase effective July 1, 1986.

General Fund Appropriation	\$	91,000
Motor Vehicle—State Patrol Highway Account Appropriation	\$	1,492,000
Total Appropriation	\$	1,583,000*

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Cantu.

The motion by Senator Cantu failed and the amendments were not adopted.

MOTION

Senator Peterson moved that the following amendment by Senators Peterson and Patterson be adopted:

On page 87, line 5, after "expenditures," strike the remainder of the section and insert:

"The office of financial management may direct the state treasurer to transfer to the general fund an amount not to exceed \$1,500,000 from the grade crossing protective fund for the 1985-87 biennium, subject to repayment by June 3, 1987."

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Peterson and Patterson.

ROLL CALL

The Secretary called the roll and the amendment, having failed to receive the constitutional 60% majority, was not adopted by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Goltz, Granlund, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 28.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDermott, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 19.

Excused: Senators Guess, Stratton - 2.

MOTION

Senator McDermott moved that the rules be suspended and that Engrossed Substitute Senate Bill No. 4762 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion to suspend the rules and advance Engrossed Substitute Senate Bill No. 4762 to third reading and final passage.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott, having failed to receive the constitutional two-thirds majority vote, was not adopted by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Melcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Excused: Senators Guess, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4762 was passed to the Committee on Rules on third reading.

MOTION

At 4:03 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, February 26, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 26, 1986

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Guess, Stratton and Talmadge. On motion of Senator Bender, Senator Stratton was excused. On motion of Senator von Reichbauer, Senator Guess was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kerry MacGregor and Stacy MacGregor, presented the Colors. Reverend David E. Anderson, pastor of the Camas United Methodist Church, and a guest of Senator Hal Zimmerman, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 24, 1986

EHB 6 Prime Sponsor, Representative Sommers: Adopting life-cycle costing in construction design of public facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Craswell, Hayner, Lee, Rasmussen, Rinehart, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 24, 1986

ESHB 32 Prime Sponsor, Committee on Commerce and Labor: Providing collective bargaining for institutions of higher education. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, Moore, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Cantu, McDonald, Newhouse.

Hold.

February 25, 1986

ESHB 508 Prime Sponsor, Committee on Natural Resources: Requiring timber from public lands to be sold on a sustainable yield basis. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Owen, Chairman; Barr, Conner, Johnson, Metcalf, Peterson.

Referred to Committee on Ways and Means.

February 24, 1986

ESHB 905 Prime Sponsor, Committee on Environmental Affairs: Regulating emissions from wood stoves. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 24, 1986

HB 1337 Prime Sponsor, Representative Sommers: Repealing the conflict-of-interest exemption for the Washington state development loan fund committee. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, McDonald, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1986

HB 1374 Prime Sponsor, Representative Appelwick: Specifying taxable value of improvements owned or being acquired by lessees. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1986

ESHB 1382 Prime Sponsor, Committee on Ways and Means: Revising off-road vehicle funds distribution. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Goltz, Moore, Rasmussen, Talmadge, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1986

HB 1393 Prime Sponsor, Representative Sayan: Adding judicial positions in Mason and Thurston counties and dividing the judicial district. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Fleming, McCaslin, Metcalf, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

February 25, 1986

SHB 1400 Prime Sponsor, Committee on Judiciary: Creating the indeterminate sentence review board. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, McCaslin, Thompson, Williams.

Pass to Committee on Rules for second reading.

February 24, 1986

SHB 1432 Prime Sponsor, Committee on Environmental Affairs: Restricting smoking in state offices. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 24, 1986

EHB 1483 Prime Sponsor, Representative Wineberry: Repealing provision relating to special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Metcalf, Patterson, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1986

HB 1485 Prime Sponsor, Representative Peery: Exempting from special fuel taxation certain fuel used within federal areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Metcalf, Owen, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 21, 1986

HB 1490 Prime Sponsor, Representative Baugher: Modifying reimbursements for certain industrial insurance payments. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 21, 1986

2SHB 1505 Prime Sponsor, Committee on Ways and Means: Establishing a pilot project to employ those hard to employ. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1986

ESHB 1545 Prime Sponsor, Committee on Agriculture: Requiring hydraulic permit process for project approval and protection of fish life. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 21, 1986

SHB 1581 Prime Sponsor, Committee on Commerce and Labor: Revising provisions relating to claims closure in industrial insurance cases. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 24, 1986

ESHB 1587 Prime Sponsor, Committee on Trade and Economic Development: Providing for expanded international trade. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1986

SHB 1593 Prime Sponsor, Committee on Social and Health Services: Requiring health care facilities to establish rules for granting staff membership

and profession privileges. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1986

ESHB 1619 Prime Sponsor, Committee on Transportation: Fixing a rate for storm water control assessments on state highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Metcalf, Owen, Patterson, Sellar.

Passed to Committee on Rules for second reading.

February 25, 1986

SHB 1621 Prime Sponsor, Committee on Judiciary: Making provisions for family support from decedents' estates. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 24, 1986

SHB 1661 Prime Sponsor, Committee on Transportation: Modifying payment provisions on motor vehicle and special fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Metcalf, Owen, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 24, 1986

HB 1708 Prime Sponsor, Representative Belcher: Modifying liquor control board membership terms. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1986

ESHB 1713 Prime Sponsor, Committee on Agriculture: Changing provisions relating to weed control. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 21, 1986

HB 1721 Prime Sponsor, Representative Wang: Modifying provisions relating to payments into the supplemental pension fund. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 24, 1986

SHB 1722 Prime Sponsor, Committee on Environmental Affairs: Requiring an air contaminant source operating permit. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 21, 1986

SHB 1783 Prime Sponsor, Committee on Commerce and Labor: Revising provisions relating to self-insured employers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 24, 1986

SHB 1839 Prime Sponsor, Committee on Natural Resources: Providing for a county representative on the board of natural resources. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Conner, Halsan, Lee, Metcalf, Patterson, Peterson.

Passed to Committee on Rules for second reading.

February 24, 1986

SHB 1866 Prime Sponsor, Committee on Transportation: Revising the funding structure of the Washington state ferry system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Metcalf, Owen, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 25, 1986

SHB 1869 Prime Sponsor, Committee on Judiciary: Changing provisions relating to crime victims' compensation. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 21, 1986

SHB 1873 Prime Sponsor, Committee on Commerce and Labor: Revising provisions relating to benefits for injured workers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 21, 1986

SHB 1875 Prime Sponsor, Committee on Commerce and Labor: Revising provisions relating to industrial insurance benefits for retired workers and pensioners. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 24, 1986

SHB 1894 Prime Sponsor, Committee on Ways and Means: Modifying the definition of timber for tax purposes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rasmussen, Rinehart, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1986

EHB 1900 Prime Sponsor, Representative Baugher: Allowing agreement to run purebred or crossbred bulls and proportioning number of cows to bulls on range area. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 25, 1986

HB 1956 Prime Sponsor, Representative Grimm: Clarifying terms of judges of the state court of appeals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Fleming, Hayner, McCaslin, Moore, Newhouse, Owen, Pullen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 25, 1986

SHB 2014 Prime Sponsor, Committee on Agriculture: Revising regulation of agriculture commission merchants. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 21, 1986

SHCR 21 Prime Sponsor, Committee on Commerce and Labor: Establishing the joint select committee on industrial insurance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 24, 1986

GA 177 GOVERNOR ALBERT D. ROSELLINI, to the position of member of the Transportation Commission, reappointed by the Governor on May 31, 1985, for the term ending June 30, 1991.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Metcalf, Owen, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules.

February 24, 1986

GA 270 W. P. ELLIS, to the position of member of the Board of Pilotage Commissioners, reappointed by the Governor on November 27, 1985, for the term ending December 26, 1988.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Metcalf, Owen, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules.

MOTION

On motion of Senator Vognild, Engrossed Substitute House Bill No. 32 was referred to the Committee on Ways and Means.

APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore announced the presence in the Senate Chamber of the 1986 Washington State Apple Blossom Festival royalty and appointed Senators Sellar, Hansen, Bailey and Bender to escort the honored guests to the Senate Rostrum.

The President Pro Tempore turned the gavel over to Senator Sellar who introduced Queen Coreen Cockrum and Princesses Lori Harper and Katie McKee.

With permission of the Senate, business was suspended to permit Queen Coreen to address the Senate.

Senator Sellar returned the gavel to the President Pro Tempore and the honored guests were escorted from the Senate Chamber and the committee was discharged.

MESSAGES FROM THE HOUSE

February 24, 1986

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3590.

ENGROSSED SENATE BILL NO. 4619.

SENATE BILL NO. 4713.

SUBSTITUTE SENATE BILL NO. 4720, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 25, 1986

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3532.

SENATE BILL NO. 4770, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3590.

SENATE BILL NO. 4619.

SENATE BILL NO. 4713.

SUBSTITUTE SENATE BILL NO. 4720.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3532.

SENATE BILL NO. 4770.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

February 25, 1986

SHB 378

Prime Sponsor, Committee on Ways and Means: Requiring funding of cost of living retirement adjustments. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Cantu, Deccio, Fleming, Goltz, Hayner, Lee, Moore, Rinehart, Talmadge, Warnke, Wojahn.

Hold.

MOTION

On motion of Senator McDermott, the rules were suspended and Substitute House Bill No. 378 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 355, by Committee on Ways and Means (originally sponsored by Representatives Scott, Belcher, Bond, Zellinsky, Gallagher, Haugen, P. King, Fisch and Winsley) (by request of Washington State Patrol)

Providing for state patrol retirement credit for cadets.

The bill was read the second time.

MOTION

Senator McDermott moved the following Committee on Ways and Means amendments be considered simultaneously and adopted:

On page 4, line 10, after "later than" strike "December 31, 1987" and insert "June 30, 1986"

On page 4, line 15, after "under section" strike "1" and insert "2"

On page 4, beginning on line 22, after "later than" strike "December 31, 1987" and insert "June 30, 1986"

On page 4, line 24, after "Sec. 4." strike everything through "1989." and insert "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, they've shortened up the time from December 31, 1987, to June 30, 1986. Are we sure that everybody will get notified? Now, it is my understanding that this change would allow those employees to pick up their six months cadet service for the pension, but some of them have left the service. Are we going to make sure that everybody gets notified?"

Senator McDermott: "Everyone will be notified, Senator Rasmussen. I talked with the patrol on this and they're agreeable to this provision."

Senator Rasmussen: "Well, we're continually opening the door, because somebody doesn't get notified and I'm wondering about this one. I hope you'll perfect this."

Senator McDermott: "I've talked with them and told them the window only opens once."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Ways and Means amendments.

The motion by Senator McDermott carried and the committee amendments were adopted.

MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 3 of the title, after "and" strike the remainder of the title and insert "declaring an emergency."

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 355, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 355, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 355, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Benitz - 1.

Excused: Senators Guess, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 355, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Owen, the appointment of Hiram H. White as a member of the Oil and Gas Conservation Committee was confirmed.

APPOINTMENT OF HIRAM H. WHITE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Talmadge - 1.

Excused: Senators Guess, Stratton - 2.

MOTION

On motion of Senator Wojahn, the appointment of Phyllis M. Kenney as a member of the Corrections Standards Board was confirmed.

APPOINTMENT OF PHYLLIS M. KENNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Deccio, Talmadge - 2.

Excused: Senators Guess, Stratton - 2.

MOTION

On motion of Senator Owen, the appointment of Donald M. Ford as a member of the Oil and Gas Conservation Committee was confirmed.

APPOINTMENT OF DONALD M. FORD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Deccio, Talmadge - 2.

Excused: Senators Guess, Stratton - 2.

MOTION

On motion of Senator Bender, Senator Talmadge was excused.

MOTION

On motion of Senator Newhouse, the appointment of Simon Martinez as a member of the Oil and Gas Conservation Committee was confirmed.

APPOINTMENT OF SIMON MARTINEZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Guess, Stratton, Talmadge - 3.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the seventh order of business.

On motion of Senator Vognild, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 4762, which was placed on third reading February 25, 1986.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 4762, by Committee on Ways and Means (originally sponsored by Senators McDermott and Rasmussen (by request of Governor Gardner)

Adopting the supplemental budget.

The bill was read the third time and placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4762.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4762 and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 31.

Voting nay: Senators Benitz, Cantu, Craswell, Hayner, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Zimmerman - 16.

Excused: Senators Guess, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4762, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, Engrossed Substitute Senate Bill No. 4762 was ordered immediately transmitted to the House of Representatives.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Engrossed Substitute House Bill No. 2021.

On motion of Senator Vognild, Engrossed Substitute House Bill No. 2021 was referred to the Committee on Ways and Means.

MOTION

At 11:30 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Thursday, February 27, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 27, 1986

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bailey, Bender, Fleming, Goltz, Kiskaddon, McCaslin, McDonald, McManus, Owen, Sellar and Stratton. On motion of Senator von Reichbauer, Senators McDonald and Sellar were excused. On motion of Senator Vognild, Senators Bender, Fleming, Goltz, Owen and Stratton were excused.

The Sergeant at Arms Color Guard, consisting of Pages Matt Deger and Maria Terrich, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 25, 1986

HB 244 Prime Sponsor, Representative O'Brien: Creating a state medal of merit. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1986

ESHB 1270 Prime Sponsor, Committee on Local Government: Revising provisions on local property tax levies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1986

HB 1386 Prime Sponsor, Representative Hine: Modifying provisions relating to annexation by petition or election of all or part of one city or town by another city or town. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1986

SHB 1399 Prime Sponsor, Committee on Judiciary: Revising sentencing of adult felons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Metcalf, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 25, 1986

HB 1431 Prime Sponsor, Representative Nealey: Defining official and authorized uses of the state seal. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1986

SHB 1458 Prime Sponsor, Committee on Local Government: Providing penalties for violations of laws relating to public water supply systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1460 Prime Sponsor, Committee on Commerce and Labor: Authorizing class P liquor licenses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 25, 1986

HB 1504 Prime Sponsor, Representative Hine: Modifying moorage facilities' procedures for transient vessels. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Saling.

Passed to Committee on Rules for second reading.

February 25, 1986

SHB 1564 Prime Sponsor, Committee on Local Government: Extending the time allowed for protests of proposed local improvement districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, Garrett, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1986

SHB 1622 Prime Sponsor, Committee on Local Government: Revising flood control management plans. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1986

HB 1647 Prime Sponsor, Representative Fisher: Repealing sunset termination of public disclosure commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1986

SHB 1654 Prime Sponsor, Committee on Local Government: Revising local government debt computations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1986

HB 1711 Prime Sponsor, Representative Ebersole: Establishing a coordinating committee on environmental education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Granlund, Kiskaddon, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules for second reading.

February 26, 1986

HB 1720 Prime Sponsor, Representative Wang: Modifying provisions on boilers and unfired pressure vessels. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 21, 1986

Mr. President:

The Speaker has signed:

HOUSE JOINT MEMORIAL NO. 26, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 26, 1986

Mr. President:

The House has passed:

SENATE BILL NO. 4456,

SUBSTITUTE SENATE BILL NO. 4635, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE JOINT MEMORIAL NO. 26.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1335, by Committee on State Government (originally sponsored by Representatives Belcher, Jacobsen, Niemi, G. Nelson and Unsoeld)

Modifying requirements for personal services contracts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1335 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1335.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1335 and the bill passed the Senate by the following vote: Yeas, 38; absent, 4; excused, 7.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Absent: Senators Bailey, Kiskaddon, McCaslin, McManus - 4.

Excused: Senators Bender, Fleming, Goltz, McDonald, Owen, Sellar, Stratton - 7.

SUBSTITUTE HOUSE BILL NO. 1335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1480, by Committee on Ways and Means (originally sponsored by Representative Appelwick)

Eliminating the requirement on vending machine sales that sales taxes be stated separately.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1480 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1480.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1480 and the bill passed the Senate by the following vote: Yeas, 40; absent, 3; excused, 6.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Bailey, Kiskaddon, McManus - 3.

Excused: Senators Bender, Fleming, Goltz, McDonald, Sellar, Stratton - 6.

SUBSTITUTE HOUSE BILL NO. 1480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 37, by Committee on Environmental Affairs (originally sponsored by Representatives D. Nelson, Brough, Rust, Allen, Unsoeld, R. King, P. King, Fisch, McMullen and Lux)

Authorizing above-ground tanks for recycling used oil.

The bill was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 37 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 37.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 37 and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 40.

Voting nay: Senators Barr, Benitz, Rasmussen, Zimmerman - 4.

Excused: Senators Fleming, Goltz, McDonald, Sellar, Stratton - 5.

SUBSTITUTE HOUSE BILL NO. 37, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 136, by Committee on Environmental Affairs (originally sponsored by Representatives Unsoeld, Isaacson, Rust, Allen, Barnes, Valle, Jacobsen, Brekke, Lux, Patrick, R. King, Leonard, May and Belcher)

Promoting local governments hazardous waste management programs.

The bill was read the second time.

MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 448, Laws of 1985 and RCW 70.105.220 are each amended to read as follows:

(1) Each local government, or combination of contiguous local governments, is directed to prepare a local hazardous waste plan which shall be based on state guidelines and include the following elements:

(a) A plan or program to manage moderate-risk wastes that are generated or otherwise present within the jurisdiction. This element shall include an assessment of the quantities, types, generators, and fate of moderate-risk wastes in the jurisdiction. The purpose of this element is to develop a system of managing moderate-risk waste, appropriate to each local area, to ensure protection of the environment and public health;

(b) A plan or program to provide for ongoing public involvement and public education in regard to the management of moderate-risk waste. This element shall provide information regarding:

(i) The potential hazards to human health and the environment resulting from improper use and disposal of the waste; and

(ii) Proper methods of handling, reducing, recycling, and disposing of the waste;

(c) An inventory of all existing generators of hazardous waste and facilities managing hazardous waste within the jurisdiction. This inventory shall be based on data provided by the department;

(d) A description of the public involvement process used in developing the plan;

(e) A description of the eligible zones designated in accordance with RCW 70.105.225. However, the requirement to designate eligible zones shall not be considered part of the local hazardous waste planning requirements; and

(f) Other elements as deemed appropriate by local government.

(2) To the maximum extent practicable, the local hazardous waste plan shall be coordinated with other hazardous materials-related plans and policies in the jurisdiction.

(3) In recognition of the role of the private sector in providing hazardous and moderate-risk waste management facilities and transportation services, and in addition to other public involvement activities that may be required, local governments shall coordinate with those persons involved in providing such facilities and services.

(4) (a) The department shall prepare guidelines for the development of local hazardous waste plans. The guidelines shall be prepared in consultation with local governments and shall be completed by December 31, 1986. The guidelines shall include a list of substances identified as hazardous household substances.

(b) In preparing the guidelines under (a) of this subsection, the department shall review and assess information on pilot projects that have been conducted for moderate-risk waste management. The department shall encourage additional pilot projects as needed to provide information to improve and update the guidelines.

(5) The department shall consult with retailers, trade associations, public interest groups, and appropriate units of local government to encourage the development of voluntary public education programs on the proper handling of hazardous household substances.

(6) Local hazardous waste plans shall be completed and submitted to the department no later than June 30, 1990. Local governments may from time to time amend the local plan.

~~((6))~~ (7) Each local government, or combination of contiguous local governments, shall submit its local hazardous waste plan or amendments thereto to the department. The department shall approve or disapprove local hazardous waste plans or amendments by December 31, 1990, or within ninety days of submission, whichever is later. The department shall approve a local hazardous waste plan if it determines that the plan is consistent with this chapter and the guidelines under subsection (4) of this section. If approval is denied, the department shall submit its objections to the local government within ninety days of submission. However, for plans submitted between January 1, 1990, and June 30, 1990, the department shall have one hundred eighty days to submit its objections. No local government is eligible for grants under RCW 70.105.235 for implementing a local hazardous waste plan unless the plan for that jurisdiction has been approved by the department.

~~((7))~~ (8) Each local government, or combination of contiguous local governments, shall implement the local hazardous waste plan for its jurisdiction by December 31, 1991.

~~((8))~~ (9) The department may waive the specific requirements of this section for any local government if such local government demonstrates to the satisfaction of the department that the objectives of the planning requirements ~~(has have)~~ been met.

Sec. 2. Section 9, chapter 448, Laws of 1985 and RCW 70.105.235 are each amended to read as follows:

(1) Subject to legislative appropriations, the department may make and administer grants to local governments for (a) preparing and updating local hazardous waste plans, (b) implementing approved local hazardous waste plans, and (c) designating eligible zones for designated zone facilities as required under this chapter.

(2) Local governments shall match the funds provided by the department for planning or designating zones with an amount not less than twenty-five percent of the estimated cost of the work to be performed. Local governments may meet their share of costs with cash or contributed services. Local governments, or combination of contiguous local governments, conducting pilot projects pursuant to RCW 70.105.220(4) may subtract the cost of those pilot projects conducted for hazardous household substances from their share of the cost. If a pilot project has been conducted for all moderate-risk wastes, only the portion of the cost that applies to hazardous household substances shall be subtracted. The matching funds requirement under this subsection shall be waived for local governments, or combination of contiguous local governments, that complete and submit their local hazardous waste plans under RCW 70.105.220(6) prior to June 30, 1988.

(3) Recipients of grants shall meet such qualifications and follow such procedures in applying for and using grants as may be established by the department.

NEW SECTION, Sec. 3. A new section is added to chapter 70.105 RCW to read as follows:

The legislature recognizes the need for new, modified, or expanded facilities to treat, incinerate, or otherwise process or dispose of hazardous substances safely. In order to encourage the development of such facilities, the department shall adopt rules as necessary regarding the permitting of such facilities to ensure the most expeditious permit processing possible consistent with the substantive requirements of applicable law. If owners and operators are not the same entity, the operator shall be the permit applicant and responsible for the development of the permit application and all accompanying materials, as long as the owner also signs the application and certifies its ownership of the real property described in the application, and acknowledges its awareness of the contents of the application and receipt of a copy thereof.

On motion of Senator Kreidler, the following title amendment was adopted:

On page 1, line 2 of the title, after "uses;" strike "and" and after "70.105.235" insert "; and adding a new section to chapter 70.105 RCW"

MOTION

On motion of Senator Kreidler, the rules were suspended. Second Substitute House Bill No. 136, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 136, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 136, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator McCaslin - 1.

Excused: Senators Fleming, McDonald, Sellar, Stratton - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 136, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 160, by Committee on Education (originally sponsored by Representative P. King)

Authorizing fees for certain preadmission screening processes.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 18, after "which" strike "requires" and insert "authorizes"

Senator Pullen moved that the following amendment be adopted:

On page 1, line 20, after "fees" insert "not to exceed ten dollars per preadmission student"

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Gaspard, what are the fees they are charging? Let's get an idea of where we are in this because perhaps Senator Pullen's amendment isn't necessary and maybe the fees are very high. What are they charging in these cases?"

Senator Gaspard: "Senator Metcalf, in those districts that seem to be doing this, we don't have any indication in committee testimony of what the fees were. We didn't have anybody to testify that they had been exorbitant or they had been burdensome at any case. It's a situation where there's ambiguity in the law and we're trying to straighten it out and have provisos that allow the local school districts to adopt common sense and rules of common reason."

Senator Metcalf: "Thank you, Senator Gaspard, it appears to me that we don't have an idea of what the fees are. I guess I'm going to go with Senator Pullen on the amendment just to put a limit there, since we don't have any idea of what is now being charged."

POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, in the testimony before your committee, how many of these pre-admission tests, on the whole, would they have?"

Senator Gaspard: "Senator Rasmussen, that would be determined by the local school district and the parents."

Senator Rasmussen: "Well, I mean in past history. What did they have--a thousand, two thousand or three thousand people who were asking for pre-admission screening?"

Senator Gaspard: "Senator, I don't know if I can give you an exact figure. The committee did not look in asking those types of questions to those who testified. I quite frankly don't see that there is any particular bearing on how many students and parents who are asking for pre-admittance. We do know that it takes place and sometimes it is time-consuming for the school districts, but it is also important that they do these types of pre-screening testing and some of them can be rather extensive."

Senator Rasmussen: "You indicated, Senator Gaspard, that maybe this would take money away from basic education and that's why I was wondering just how many people were involved--young children?"

Senator Gaspard: "I don't think it's a great percentage to be alarmed but I know that Senator Pullen always has a concern about basic education money."

Senator Rasmussen: "Thank you, Senator Gaspard."
Further debate ensued.

MOTION

On motion of Senator Vognild, and there being no objection, further consideration of Substitute House Bill No. 160 was deferred.

MOTION

On motion of Senator Vognild, the Senate advanced to the eighth order of business.

MOTION

Senator Goltz moved that the following resolution be adopted:

SENATE RESOLUTION 1986-157

by Senators Goltz, Benitz and Hayner

WHEREAS, The state of Washington and the province of British Columbia have historically enjoyed excellent relations, with citizens of each jurisdiction partaking of the products, services, and hospitality of the other; and

WHEREAS, This good neighbor relationship is reflected in the participation by the state of Washington in "Expo 86"; and

WHEREAS, Existing barriers to trade have resulted in a significant trade deficit for the United States in relation to Canada; and

WHEREAS, The federal governments of the United States and Canada are currently negotiating toward reduction of these barriers to improve the flow of trade and the quality of life for the citizens of both countries; and

WHEREAS, The British Columbia Liquor Distribution Branch continues to impose a discriminatory mark up on beer and wine imported from the state of Washington for sale in the provincial liquor stores, resulting in products produced in the state of Washington being at a distinct competitive disadvantage and unnecessarily high prices for the citizens of British Columbia; and

WHEREAS, The British Columbia Liquor Distribution Branch has recently acted to change the levy on the casual importation of beer and wine in a way that will result in an enormous increase in costs to citizens of British Columbia who purchase beer and wine in Washington State; and

WHEREAS, A levy which makes a prohibitive increase in the cost of purchasing beer and wine in Washington State by citizens of British Columbia can be viewed as an unfriendly barrier to trade which has the potential for giving rise to retaliatory actions which would be counterproductive to a desirable broadening of economic and cultural interchange between the state of Washington and British Columbia;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington protests the action of the British Columbia Liquor Distribution Branch under which an exorbitant increase is to be made in the casual beer and wine importation levy and requests reconsideration of that action; and

BE IT FURTHER RESOLVED, That copies of this resolution shall be immediately transmitted to the Honorable William Richard Bennett, Premier of the Province of British Columbia, the Provincial Parliament of the Province of British Columbia, and Mr. Robert A. Wallace, General Manager of the British Columbia Liquor Distribution Branch.

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, at the bottom, next to the last paragraph, 'an exorbitant increase is to be made in casual beer and wine importation'--does that mean if you're going up to the Expo and you want to take a little extra booze along with you to keep you going that a levy will be made there at the border patrol station or does this relate to truckloads in commerce? One more question, if I should be coming from California with a gallon of California wine and go through Oregon and Washington without tax and then when I get to British Columbia, would they put a ten dollar a gallon tax on it?"

Senator Goltz: "They would put the levy on the wine regardless of its origin as I understand it. If you bring wine from California all the way through to the border, when it gets to the border you have to comply with their requirements at the border.

"With respect to your first question. The intent here is the casual bringing. That means a few bottles. It does not apply to truckloads. Their government is a completely different part of the law. This is for casual beer and wine importation and the Canadians come down, because they like our products and they bring them back as--I think the word 'casual' is to refer really to private use or personal use of these products."

Senator Rasmussen: "Well, another question. I haven't seen the regulation, but they do not allow you to one bottle or the two bottle limit as the other states do?"

Senator Goltz: "As I understand it, they apply a duty to every part of what is brought in under this arrangement."

Senator Rasmussen: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be adoption of Senate Resolution 1986-157.

The motion by Senator Goltz carried and the resolution was adopted.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Dr. Michael Inoue, Vice President of the Kyocera Corporation, a major investor in electronic manufacturing facilities in Clark County, and a guest of Senator Alan Thompson, who were seated on the rostrum.

The President turned the gavel over to Senator Thompson who introduced Mayor Bryce Seidel and other officials of the city of Vancouver, Washington, seated in the gallery.

With permission of the Senate, business was suspended to permit Dr. Inoue to address the Senate.

Senator Thompson returned the gavel to the President.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 4456.

SUBSTITUTE SENATE BILL NO. 4635.

MOTION

On motion of Senator Vognild, the following resolution was adopted:

SENATE RESOLUTION 1986-154

by Senators Vognild, Bender, Bailey, McManus, Bottiger, Metcalf and Johnson

WHEREAS, The Puget Sound region has long been recognized for its strategic importance to the security of the United States; and

WHEREAS, The members of the Washington State Senate are aware of the United States Navy's decision to select the city of Everett as the site for development of a home port facility for a carrier battle group; and

WHEREAS, This decision shows the Navy's recognition of not only the strategic value of the Everett site for national defense purposes, but also the industrial capacity of the Puget Sound region to service and support such a facility; and

WHEREAS, The development and operation of the home port facility will stimulate economic activity throughout the entire Puget Sound region by generating thousands of new jobs with a payroll that will result in increased consumer purchasing and tax revenues for state and local governments; and

WHEREAS, The citizens of the city of Everett demonstrated their overwhelming support for the Navy's decision to locate a home port facility in Everett through a special advisory vote taken in the 1984 general election; and

WHEREAS, The Navy has already demonstrated a good faith commitment to following through on its decision to develop the Everett home port facility by allocating almost eighteen million dollars for land acquisition as the first phase of facility development; and

WHEREAS, The Washington State Senate has historically taken responsibility for helping to mitigate and manage the impacts of major economic development projects through enhancement of such public sector responsibilities as schools, roads, and the provision of health and human services:

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extends a warm welcome to the United States Navy in its move to establish a home port facility in the city of Everett; and

BE IT FURTHER RESOLVED, That the Washington State Senate declares its commitment to fulfilling the Washington State Legislature's historical obligation to help affected local governments in any reasonable and appropriate way to mitigate and manage the impacts of this home port facility development.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 594, by Committee on Social and Health Services (originally sponsored by Representatives Tanner, Long and Sayan)

Establishing plans for institutional industries and requiring purchase of products from institutional industries.

The bill was read the second time.

MOTIONS

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 72.09 RCW to read as follows:

The department of corrections and department of general administration shall develop the following for legislative review: (1) A plan for production within the department of corrections of one or more commodities not currently being produced within the department for use within all state institutions and which may be sold to state correctional systems in other states; (2) a plan for purchasing commodities produced by correctional systems located in other states to the degree the plan would be cost-effective and would involve reciprocal marketing agreements between the several states represented; and (3) a plan to purchase, where cost-effective, materials used in the production of prison-made goods jointly with prison industry programs in other states. The plans shall be submitted to the legislature by March, 1987.

NEW SECTION, Sec. 2. A new section is added to chapter 43.19 RCW to read as follows:

State agencies and departments shall purchase for their use all articles or products required by the agencies or departments which are produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. These articles and products shall not be purchased from any other source unless, upon application by the department or agency: (1) The department of general administration finds that the articles or products do not meet the reasonable requirements of the agency or department, (2) are not of equal or better quality, or (3) the price of the product or service is higher than that produced by the private sector.

NEW SECTION, Sec. 3. The department of corrections shall report to the legislature by July 1, 1987, on the methods used to evaluate the effectiveness of the prison work program including the rehabilitation of inmates and reducing recidivism."

On motion of Senator Wojahn, the following title amendments were considered simultaneously and adopted:

On page 1, line 3 of the title, after "RCW;" insert "and"

On page 1, line 3 of the title, after "section" strike "; and repealing RCW 43.19.535"

MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 594, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 594, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 594, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators McDonald, Sellar, Stratton - 3.

SUBSTITUTE HOUSE BILL NO. 594, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1472, by Representatives Vekich, Madsen, Chandler, Kremen, Nealey, Baugher, Peery, McMullen, Miller, C. Smith, Rayburn, Padden, Isaacson, Doty and P. King

Promoting the marketing of agricultural products.

The bill was read the second time.

MOTIONS

Senator Hansen moved that the following Committee on Agriculture amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that both consumers and producers of agricultural and aquacultural products benefit from practices and policies which reduce the post production costs of making such products available to consumers. The legislature declares it to be the policy of the state to encourage and promote the marketing of agricultural products directly to consumers at the sites of the production of such products as one means of reducing those costs.

NEW SECTION. Sec. 2. A new section is added to chapter 47.42 RCW to read as follows:

The department shall take such actions as are practicable to assist the marketing of agricultural products including plantation Christmas trees, and cultured aquatic products as defined in RCW 15.85.020 at the sites of their production by ensuring that adequate directions to such sites within the state are available to the public. Adequate directions shall include allowing the placement of signs on public highway rights of way at no charge during the season that such products are available for purchase directly by consumers.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Hansen, the following amendments to the Committee on Agriculture amendment were considered simultaneously and adopted:

On page 2 of the Agriculture Committee amendment, insert a new section following section 3 as follows:

"Sec. 4. Section 82.04.120, chapter 15, Laws of 1961 as amended by section 2, chapter 9, Laws of 1982 2nd ex. sess. and RCW 82.04.120 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles.

"To manufacture" shall not include conditioning of seed for use in planting, or activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen or canned outside this state."

On page 2 of the Agriculture Committee amendment, line 18, after "43.23 RCW;" insert "amending RCW 82.04.120;"

The President declared the question before the Senate to be adoption of the Committee on Agriculture amendment, as amended.

The motion by Senator Hansen carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Hansen, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title after "marketing" insert "amending RCW 82.04.120";

On page 1, line 2 of the title, after "section:" strike "adding a new section to chapter 43.23 RCW;"

On motion of Senator Hansen, the rules were suspended, House Bill No. 1472, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1472, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1472, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators McDonald, Sellar, Stratton - 3.

HOUSE BILL NO. 1472, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1725, by Representatives Ebersole, Valle, Cole, Holland, Peery, Betrozoff and P. King (by request of Superintendent of Public Instruction)

Providing an alternative method for review of learning objectives program.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendments were considered simultaneously and adopted:

On page 1, line 26, after "textbooks," insert "or in accordance with the time schedule for self-study as provided under RCW 28A.58.085."

On page 1, line 27, after "review" insert "or self-study"

On page 1, line 29, after "every" strike "six" and insert "seven"

On motion of Senator Gaspard, the rules were suspended, Engrossed House Bill No. 1725, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1725, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1725, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators McDonald, Sellar, Stratton - 3.

ENGROSSED HOUSE BILL NO. 1725, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 19, by Representatives Fisch, Hargrove, Fisher, Miller, Schoon, Lux, Peery, J. King, Unsoeld, Brough, Allen, Sutherland, Winsley, Vekich, G. Nelson and Wang

Directing the department of ecology to report to the legislature on the prevention and cleanup of oil spills.

The resolution was read the second time.

MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendment was adopted:

On page 1, line 24, strike "committee" and insert "committees"

On motion of Senator Kreidler, the rules were suspended, Engrossed House Concurrent Resolution No. 19, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Concurrent Resolution No. 19, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Concurrent Resolution No. 19, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Voting nay: Senators Barr, Benitz, Metcalf, Patterson - 4.

Absent: Senator Wojahn - 1.

Excused: Senators McDonald, Sellar, Stratton - 3.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 19, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1371, by Representatives Ebersole, Taylor, Grimm, Fuhrman, P. King, Winsley and C. Smith

Permitting school districts to use school buses and drivers hired without prior authorization from the state board of education.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, Senator Wojahn was excused.

On motion of Senator Gaspard, the rules were suspended, House Bill No. 1371 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Patterson: "Senator Gaspard, there will be, undoubtedly, additional use of the school buses for after-hour athletic events and what-have-you. Do you know what the arrangement is in each of these school districts for after-hour payment of drivers and what-have-you, when they use buses after the school hours?"

Senator Gaspard: "The allocation system that we have now for transportation does not allow for extra curricular activity transportation, so it has to come out of your local funds--other funds in basic education--if that's what you're concerned about."

Senator Patterson: "Basically, my concern is that transportation now is under the basic education act--the transportation of students."

Senator Gaspard: "To and from school."

Senator Patterson: "Paid for by--I just want to make sure that the school districts understand that this is not going to be picked up in the state appropriation and I wanted to make sure that that does not happen--that it comes out of their local levy money."

Senator Gaspard: "Senator Patterson, to agree with you, we pay basically to and from the school. There may be exceptions for handicapped students, but for extra curricular activities--basic education--through the allocation of transportation funds does not allow for extra curricular activity."

Senator Patterson: "Thank you."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1371.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1371 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Excused: Senators McDonald, Sellar, Stratton, Wojahn - 4.

HOUSE BILL NO. 1371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1442, by Representatives Leonard, Lundquist, Sutherland, Belcher, Cole, Baugher, Lewis, Rayburn, Basich, Doty and Unsoeld

Modifying provisions on oil and gas leases on state lands.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed House Bill No. 1442 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1442.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1442 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Excused: Senators McDonald, Sellar, Stratton, Wojahn - 4.

ENGROSSED HOUSE BILL NO. 1442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1599, by Representatives Dellwo, Tilly, Sutherland, Nealey and Lux

Revising snowmobile regulation.

The bill was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended, House Bill No. 1599 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1599.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1599 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Excused: Senators McDonald, Sellar, Stratton, Wojahn - 4.

HOUSE BILL NO. 1599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1702, by Representatives Valle, Grimm, O'Brien, Dellwo and Addison (by request of Office of Financial Management)

Appropriating funds for the developmentally disabled.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1702 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1702.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1702 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Excused: Senators McDonald, Sellar, Stratton, Wojahn - 4.

HOUSE BILL NO. 1702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Thompson, Cantu, Johnson and Warnke to escort special guests from Seoul, Korea, to the Senate Rostrum.

The President introduced Dr. and Mrs. Hyunuk Kim. Dr. Kim is a member of the National Assembly of Korea.

With permission of the Senate, business was suspended to permit Dr. Kim to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

There being no objection, the President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 26, 1986

SHB 614 Prime Sponsor, Committee on Higher Education: Revising methods for the expenditure of services and activities fees at institutions of higher education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Fleming, Goltz, Granlund, Johnson, Kiskaddon, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules for second reading.

February 26, 1986

HB 1424 Prime Sponsor, Representative Appelwick: Providing for estate tax apportionment. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, Moore, Rinehart, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1496 Prime Sponsor, Committee on Commerce and Labor: Providing funds for the horse racing commission. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Cantu, Craswell, Deccio, Hayner, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

February 26, 1986

EHB 1607 Prime Sponsor, Representative Sommers: Revising provisions relating to negotiations by community college academic personnel. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1986

EHB 1652 Prime Sponsor, Representative Sommers: Revising provisions relating to public retirement disability benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Lee, McDonald, Moore, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1986

ESHB 1687 Prime Sponsor, Committee on Higher Education: Regulating private vocational schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Goltz, Granlund, McDermott, McManus, Warnke.

MINORITY recommendation: Do not pass as amended. Signed by Senator Kiskaddon.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1846 Prime Sponsor, Committee on Ways and Means: Taxing certain warehouse operations under the business and occupation tax instead of the public utility tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, Moore, Talmadge, Thompson, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1986

HB 1851 Prime Sponsor, Representative Bristow: Modifying the taxation of ingredients, components, and chemicals used in processing. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Goltz, Hayner, Lee, Moore, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1986

ESHB 1992 Prime Sponsor, Committee on Ways and Means: Restricting state investments in countries with apartheid policies. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Engrossed Substitute House Bill No. 1950.

On motion of Senator Vognild, Engrossed Substitute House Bill No. 1950 was referred to the Committee on Judiciary.

MOTION

At 12:21 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, February 28, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 28, 1986

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Cantu, Conner, Metcalf, Sellar and Stratton. On motion of Senator Zimmerman, Senator Sellar was excused. On motion of Senator Bender, Senator Stratton was excused.

The Sergeant at Arms Color Guard, consisting of Pages Eric Dale and Lyndsie Ricco, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 26, 1986

E2SHB 879 Prime Sponsor, Committee on Ways and Means: Revising laws against drunk driving. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Pullen, Thompson.

Referred to Committee on Ways and Means.

February 25, 1986

SHB 1134 Prime Sponsor, Committee on Social and Health Services: Requiring department of social and health services to screen employees dealing with children and developmentally disabled persons. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Craswell, Deccio, Granlund, Kiskaddon.

Passed to Committee on Rules for second reading.

February 27, 1986

ESHB 1148 Prime Sponsor, Committee on Judiciary: Regulating strip searches. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Moore, Newhouse, Owen, Pullen, Williams.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1388 Prime Sponsor, Committee on Commerce and Labor: Regulating fire protection agencies in annexation and consolidation actions. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1986

HB 1392 Prime Sponsor, Representative Rayburn: Changing the designation of the coordinating agency for the association of irrigation districts. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 26, 1986

HB 1415 Prime Sponsor, Representative Locke: Authorizing the redress of civil right restrictions resulting from federal Executive Order 9066. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Pullen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 26, 1986

EHB 1561 Prime Sponsor, Representative Scott: Requiring reports of gunshot wounds in patients treated by health care professionals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1586 Prime Sponsor, Committee on Judiciary: Giving process servers a defense against criminal trespass. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

February 27, 1986

EHB 1630 Prime Sponsor, Representative Lux: Revising health care service contractor provisions. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Granlund, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1651 Prime Sponsor, Committee on Social and Health Services: Revising provisions on educational requirements for mental health professionals. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1673 Prime Sponsor, Committee on Trade and Economic Development: Encouraging employee owned businesses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1986

HB 1686 Prime Sponsor, Representative Scott: Establishing quasi-community property in Washington state. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 25, 1986

HB 1691 Prime Sponsor, Representative Ballard: Allocating costs relating to mental health commitments. Reported by Committee on Humans Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Granlund, Johnson, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1726 Prime Sponsor, Committee on Judiciary: Revising regulation of charitable solicitations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Metcalf, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

February 27, 1986

EHB 1784 Prime Sponsor, Representative Day: Changing provisions relating to disclosures required in securities registration statements. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1986

HB 1795 Prime Sponsor, Representative Belcher: Requiring additional information in child support orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1797 Prime Sponsor, Committee on Judiciary: Changing provisions relating to child support. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Metcalf, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1829 Prime Sponsor, Committee on Ways and Means: Requiring a study of categorical educational services. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Granlund, McDermott, McManus, Warnke.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1865 Prime Sponsor, Committee on Commerce and Labor: Revising provisions on electricians and electrician installations. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1986

HB 1962 Prime Sponsor, Representative Cole: Modifying provisions regulating engineers and surveyors. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1972 Prime Sponsor, Committee on Financial Institutions and Insurance: Authorizing entities to self-insure for property damage and casualty insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, McDermott, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

February 27, 1986

ESHB 1986 Prime Sponsor, Committee on Financial Institutions and Insurance: Including adopted children within the definition "child of the insured" for insurance purposes. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 2083 Prime Sponsor, Committee on Financial Institutions and Insurance: Creating insurance plans for providers of day care services. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Granlund, Newhouse, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 2088 Prime Sponsor, Committee on Financial Institutions and Insurance: Providing for a market assistance plan to provide insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Granlund, McDermott, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 2089 Prime Sponsor, Committee on Financial Institutions and Insurance: Requiring insurers to give written notice of policy cancellation. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Deccio, Granlund, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 27, 1986

GA 116 ED LUDERS, to the position of member of the State Parks and Recreation Commission, appointed by the Governor on April 10, 1985, for the term ending December 31, 1990, succeeding Durand A. Cox.
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

February 27, 1986

GA 117 MARCY J. GOLDE, to the position of member of the State Parks and Recreation Commission, appointed by the Governor on April 10, 1985, for the term ending December 31, 1990, succeeding E. J. "Jim" Clark.
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

February 27, 1986

GA 118 DICK DIXON, to the position of member of the State Parks and Recreation Commission, appointed by the Governor on April 10, 1985, for the term ending December 31, 1988, succeeding Eustace "Sunny" Vynne, Jr.
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

February 27, 1986

GA 144 ROSAYLN ORESKOVICH, to the position of member of the Juvenile Disposition Standards Commission, reappointed by the Governor on April 10, 1985, for the term ending November 2, 1986.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules.

February 27, 1986

GA 175 MOYES LUCAS, to the position of member of the State Parks and Recreation Commission, appointed by the Governor on May 31, 1985, for the term ending December 31, 1990, succeeding Richard Swan.
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

February 27, 1986

GA 194 TERRY WILLIAMS, to the position of member of the Puget Sound Water Quality Authority, appointed by the Governor on July 5, 1985, for the term ending July 5, 1988.
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

February 27, 1986

GA 195 LESTER W. ELDRIDGE, to the position of member of the Puget Sound Water Quality Authority, appointed by the Governor on July 5, 1985, for the term ending July 5, 1989.
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

February 27, 1986

GA 196 DR. SHERI JEANNE TONN, to the position of member of the Puget Sound Water Quality Authority, appointed by the Governor on July 5, 1985, for the term ending July 5, 1988.
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

February 27, 1986

GA 197 JUDITH M. RUNSTAD, to the position of member of the Puget Sound Water Quality Authority, appointed by the Governor on July 5, 1985, for the term ending July 5, 1989.
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

February 27, 1986

GA 198 JOHN SAWYER, to the position of member of the Puget Sound Water Quality Authority, appointed by the Governor on July 5, 1985, for the term ending July 5, 1987.
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

February 27, 1986

GA 199 KATHERINE FLETCHER, to the position of chair of the Puget Sound Water Quality Authority, appointed by the Governor on June 26, 1985, for the term ending at the Governor's pleasure.
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1451, by Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden and P. King)

Adopting the 1977 amendments to Article 8 of the Uniform Commercial Code.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended. Substitute House Bill No. 1451 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1451.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1451 and the bill passed the Senate by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Barr, Cantu, Conner, Metcalf, Moore - 5.

Excused: Senators Sellar, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1386, by Representatives Hine, Jacobsen and Isaacson

Modifying provisions relating to annexation by petition or election of all or part of one city or town by another city or town.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

On page 2, line 14, after "to" strike "sixty" and insert "forty"

On motion of Senator Thompson, the rules were suspended, House Bill No. 1386, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1386, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1386, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senators Guess, Metcalf - 2.

Excused: Senators Sellar, Stratton - 2.

ENGROSSED HOUSE BILL NO. 1386, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1486, by Representatives Peery, Nealey, Brooks, Baugher, Ballard, Chandler, Vekich, Doty, Madsen, Bristow, Rayburn, Jacobsen, Kremen, Tilly, Lux, Smitherman, Tanner, Prince, Sutherland, Dellwo, Vander Stoep, Sayan, Lewis, S. Wilson and Fisch

Repealing the sunset termination of the fairs commission.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the following amendment was adopted:

On page 1, after line 7, insert the following:

"Sec. 2. Section 36.34.145, chapter 4, Laws of 1963 and RCW 36.34.145 are each amended to read as follows:

The ~~((board of county commissioners))~~ legislative authority of any ~~((class A))~~ county owning property in or outside the limits of any city or town, or anywhere within the county, which is suitable for agricultural fair purposes may by negotiation lease such property for such purposes for a term not to exceed seventy-five years to any nonprofit organization that has demonstrated its qualification to conduct agricultural fairs. Such agricultural fair leases shall not be subject to any requirement of periodic rental adjustments, as provided in RCW 36.34.180, but shall provide for such fixed annual rental as shall appear reasonable, considering the benefit to be derived by the county in the promotion of the fair and in the improvement of the property. The lessee may utilize or rent out such property at times other than during the fair season for nonfair purposes in order to obtain income for fair purposes, and during the fair season may sublease portions of the property for purposes and activities associated with such fair. No sublease shall be valid unless the same shall be approved in writing by the ~~((board of county commissioners))~~ county legislative authority. PROVIDED, That failure of such lessee, except by act of God, war or other emergency beyond its control, to conduct an annual agricultural fair or exhibition, shall cause said lease to be subject to cancellation by the ~~((board of county commissioners))~~ county legislative authority. A county legislative authority entering into an agreement with a nonprofit association to lease property for agricultural fair purposes shall, when requested to do so, file a copy of the lease agreement with the department of agriculture or the state fair commission in order to assure compliance with the provisions of RCW 15.76.165."

On motion of Senator Hansen, the following title amendment was adopted:

On page 1, line 1 of the title, after "commission," insert "amending RCW 36.34.145."

On motion of Senator Hansen, the rules were suspended, House Bill No. 1486, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Johnson was excused.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1486, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1486, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Hayner, Metcalf - 2.

Excused: Senators Johnson, Sellar, Stratton - 3.

HOUSE BILL NO. 1486, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 378, by Committee on Ways and Means (originally sponsored by Representatives Sommers, Tilly, Wang, B. Williams, Grimm, Braddock, Patrick, Silver, Winsley, Basich, Miller, Isaacson and Brekke)

Requiring funding of cost of living retirement adjustments.

The bill was read the second time.

MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 43.88 RCW to read as follows:

The omnibus biennial operating appropriations act shall include an appropriation for the full amount that will be paid out during the biennium under any postretirement cost-of-living adjustment adopted after the effective date of this act.

Sec. 2. Section 2, chapter 96, Laws of 1979 ex. sess. and RCW 41.32.485 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, ~~((1979))~~ 1986, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than ~~((ten))~~ thirteen dollars per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ~~((ten))~~ thirteen dollars. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the retirement allowance of each beneficiary who either is receiving benefits pursuant to RCW 41.32.520 or 41.32.550 as of December 31, 1978, or commenced receiving a monthly retirement allowance under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 41.32.499(b) as of July 1, 1979, or July 1, 1980, for the affected beneficiaries. Such adjustment shall be calculated as follows:

(a) Retirement allowances to which this subsection and subsection (1) of this section are both applicable shall be determined by first applying subsection (1) and then applying this subsection. The department shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those beneficiaries to whom this subsection applies;

(b) The department shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each beneficiary to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

(3) The provisions of subsections (1) and (2) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.32.540 or 41.32.760 through 41.32.825.

Sec. 3. Section 1, chapter 96, Laws of 1979 ex. sess. and RCW 41.40.198 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, ~~((1979))~~ 1986, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than ~~((ten))~~ thirteen dollars per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ~~((ten))~~ thirteen dollars. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) The provisions of subsection (1) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.40.220(1), 41.44.170(5), or 41.40.610 through 41.40.740.

NEW SECTION, Sec. 4. There is appropriated five million three hundred thousand dollars, or so much thereof as may be necessary, from the general fund for the purposes of paying the cost-of-living adjustments provided in sections 2 and 3 of this 1986 act. Of this amount, two million dollars shall be deposited in the teachers' retirement fund and three million three hundred thousand dollars shall be deposited in the public employees' retirement fund.

NEW SECTION, Sec. 5. This act shall take effect on July 1, 1986."

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment.

The motion by Senator McDermott carried and the committee amendment was adopted.

MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

In line 1 of the title, after "adjustments;" strike the remainder of the title and insert "amending RCW 41.32.485 and 41.40.198; adding a new section to chapter 43.88 RCW; making an appropriation; and providing an effective date."

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 378, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 378, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 378, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Metcalf - 1.

Excused: Senators Sellar, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 378, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognil, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Kreidler, the following resolution was adopted:

SENATE RESOLUTION 1986-152

by Senators Kreidler, Benitz, Stratton, Fleming and Peterson

WHEREAS, The Amateur Softball Association of America is an allied member of the United States Olympic Committee; and

WHEREAS, The Amateur Softball Association of America has selected the following five Washington cities as sites for national championship tournaments for 1986:

CLASSIFICATION	DATES	LOCATION
Junior Olympic Girls	August 7-10	Richland
Fastpitch Under-12 years		
Women's Major Modified	August 22-24	Spokane
Fastpitch		
Men's Major Modified	August 29-	Spokane
Fastpitch	September 1	
Men's "B" Fastpitch	August 29-	Olympia
(Area)	September 1	
Men's "B" Slowpitch	August 29-	Mt. Vernon
(Area)	September 1	
Men's Major Fastpitch	September 5-13	Seattle

WHEREAS, The selection of five cities in the State of Washington for national tournaments of the Amateur Softball Association attests to the recognition at the national level of the outstanding performance of the people of our State who plan, organize, administer, sponsor, participate, officiate and watch the sport of softball; and

WHEREAS, Excellent park and field conditions in our state obtained through the active cooperation of the whole community along with the specific efforts of city and county parks departments are an important element in attracting national attention to our programs; and

WHEREAS, The consistent high quality of teams representing the State of Washington and its Metropolitan subareas are a credit to our recreation-minded communities and their efforts to provide wholesome recreation and to provide opportunities to participate on quality competitive teams in organized sports; and

WHEREAS, National tournaments draw teams from all over the United States. Each outstanding team brings with it a loyal following of fans. These visitors who come to the tournament will visit our scenic and historical locations, and other events and activities in our State. This opens the way to show them other opportunities for added pleasure and business considerations; and

WHEREAS, Over twenty-two million people in the United States of all ages play the game of softball in its many forms for recreational enjoyment, for exercise and as a highly competitive sport. Organized play is available for people from ages nine to sixty-five. Over three and one-half million players are registered on organized teams with the Amateur Softball Association; and

WHEREAS, Nearly five thousand teams comprised of over eighty-eight thousand players participate in the State of Washington. More than one thousand three hundred umpires in the State officiate the organized leagues and tournaments; and

WHEREAS, The Pay-n-Pak team of Seattle is the 1985 National Men's Major Fastpitch Champion. As the defending national champion, the Pak will be the host team for the Men's Major National Tournament to be held in Seattle;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honors and highly commends the Amateur Softball Association of America, its commissioners and administrators; the Washington State Softball Association; Metro Seattle-King County; Metro Spokane-Spokane County; and Metro Tacoma-Pierce County; their commissioners and administrators; team sponsors; recreation organizations; the teams and players; officials and umpires; and the fans who make softball a leading participation sport in the State of Washington and the game for all America.

INTRODUCTION OF SPECIAL GUESTS

The President introduced guests of Senator Kreidler, representing the Softball Association, who were seated in the gallery.

MOTION

On motion of Senator Zimmerman, the following resolution was adopted:

SENATE RESOLUTION 1986-158

by Senators Zimmerman, Bluechel, Kiskaddon and Bender

WHEREAS, Learning disabilities, including dyslexia, are defined as disorders in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations; and

WHEREAS, The number of children suffering from learning disabilities is increasing with estimates of reading failure including ten to twenty percent of the school population. Ten percent of children in middle class homes risk school failure in the first three grades. One child in thirty is affected; and

WHEREAS, During the later school years about ninety percent of a student's studies depend directly upon reading ability. Students who fail to develop highly skilled reading abilities face serious handicaps in their future as productive citizens. They often face lower lifetime earnings, lower social status, and they experience greater difficulty achieving goals commonly associated with happiness and success in our culture; and

WHEREAS, The unrecognized or untreated learning disabilities lead to the tragic failure of children who never reach their full potential; and

WHEREAS, Shari Lyn Rusch has suffered severe learning disabilities including dyslexia, limiting physical conditions, and personal trauma; and

WHEREAS, Due to early identification, strong parental support, and her sheer determination and strong desire to succeed, she has overcome those disabilities, graduating fourth in her high school class, winning the Miss Northshore beauty pageant, and successfully embarking upon a degree program at the University of Washington with a goal of master's degree in clinical psychology; and

WHEREAS, She has successfully completed and published a book, detailing her experiences and philosophies; and

WHEREAS, Despite the predictions of failure by educators and test results indicating low achievement potential, she continues to overcome these predictions and achieve much greater success than expected;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and honors the courage and determination displayed by Shari Lyn Rusch and acknowledges that her spirit and dedication serve as a fine example to all young persons, especially the learning disabled; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Shari Lyn Rusch and her family.

There being no objection, the President returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 26, 1986

ESHB 1479 Prime Sponsor, Committee on Social and Health Services: Modifying criteria for approval of methadone treatment services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Granlund, Peterson, Stratton.

MINORITY recommendation: Do not pass as amended. Signed by Senators Craswell, Deccio, Johnson, Kiskaddon, McDonald.

Passed to Committee on Rules for second reading.

February 26, 1986

ESHB 1598 Prime Sponsor, Committee on Judiciary: Revising the sexual offender treatment program. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

Debate ensued.

PERSONAL PRIVILEGE

Senator Kiskaddon: "Mr. President, a point of personal privilege. I guess my main concern is that when you do have amendments in the book and they are to be considered and you stop a meeting at one part of the day and you pick it up at another part of the day and then say, 'I will not consider the amendments you still have in the book that dealt with other sections to the bill.' I do not like the practice. I believe in the process of an open committee meeting. It means take the time for the amendments that are there and to say too that we would just not consider any amendments in committee when they were on the desk and in the books in the afternoon and to stop a meeting at one point and say you cannot offer amendments at another point, I don't like it and as a chairman, I will guarantee you--if I'm in that roll--I would not ever do that. That's a real violation for a good committee process."

PERSONAL PRIVILEGE

Senator Wojahn: "Mr. President, a point of personal privilege. One point of clarification on stopping a meeting--and it wasn't stopping a meeting--the time was over. The Transportation Committee was already moving into the committee room. The people who wished to testify before Transportation were coming in. There was no time to consider a ream of amendments that were laid before us and the committee was adjourned.

"As far as what occurred in the evening of the committee meeting, after the Kiskaddon amendment was stripped from the bill, the other amendments that were on the desk related to the amendment that was out of the bill and there were at

least two hundred people there to testify on an important bill that we had set special time away to consider. To delay and go into a ream of amendments that didn't fit after the amendment was stripped, would have been taking time away when there were problems before us. We all know that bills are killed through the amendatory process. If you can delay a committee long enough, you can kill any bill before this body and that's exactly what appeared to be happening and I'm not impugning anyone's motives. It's simply that there is a time; everyone knew the cutoff was here. The cutoff is here now and we did the best that we could under very, very distressing situations.

"I have before me a note here--a communication from Senator Stratton, whose husband is gravely ill. She could not come; I called and asked her--offered to pay for a nurse to be with her husband so she could be here, so you could see her. She said, 'I can't. He's too ill. I have to learn to use this equipment and it's dreadfully difficult and I simply cannot handle any more.' So, I did fly to Spokane. Senator Stratton this session--during this session in 1986--received a state award for her work in the area of drug abuse and substance abuse.

"This bill has great public interest. It is a bill that needs to be heard. Amendments can be offered on the floor. The bill will be heard. This is your chance. She wanted on that bill. She wanted to be here. She could not be. She has made one statement that I have before me--'In the last decade, we have begun to fight the drug abuse battle in earnest and that is a tremendous first step. However, we need to continue to combine awareness with action, if we are to successfully overcome the problem of drug abuse in our society.' Now this is the statement from Senator Stratton. I wanted you to hear it. I wanted you to know of her keen interest, and had she been able to be here for one bill in her entire term of office, this would have been the bill she would have wanted to be here for. Thank you."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, I would like to ask for a clarification ruling as to whether this bill is properly before us, based on the fact that the signature was gathered in a most unusual way, and if this is something that will be allowed in the Senate?"

RULING BY THE PRESIDENT

President Cherberg: "The President has been informed by the Secretary that proper procedure was followed, therefore, the President believes that the measure was properly before the Senate and was properly referred to the Senate Rules Committee."

POINT OF INFORMATION

Senator McCaslin: "Thank you, Mr. President, one more point. I would ask the President and the Secretary of the Senate if this was done before in the history of the Senate and if it's going to be a standard practice that when a Senator is not here that we can fly around the state and gather their signatures?"

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator McCaslin, you rule on those things one at a time. I think, for your information, when Senator Woody was dying of cancer, we did get his signature a couple of times."

Further debate ensued.

MOTION

At 11:04 a.m., on motion of Senator Vogtild, the Senate recessed until 5:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 5:05 p.m. by President Cherberg.

REPORTS OF STANDING COMMITTEES

February 27, 1986

MAJORITY recommendation: Do Pass as amended. Signed by Senators Hansen, Chairman; Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 27, 1986

HB 191 Prime Sponsor, Representative McMullen: Providing for rewards for information about violations of the food fish and shellfish laws. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Conner, Halsan, Lee, Patterson, Peterson.

Passed to Committee on Rules for second reading.

February 25, 1986

REESHB 470 Prime Sponsor, Committee on Social and Health Services: Providing for the registration and certification of mental health professionals. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Granlund, Kiskaddon, Peterson.

MINORITY recommendation: Do not pass as amended. Signed by Senator Craswell.

Referred to Committee on Ways and Means.

February 27, 1986

HB 507 Prime Sponsor, Representative Berozoff: Improving freeway traffic flow. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Johnson, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 26, 1986

ESHB 573 Prime Sponsor, Committee on Judiciary: Revising provisions relating to claims arising from improvements upon real property. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 803 Prime Sponsor, Committee on Judiciary: Prescribing penalties for criminal mistreatment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1218 Prime Sponsor, Committee on Transportation: Permitting local government financing of street projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1986

HB 1341 Prime Sponsor, Representative Belcher: Authorizing state employee relocation assistance. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart.

Passed to Committee on Rules for second reading.

February 27, 1986

EHB 1345 Prime Sponsor, Representative Belcher: Transferring the legislative information system from the code reviser to a newly created legislative systems committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1356 Prime Sponsor, Committee on Judiciary: Authorizing an exemption from mandatory arbitration in certain support and maintenance issues. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 27, 1986

EHB 1362 Prime Sponsor, Representative Haugen: Directing the design of an enhanced marketing plan for Washington fisheries. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Conner, Halsan, Johnson, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 27, 1986

EHB 1389 Prime Sponsor, Representative Jacobsen: Requiring needs assessment and certificate of need review for air and land ambulance services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Granlund, Johnson.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1391 Prime Sponsor, Committee on Ways and Means: Exempting hearing aids from sales and use taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Craswell, Deccio, Fleming, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Warnke.

Passed to Committee on Rules for second reading.

February 26, 1986

HB 1397 Prime Sponsor, Representative Walk: Authorizing deposit of fees for accident report information in state patrol account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Barr, Bender, DeJarnatt, Garrett, Granlund, Metcalf, Patterson, Sellar, Vognilid.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1401 Prime Sponsor, Committee on Ways and Means: Revising provisions relating to economic forecasts. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bluechel, Bottiger, Cantu, Craswell, Deccio, Goltz, Hayner, Lee, McDonald, Moore, Rasmussen, Talmadge, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1403 Prime Sponsor, Committee on Natural Resources: Clarifying the forest protection statutes. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Conner, Metcalf, Patterson, Peterson.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1409 Prime Sponsor, Committee on Transportation: Authorizing green lights on private cars of emergency medical personnel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson.

Passed to Committee on Rules for second reading.

February 27, 1986

HB 1419 Prime Sponsor, Representative Locke: Authorizing limits on voter-approved increases to the 106% levy lid. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman, Bluechel, Bottiger, Craswell, Fleming, Goltz, Hayner, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1986

HB 1440 Prime Sponsor, Representative R. King: Exempting from sales tax watercraft sold to residents of foreign countries for use outside this state. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Deccio, Goltz, Lee, McDonald, Moore, Talmadge, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1986

HB 1450 Prime Sponsor, Representative Baugher: Authorizing performance standards for motor vehicle equipment. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Metcalf, Patterson, Sellar, Vogtild.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 1457 Prime Sponsor, Committee on Financial Institutions and Insurance: Revising provisions relating to health insurance for public employees. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Granlund, McDermott, Vognild.

Hold.

February 26, 1986

HB 1482 Prime Sponsor, Representative Walk: Establishing procedures for issuing replacement boat titles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Metcalf, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1986

ESHB 1484 Prime Sponsor, Committee on Local Government: Revising provisions relating to the creation of metropolitan park districts. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1493 Prime Sponsor, Committee on Transportation: Restricting the application of motorist service business sign restrictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Metcalf, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 26, 1986

HB 1499 Prime Sponsor, Representative Zellinsky: Revising provisions relating to alcohol breath testing. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, Metcalf, Moore, Newhouse, Owen.

Passed to Committee on Rules for second reading.

February 26, 1986

HB 1518 Prime Sponsor, Representative Walk: Repealing the requirement that written summaries of the implied consent law be furnished to drivers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Metcalf, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1986

HB 1519 Prime Sponsor, Representative Walk: Revising requirements for motorcycle driver training schools. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1986

EBH 1523 Prime Sponsor, Representative Sanders: Modifying the residency requirements under the game code. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Conner, Halsan, Lee, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1527 Prime Sponsor, Committee on Natural Resources: Establishing monitoring programs for Puget Sound whiting fishery. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Conner, Johnson, Metcalf, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 1986

HB 1539 Prime Sponsor, Representative Smitherman: Eliminating the expiration of certain community college tuition and fee waivers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Craswell, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1540 Prime Sponsor, Committee on Environmental Affairs: Regulating the effective date of solid waste functional standards. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1549 Prime Sponsor, Committee on Environmental Affairs: Revising provisions relating to air pollution. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

February 27, 1986

HB 1567 Prime Sponsor, Representative Tanner: Designating a state folk song. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1580 Prime Sponsor, Committee on Judiciary: Revising criminal statutes of limitations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Newhouse, Owen, Pullen, Williams.

Passed to Committee on Rules for second reading.

February 27, 1986

ESHB 1609 Prime Sponsor, Committee on Social and Health Services: Providing for the certification of respiratory care practitioners. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wojahn, Chairman; Kreidler, Vice Chairman; Conner, Granlund, Johnson, Peterson.

Passed to Committee on Rules for second reading.

February 26, 1986

ESHB 1613 Prime Sponsor, Committee on Transportation: Licensing vessel dealers and manufacturers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Owen, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1986

HB 1643 Prime Sponsor, Representative D. Nelson: Providing for used oil recycling. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 1661 Prime Sponsor, Committee on Transportation: Modifying payment provisions on motor vehicle and special fuel taxes. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Goltz, Vice Chairman; Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Guess, Hayner, McDonald, Rasmussen, Rinehart, Sellar, Vognild, von Reichbauer, Zimmerman.

Referred to Committee on Ways and Means.

February 27, 1986

ESHB 1678 Prime Sponsor, Committee on Energy and Utilities: Regulating telephone solicitation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1709 Prime Sponsor, Committee on State Government: Consolidating agencies into the department of community development. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Gaspard, Rinehart.

MINORITY recommendation: Do not pass. Signed by Bailey, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1734 Prime Sponsor, Committee on Natural Resources: Eliminating application procedures for commercial salmon fishing licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Conner, Halsan, Lee, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 27, 1986

ESHB 1758 Prime Sponsor, Committee on State Government: Consolidating the administrative functions of certain state licensing programs. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Gaspard, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senators Bailey, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1986

EHB 1764 Prime Sponsor, Representative Walk: Designating hazardous materials command agencies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1765 Prime Sponsor, Committee on Ways and Means: Modifying provisions of assistance available to incapacitated ineligible spouses of SSI beneficiaries. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Deccio, Goltz, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1787 Prime Sponsor, Committee on Environmental Affairs: Modifying industrial wastewater discharge standards. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1792 Prime Sponsor, Committee on Judiciary: Changing certain duties of a trustee under a deed of trust. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 1815 Prime Sponsor, Committee on Transportation: Permitting vehicles operated by nursing homes to get disabled parking privileges. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Metcalf, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1827 Prime Sponsor, Committee on Ways and Means: Apportioning the value of vessels for property tax purposes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Cantu, Craswell, Deccio.

Fleming, Goltz, Hayner, Lee, McDonald, Rasmussen, Thompson, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1986

HB 1855 Prime Sponsor, Representative Hargrove: Permitting undersize loads on oversize vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1986

EHB 1919 Prime Sponsor, Representative Walk: Requiring large, slow trucks on freeways to use hazard warning lights. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1986

SHB 1976 Prime Sponsor, Committee on Judiciary: Requiring notice to prosecuting attorney before releasing mentally disordered persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

February 27, 1986

ESHB 1981 Prime Sponsor, Committee on Energy and Utilities: Revising the requirements for energy conservation plans. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler.

Passed to Committee on Rules for second reading.

February 27, 1986

EHB 2055 Prime Sponsor, Representative Grimm: Relating to bonded indebtedness. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Cantu, Deccio, Fleming, Goltz, Lee, Moore, Rasmussen, Rinehart, Talmadge, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1986

HJM 17 Prime Sponsor, Representative K. Wilson: Requesting federal funds for treaty fish management. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Conner, Halsan, Lee, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

February 27, 1986

GA 181 CLAUDIA K. CRAIG, to the position of member of the Forest Practices Appeals Board, appointed by the Governor on July 5, 1985, for the term ending January 1, 1991, succeeding David P. Thomas.

Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Barr, Conner, Halsan, Johnson, Metcalf, Patterson, Peterson.

Passed to Committee on Rules.

MOTION

Senator Vognild moved that Substitute House Bill No. 1457 be advanced to second reading and passed to the Committee on Rules.

Debate ensued.

POINT OF ORDER

Senator McDonald: "Mr. President, 1457 was passed out of a committee hearing held in the majority caucus without the five-day notice. I want to enter in the record an objection. We believe that it was not given either the five-day notice or the waive by the committee under Rule 45--expected to go to Rules Committee, but would ask for a ruling from the President if it comes before us again for consideration whether it is properly before us."

REPLY BY THE PRESIDENT

President Cherberg: "On your point, Senator, it will be necessary for the President to review the situation to determine a proper ruling."

Senator McDonald: "Mr. President, I understand that. The agreement between myself and Senator Vognild is that we would allow it to go into the Rules Committee, but if and when it comes before us that we would ask for that ruling."

President Cherberg: "It would be in order."

Senator McDonald: "Thank you."

President Cherberg: "The Secretary has just advised that perhaps you may raise the point in Rules, which would be in order also."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild, that Substitute House Bill No. 1457 be advanced to second reading and passed to the Committee on Rules.

The motion by Senator Vognild carried and Substitute House Bill No. 1457 was advanced to second reading and passed to the Committee on Rules.

MOTION

At 5:14 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:59 p.m. by President Cherberg.

REPORTS OF STANDING COMMITTEES

February 28, 1986

HB 483 Prime Sponsor, Representative Appelwick: Providing for judicial review of governmental actions when First Amendment rights are affected. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 529 Prime Sponsor, Committee on Commerce and Labor: Authorizing sale of wine at auto racetracks. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, McDonald, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 557 Prime Sponsor, Committee on Local Government: Specifying powers of certain special districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 719 Prime Sponsor, Committee on Higher Education: Requiring installation of smoke detectors in college dormitories. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, Johnson, McManus, Warnke.

Passed to Committee on Rules for second reading.

February 26, 1986

SHB 771 Prime Sponsor, Committee on Transportation: Creating a state bicycle safety program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Granlund, Patterson, Pullen, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1986

ESHB 1182 Prime Sponsor, Committee on Transportation: Requiring the use of safety belts and child safety seats in motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Metcalf, Owen, Vognild, von Reichbauer.

Hold.

February 28, 1986

ESHB 1331 Prime Sponsor, Committee on Constitution, Elections and Ethics: Establishing a citizens' commission on salaries for elected officials. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHB 1333 Prime Sponsor, Committee on State Government: Modifying the termination and repeal of various state agencies and programs. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

EBH 1339 Prime Sponsor, Representative Ebersole: Stating that children shall attend school. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, Johnson, Kiskaddon, Saling, Warnke.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 1349 Prime Sponsor, Committee on Constitution, Elections and Ethics: Altering procedures regarding the administration of elections. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 1357 Prime Sponsor, Committee on Commerce and Labor: Regulating cigarette sales. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHB 1429 Prime Sponsor, Committee on Ways and Means: Authorizing grants for mediations. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHB 1447 Prime Sponsor, Committee on Local Government: Modifying accounting and reporting requirements for public works contracts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

EHB 1475 Prime Sponsor, Representative West: Regulating the sale of smokeless tobacco products. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Cantu, Halsan, Lee, McDonald, Williams.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 1488 Prime Sponsor, Committee on Trade and Economic Development: Establishing a trade development services program. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1986

HB 1511 Prime Sponsor, Representative Belcher: Revising provisions relating to state warrants. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

HB 1536 Prime Sponsor, Representative Sanders: Authorizing off-hour training of state employees. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, Gaspard, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

HB 1604 Prime Sponsor, Representative Nutley: Authorizing the collection of assessments by certificate of delinquency. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, Gaspard, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1986

EHB 1614 Prime Sponsor, Representative Long: Delaying certain new prerequisites for the issuance of vehicle licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 1618 Prime Sponsor, Committee on Judiciary: Providing for parenting plans in dissolution actions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Metcalfe, Moore, Owen.

Passed to Committee on Rules for second reading.

February 28, 1986

HB 1635 Prime Sponsor, Representative Wang: Requiring a study analyzing the feasibility of providing space for day care for children of state employees. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart.

Passed to Committee on Rules for second reading.

February 28, 1986

EHB 1656 Prime Sponsor, Representative Unsoeld: Requiring a study in order to create a supportive atmosphere in which state employees may meet child day care needs. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 1675 Prime Sponsor, Committee on Trade and Economic Development: Authorizing the creation of employee cooperatives. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHB 1704 Prime Sponsor, Committee on Higher Education: Establishing the state board for vocational education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Benitz, Craswell, Fleming, Goltz, Johnson, McDermott, Warnke.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHB 1723 Prime Sponsor, Committee on Local Government: Revising regulation of public dances and recreational activities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHB 1731 Prime Sponsor, Committee on Judiciary: Revising provisions on juveniles. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Hayner, Metcalf, Moore, Newhouse, Owen, Thompson.

MINORITY recommendation: Do not pass as amended. Signed by Senators DeJarnatt, Pullen, Williams.

Passed to Committee on Rules for second reading.

February 28, 1986

HB 1732 Prime Sponsor, Representative D. Nelson: Modifying requirements of county-city solid waste plans. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHB 1754 Prime Sponsor, Committee on Trade and Economic Development: Encouraging employers to hire recipients of unemployment insurance benefits and public assistance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1986

EHB 1763 Prime Sponsor, Representative Walk: Revising vehicle inspection law. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 28, 1986

EHB 1800 Prime Sponsor, Representative Dellwo: Qualifying parking facilities for industrial development revenue bond financing. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHB 1802 Prime Sponsor, Committee on Commerce and Labor: Deleting provisions on marginal labor force attachment. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHB 1804 Prime Sponsor, Committee on Local Government: Modifying provisions regulating port commission formation. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

HB 1805 Prime Sponsor, Representative Jacobsen: Increasing the authority of certain agencies to use local private printing companies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

HB 1825 Prime Sponsor, Representative Vekich: Authorizing the use of the local hotel/motel tax to develop strategies to expand tourism. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, McDonald, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 1838 Prime Sponsor, Committee on Constitution, Elections and Ethics: Changing provisions relating to campaign financing disclosure. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Gaspard, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 1840 Prime Sponsor, Committee on Local Government: Simplifying implementation of governmental deferred compensation plans. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart, Saling.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHB 1870 Prime Sponsor, Committee on Trade and Economic Development: Requiring charter and tour operators to maintain an escrow account. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHB 1950 Prime Sponsor, Committee on Social and Health Services: Revising provisions on medical practice. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, Metcalf, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

February 28, 1986

SHB 1967 Prime Sponsor, Committee on Local Government: Providing for the lease of state lands for county fairgrounds. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHJR 49 Prime Sponsor, Committee on Constitution, Elections and Ethics: Relating to elected officials' salaries. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 28, 1986

GA 103 CHARLES HUEY, to the position of Chairman of the Human Rights Commission, appointed by the Governor on February 19, 1985, for the term ending June 17, 1989, succeeding Rita Duran.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, Moore, Newhouse, Owen, Williams.

Passed to Committee on Rules.

February 28, 1986

GA 292 RUTH A. BECK, to the position of member of the Public Disclosure Commission, appointed by the Governor on February 13, 1986, for the term ending December 31, 1990.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Metcalf, Moore, Williams.

Passed to Committee on Rules.

MOTION

Senator Vognild moved that Engrossed Substitute House Bill No. 1182 be advanced to second reading and passed to the Committee on Rules.

Debate ensued.

POINT OF ORDER

Senator McDonald: "Mr. President a point of order. There is a problem. I believe, with the sign-up sheets for House Bill 1182--two sign-up sheets that are before us signing the bill out. I want to put the body on notice that when this comes before us again, either in Rules or on the floor, that we're going to ask for a ruling from the President whether this should properly be before us. It is our contention that it is not."

REPLY BY THE PRESIDENT

President Cherberg: "Senator McDonald, the President will review the situation and report back in due time, but in any event, it will be in order."

The President declared the question before the Senate to be the motion by Senator Vognild that Engrossed Substitute House Bill No. 1182 be advanced to second reading and passed to the Committee on Rules.

The motion by Senator Vognild carried and Engrossed Substitute House Bill No. 1182 was advanced to second reading and passed to the Committee on Rules.

MOTION

At 6:01 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Saturday, March 1, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 1, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Bottiger, Granlund, Kiskaddon, Lee, McManus, Owen, Rinehart, Saling, Stratton, Thompson and Williams. On motion of Senator von Reichbauer, Senators Benitz and Kiskaddon were excused. On motion of Senator Vognild, Senators Bottiger, Rinehart, Stratton and Thompson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Mike Shore and Kari Brotherton, presented the Colors. Reverend Ray Morrison, pastor of the First Church of the Nazarene of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1332, by Committee on Social and Health Services (originally sponsored by Representatives Tilly, Brekke, Brough, Holland, Tanner, P. King, Winsley, J. Williams, McMullen, Leonard, Van Luven, Armstrong, Ballard and May)

Allowing consumer choice of brand name or generic drugs.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 1332 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1332.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1332 and the bill passed the Senate by the following vote: Yeas, 37; absent, 6; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Pullen, Rasmussen, Saling, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 33.

Absent: Senators Granlund, Johnson, Lee, McManus, Owen, Williams - 6.

Excused: Senators Benitz, Bottiger, Kiskaddon, Rinehart, Stratton, Thompson - 6.

SUBSTITUTE HOUSE BILL NO. 1332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senators Granlund, McManus and Williams were excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1353, by Representatives Rayburn, Vekich, Hastings and Tilly

Modifying requirements for approval of plats in irrigation districts.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed House Bill No. 1353 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1353.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1353 and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 41.

Excused: Senators Benitz, Bottiger, Granlund, Kiskaddon, McManus, Stratton, Thompson, Williams - 8.

ENGROSSED HOUSE BILL NO. 1353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1516, by Representatives Appelwick, Hastings and Long

Modifying provisions on the state property tax levy.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1516 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator McDermott, I get a little suspicious of these house-keeping bills. Why should the state get this overage that is collected within the counties? Why shouldn't the counties be allowed to keep that money?"

Senator McDermott: "Because the state needs money."

Senator Newhouse: "That doesn't seem to be an adequate reason if you listen to the county people."

Senator McDermott: "It may be a philosophical difference, but I think the state needs it more than the counties do."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1516.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1516 and the bill failed to pass the Senate by the following vote: Yeas, 19; nays, 23; excused, 7.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rinehart, Talmadge, Vognild, Warnke, Williams - 19.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Wojahn, Zimmerman - 23.

Excused: Senators Benitz, Bottiger, Granlund, Kiskaddon, McManus, Stratton, Thompson - 7.

HOUSE BILL NO. 1516, having failed to receive the constitutional majority, was declared lost.

SECOND READING

ENGROSSED HOUSE BILL NO. 1563, by Representatives Rust, Tilly and Unsoeld
Changing provisions relating to winter recreational facilities.

The bill was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed House Bill No. 1563 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1563.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1563 and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senators Benitz, Bottiger, Granlund, Kiskaddon, McManus, Stratton, Thompson - 7.

ENGROSSED HOUSE BILL NO. 1563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1572, by Representatives Todd, Long and Unsoeld (by request of Utilities and Transportation Commission)

Modifying certain practices in proceedings of the utilities and transportation commission.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, House Bill No. 1572 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1572.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1572 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Benitz, Bottiger, Granlund, Kiskaddon, McManus, Stratton - 6.

HOUSE BILL NO. 1572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1743, by Representatives Nutley, Vander Stoep, Grimm, Hastings and Rust

Providing for use tax collection.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 1743 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, do they collect the use tax in Canada and if we go up there to visit Expo, we can come back with everything we can get by the border without paying the use tax?"

Senator Goltz: "My understanding is that we do pay use taxes when we buy goods in Canada. I'm not aware of being excused from paying taxes in Canadian stores."

Senator Rasmussen: "I wasn't aware of it and I was going to ask Senator Bauer."

POINT OF INQUIRY

Senator Rasmussen: "Senator Bauer, you go across to Meier and Frank or some place over there--just cross the bridge and buy your new shoes, do they stop you when you come back across the state line and ask you to pay the use tax that you've never paid in Oregon?"

Senator Bauer: "Well, Senator Rasmussen, I just did buy a new pair of shoes a few weeks ago and I hid them in the back of my truck when I came back and they didn't get any tax on it. I should have paid tax."

Senator Rasmussen: "Usually you leave the old ones there and bring the new ones back. You're changing your methods then?"

Senator Bauer: "That's right."

Senator Rasmussen: "Well, thank you. It would appear to me that we're giving too big of an advantage to the border. Those people who live close, of course, and there's no toll on the bridge anymore, which could be a use tax. The people in all the border counties can do their shopping and pay no use tax, even with this law. Is that correct?"

Senator Bauer: "If it's mail order catalog, that's different from going over and buying right off of the counter, certainly. The people are supposed to pay the sales tax now when they go across the border and when they come back that is a reasonable requirement, but Senator Rasmussen, as Senator Vognild said, you know we are playing a new expression around here in unlevel fields for our businesses in Southwestern Washington that pay all of the taxes in the state of Washington, pay the B & O, pay all the property taxes and are good citizens and yet their businesses go down the drain, because we allow a big loophole in the law and so they are at a disadvantage to everybody else. You know, if you are for our Washington State businesses and want them to thrive and exist and pay state taxes and pay for schools, then we ought to give them as much protection as we can--just a good old Republican concept. Right?"

Senator Rasmussen: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Goltz, I'm worried about the border crossing. When we came back last summer, it took us about an hour to get across. We almost missed our plane. Now, when the State Department of Revenue sets up a use-tax collection station at the border, can you give an estimate of how long it is going to take us to cross the border next summer?"

Senator Goltz: "About three hours."

POINT OF INQUIRY

Senator Guess: "Senator Rasmussen, are you going to go to Expo '86?"

Senator Rasmussen: "No."

Senator Guess: "You're going to save that three hours?"

Senator Rasmussen: "I am and I'm going to save my money. They tell me that prices are very high in Canada. It might be fine--the Expo. I know that Senator Goltz has worked very hard on it, but I'm not going."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1743.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1743 and the bill passed the Senate by the following vote: Yeas, 28; nays, 15; excused, 6.

Voting yea: Senators Bauer, Bender, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McDonald, Newhouse, Patterson, Peterson, Rinehart, Sellar, Taimadge, Thompson, Vogniid, von Reichbauer, Williams, Wojahn, Zimmerman - 28.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Guess, Hayner, McCaslin, Metcalf, Moore, Owen, Pullen, Rasmussen, Saling, Warnke - 15.

Excused: Senators Benitz, Bottiger, Granlund, Kiskaddon, McManus, Stratton - 6.

ENGROSSED HOUSE BILL NO. 1743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:42 a.m., on motion of Senator Vogniid, the Senate was declared to be at ease.

The Senate was called to order at 10:12 a.m. by President Cherberg.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1460, by Committee on Commerce and Labor (originally sponsored by Representatives Haugen, Zellinsky, Appelwick, S. Wilson, Ebersole, McMullen, May, Cole, Leonard and P. King)

Authorizing class P liquor licenses.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1460 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1460.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1460 and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Taimadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn - 40.

Voting nay: Senators Craswell, Johnson, Metcalf, Zimmerman - 4.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Bottiger, Kiskaddon, Stratton - 4.

SUBSTITUTE HOUSE BILL NO. 1460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 160 and the pending amendment by Senator Pullen on page 1, line 20, deferred February 27, 1986.

MOTION

Senator Saling moved that the following amendment to the Pullen amendment be adopted:

On page 1, line 2 of Pullen's amendment, strike "ten" and insert "seventy-five"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Saling to the amendment by Senator Pullen.

The motion by Senator Saling carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen, as amended.

The motion by Senator Pullen carried and the amendment, as amended, was adopted.

MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 160, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 160, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 160, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; absent, 1; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 38.

Voting nay: Senators Barr, Garrett, Hayner, Lee, Rasmussen, Zimmerman - 6.

Absent: Senator Newhouse - 1.

Excused: Senators Benitz, Bottiger, Kiskaddon, Stratton - 4.

SUBSTITUTE HOUSE BILL NO. 160, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1517, by Representatives Appelwick and Hastings

Modifying provisions on estate taxation.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1517 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1517.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1517 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn; Zimmerman - 45.

Excused: Senators Benitz, Bottiger, Kiskaddon, Stratton - 4.

HOUSE BILL NO. 1517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1776, by Representatives Scott, Ballard, Brooks, Zellinsky, R. King, J. King, Day, Leonard, Tanner, Lux, Lewis, Braddock, Dobbs, Winsley, Brekke, West, Kremen and Sayan

Establishing provisions relating to medical program directors.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, House Bill No. 1776 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1776.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1776 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Excused: Senators Benitz, Bottiger, Kiskaddon, Stratton - 4.

HOUSE BILL NO. 1776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1831, by Committee on Education (originally sponsored by Representatives Wang, Taylor, Ebersole, Long, Holland and Betzoff) (by request of Superintendent of Public Instruction)

Studying models for evaluating teachers.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 1831 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1831.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1831 and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 38.

Voting nay: Senators Barr, Craswell, Hayner, Johnson, Metcalf, Sellar, Zimmerman - 7.

Excused: Senators Benitz, Bottiger, Kiskaddon, Stratton - 4.

SUBSTITUTE HOUSE BILL NO. 1831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1058, by Representatives Cole, Brooks and Ballard

Exempting certain emergency calls from provisions prohibiting interception or recording of private communications.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, House Bill No. 1058 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Williams, I'm always concerned when we allow interception of private communication, such as telephone calls, and I understand the intent behind this bill, but I want to understand the breadth of what we're covering here. For example, we're adding the words, 'emergency medical service' and 'emergency communication center' in the bill and yet I don't see those terms defined anywhere in the bill. Can you give me an example of emergency medical services and emergency communication centers? What kind of emergencies are we talking about here and, for example, would your family doctor be an example of an emergency medical service? Are we taking out flood control, for example, under emergency communications? I just want to understand all the groups or agencies that will now be able to intercept and record the private telephone conversations."

Senator Williams: "I'm not certain that I can, at this particular moment, give you a definition of all of those. I know in the case of emergency medical service, we're basically talking about the emergency section of a hospital, if you call the hospital, or an ambulance service perhaps—I'm not sure about that."

"The people who testified at the committee in support of the bill were basically the Washington Poison Network and the Washington State Medical Association. I don't believe that I can give you a technically correct answer to those terms at this moment."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1058.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1058 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator McCaslin - 1.

Excused: Senators Benitz, Bottiger, Kiskaddon, Stratton - 4.

HOUSE BILL NO. 1058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1350, by Representatives Sommers, Prince, D. Nelson, Jacobsen, Unsoeld, Miller, Brough, Wineberry, Holland, P. King, Nealey and Hine

Providing for annual adjustment to higher education tuition fees.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed House Bill No. 1350 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McDonald: "Senator Rinehart, I didn't get a chance to look at the fiscal note on this, but is there a fiscal impact?"

Senator Rinehart: "No, there's not. There's a specific phrase in the bill that requires that there be no reduction in money to the state fund."

Senator McDonald: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1350.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1350 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Benitz, Bottiger, Kiskaddon, Stratton - 4.

ENGROSSED HOUSE BILL NO. 1350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1385, by Committee on Local Government (originally sponsored by Representatives Haugen, G. Nelson, Brough, Allen, Winsley, Ebersole and Fisher)

Authorizing water and sewer district commissioner elections from commissioner districts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1385 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1385.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1385 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Excused: Senators Benitz, Bottiger, Kiskaddon, Stratton - 4.

SUBSTITUTE HOUSE BILL NO. 1385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1545, by Committee on Agriculture (originally sponsored by Representatives Baugher, Rayburn, Vekich, Bristow, Doty, Nealey, Sutherland, Sayan and Todd)

Requiring hydraulic permit process for project approval and protection of fish life.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the following Committee on Agriculture amendment was adopted:

On page 5, line 1, after "agency" strike "at least two working days"

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute House Bill No. 1545, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1545, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1545, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Benitz, Bottiger, Kiskaddon, Stratton - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1545, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Granlund was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1622, by Committee on Local Government (originally sponsored by Representatives Sayan and Grimm)

Revising flood control management plans.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1622 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1622.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1622 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Benitz, Bottiger, Granlund, Kiskaddon, Stratton - 5.

SUBSTITUTE HOUSE BILL NO. 1622, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1637, by Representatives Baugher, Rayburn, Jacobsen, McMullen, Haugen, Zellinsky, Dellwo, Smitherman, Taylor, Day, Lewis, Braddock, Nealey, Unsoeld, P. King, J. Williams, Silver and Todd.

Expanding access to state emergency information telephone lines.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, House Bill No. 1637 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1637.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1637 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Benitz, Bottiger, Granlund, Kiskaddon, Stratton - 5.

HOUSE BILL NO. 1637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1711, by Representatives Ebersole, Rust, Unsoeld, Taylor, Walker, Betzoff and Jacobsen

Establishing a coordinating committee on environmental education.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, House Bill No. 1711 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1711.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1711 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Benitz, Bottiger, Kiskaddon, Stratton - 4.

HOUSE BILL NO. 1711, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1866, by Committee on Transportation (originally sponsored by Representatives Zellinsky, Schmidt, Walk, Smitherman, McMullen, Haugen, Fisch, Wineberry, Thomas, Brough, Lundquist, Winsley, Schoon and May)

Revising the funding structure of the Washington state ferry system.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1866 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Peterson, does this bill make any attempt to prohibit, in the future, the use of capital moneys in the ferry system for operating expenses? Has that been addressed at all?"

Senator Peterson: "Not to my knowledge. That isn't the issue in this measure. No."

Senator Talmadge: "Are we going to have something like that at all before us this session?"

Senator Peterson: "I would hope so. I would be the first backer if we could find a vehicle to do it, but that isn't the purpose of this bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1866.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1866 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Rasmussen - 1.

Excused: Senators Benitz, Boltiger, Kiskaddon, Stratton - 4.

SUBSTITUTE HOUSE BILL NO. 1866, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587, by Committee on Trade and Economic Development (originally sponsored by Representatives Kremen, Allen, Braddock, Zellinsky, Schoon, Thomas, Tanner, McMullen, Silver, Smitherman, May, Peery, Scott, Lundquist, J. King, C. Smith, Long, Van Luven, Winsley, J. Williams and Doty)

Providing for expanded international trade.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 2, line 32, after "companies" strike everything through "consortiums" on line 34 and insert "and a company so formed may contract"

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 4, line 9, after "(3)" strike everything through "chapter," on line 14 and insert "(a) Proceedings to form a public corporation designated as an export trading company shall be initiated by a resolution of the board of commissioners of a port district adopting a charter for the corporation. The charter shall contain such provisions as are authorized by law and include provisions for a board of directors which shall conduct the affairs of the export trading company. The board of directors shall include no fewer than three nor more than five members, all appointed by the port district board of commissioners. Commissioners of the port shall be eligible to serve as members of the board and shall constitute a majority of the board of directors at all times. Unless a later date is specified, the resolution shall take effect on the thirtieth day after adoption. The corporation shall be deemed formed for all purposes upon filing in the office of the secretary of state a certified copy of the effective resolution and the charter adopted by the resolution.

(b) In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the corporation, the corporation is conclusively presumed to be established and authorized to transact business and exercise its powers under this chapter upon proof of the adoption of the resolution creating the corporation by the governing body. A copy of the resolution duly certified by the secretary of the port district commission shall be admissible in evidence in any suit, action, or proceeding.

(c) A corporation created by a port district pursuant to this chapter may be dissolved by the district if the corporation (i) has no property to administer, other than funds or property, if any, to be paid or transferred to the district by which it was established; and (ii) all its outstanding obligations have been satisfied. Such a dissolution shall be accomplished by the governing body of the port district adopting a resolution providing for the dissolution.

(d) The creating port district may, at its discretion and at any time, alter or change the structure, organizational programs, or activities of the corporation, including termination of the

corporation if contracts entered into by the corporation are not impaired. Subject to any contractual obligations, any net earnings of the corporation shall inure only to the benefit of the creating port district. Upon dissolution of the corporation, all assets and title to all property owned by the corporation shall vest in the creating port district."

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 4, line 33, after "(7)" strike everything through "state," on page 5, line 1 and insert "An export trading company shall not import any goods or products grown, produced, or mined outside the state of Washington without concurrence of the director of the department of agriculture or the director of the department of trade and economic development, or both, nor shall it import timber without concurrence of the Washington department of trade and economic development. Concurrence as required in this section shall not be unreasonably withheld. The departments shall, by rule, provide a means whereby such concurrence may be sought. An export trading company shall not import goods or products for in-state sale in competition with products grown, mined, or produced in Washington state. The Washington public ports association shall, upon request, report to the legislative committee on economic development established in chapter 44.52 RCW with details of the impact of export trading companies on the state's economy."

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 9, line 11, after "1991" insert ", and shall be subject to review under chapter 43.131 RCW"

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 2, line 3, after "market," strike everything through "market." on line 5

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 2, after line 5, insert the following:

"It is the intent of this chapter to enhance export trade and not to create outside competition for existing Washington state businesses. The primary intent of a port sponsored export trading company is to increase exports of Washington state products."

MOTIONS

On motion of Senator Bender, Senator McDermott was excused.

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 1587, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Warnke, you've indicated that this bill would not adversely affect—in other words, would counties that have several port districts be able to participate in this kind of an export company?"

Senator Warnke: "Yes, they would."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1587, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1587, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 12; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McManus, Owen, Patterson, Peterson, Rasmussen, Saling, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Cantu, Craswell, Deccio, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Pullen, Rinehart, Sellar - 12.

Excused: Senators Benitz, Bottiger, Kiskaddon, McDermott, Stratton - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 134, by Representatives Jacobsen, Long, Unsoeld, Allen, Todd, Niemi, Appelwick, Tilly, Winsley, Tanner, Lux, May and Belcher

Regulating the use of automatic dialing and announcing devices.

The bill was read the second time.

MOTIONS

Senator Williams moved that the following amendment by Senators Williams, Saling and Bailey be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the use of automatic dialing and announcing devices for purposes of commercial solicitation: (1) Deprives consumers of the opportunity to immediately question a seller about the veracity of their claims; (2) subjects consumers to unwarranted invasions of their privacy; and (3) encourages inefficient and potentially harmful use of the telephone network. The legislature further finds that it is in the public interest to prohibit the use of automatic dialing and announcing devices for purposes of commercial solicitation.

The legislature finds that information delivery services, which are also known as information-access telephone services and more commonly known as "976" services, are in widespread use in the state. These services operate on a charge-per-call basis and provide revenue for both the service provider and the telecommunications companies. The marketing practices for these toll telephone services have at times been misleading to consumers and at other times specifically directed toward children. The result has been the placement of calls by individuals, particularly by children, uninformed about the charges that might apply. Therefore, the legislature finds that residential telephone users in the state are entitled to reasonable protection from telephone services they have no desire to use due to confusion or misinformation about these services.

NEW SECTION. Sec. 2. (1) As used in sections 1 through 7 of this act:

(a) An automatic dialing device is a device which automatically dials telephone numbers. An automatic announcing device is a device that plays a recorded message once a connection is made. An automatic announcing device includes recorded messages known as information delivery services.

(b) Commercial solicitation means the unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods, or services.

(c) "Information delivery services" means telephone recorded messages, interactive programs, or other information services which are provided for a charge to a caller. These services are usually provided through a "976" telephone number.

(d) "Information providers" means the persons or corporations that provide the information, prerecorded message, or interactive program to the telecommunications company for the information delivery service. The information provider generally receives a portion of the revenue from the calls.

(e) "Interactive program" means a program which allows an information delivery service caller, once connected to the information provider's announcement machine, to use the caller's telephone device to access more specific information.

(f) "Currently equipped" means an existing switch and software that has the current capability of blocking access to information delivery services on an individual customer basis.

(2) No person may use both an automatic dialing and announcing device for purposes of commercial solicitation. This section applies to all commercial solicitation intended to be received by telephone customers within the state.

(3) A violation of this section is a violation of chapter 19.86 RCW. It shall be presumed that damages to the recipient of commercial solicitations made using an automatic dialing and announcing device are five hundred dollars.

(4) Nothing in this section shall be construed to prevent the Washington utilities and transportation commission from adopting additional rules regulating automatic dialing and announcing devices.

NEW SECTION. Sec. 3. The utilities and transportation commission shall by rule require telecommunications companies to offer each residential telephone subscriber the opportunity to have the subscriber's telephone blocked or deleted from access to all information delivery services. This means that the residential telephone subscriber's telephone would not complete a call to any 976 or information delivery service number. Under this rule, any telecommunications company that makes available information delivery services must also make available to its subscribers the blocking service described in this section.

NEW SECTION. Sec. 4. The utilities and transportation commission shall by rule mandate that information providers who make information available that constitutes lewd matter under RCW 7.48A.010 also provide at their expense for access to their services only through a personal identification number in conjunction with 976.

NEW SECTION. Sec. 5. The telecommunications company shall inform subscribers of the rules adopted under sections 3 and 4 of this act, including the availability of the blocking service, through a bill insert or by publication in the telephone directory.

NEW SECTION. Sec. 6. The costs of complying with the rules adopted under sections 3 and 4 of this act shall be borne by the information providers.

NEW SECTION. Sec. 7. The rules under sections 3 through 6 of this act shall take effect on or before December 1, 1986. The commission may also order a phase-in period for the rules if a telecommunications company is not currently equipped to block the services. If a telecommunications company is not so equipped, then the commission shall examine the economic feasibility of installing the blocking system if the newly installed system would be only for the purpose of blocking access to information delivery services.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 80.36 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Williams, the following amendment to the amendment by Senators Williams, Saling and Bailey was adopted:

On page 1, lines 7 and 20 of the Williams, et al amendment, after "of" insert "both"

The President declared the question before the Senate to be adoption of the amendment by Senators Williams, Saling and Bailey, as amended.

The motion by Senator Williams carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Williams, the following title amendment was adopted:

On page 1, line 2 of the title, after "adding" strike "a new section" and insert "new sections"

On motion of Senator Williams, the rules were suspended, Engrossed House Bill No. 134, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 134, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 134, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Paterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Benitz, Bottiger, Kiskaddon, McDermott, Stratton - 5.

ENGROSSED HOUSE BILL NO. 134, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1496, by Committee on Commerce and Labor (originally sponsored by Representatives Appelwick, Patrick and P. King) (by request of Horse Racing Commission)

Providing funds for the horse racing commission.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1496 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1496.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1496 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Paterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Pullen - 1.

Excused: Senators Benitz, Bottiger, Kiskaddon, McDermott, Stratton - 5.

SUBSTITUTE HOUSE BILL NO. 1496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1602, by Representatives Sayan and Lundquist

Requiring advisement in notice of sale or prospectus that timber sold separate from public land is subject to property tax.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 1602 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1602.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1602 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Paterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Benitz, Bottiger, Kiskaddon, McDermott, Stratton - 5.

HOUSE BILL NO. 1602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1654, by Committee on Local Government (originally sponsored by Representatives Haugen and May)

Revising local government debt computations.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1654 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Thompson, a specific example that I have in mind--the Federal Way School District has voted itself a bond issue for its share of state building funds, however, included in that school district's boundaries are many of the homes that are impacted by the Midway Landfill, with people not going to be able to sell their homes and so on, where the assessed valuations indeed may be plummeting. Would this bill, if passed, take care of that situation, so that they could still float the full amount of the bond issue that had previously been issued?"

Senator Thompson: "Yes, it will and your example provides an excellent reason why this measure should be supported. Senator Lee."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, you are speaking of an inside levy or council-managed bonds. Is there anything to prevent the elected officials from those areas from putting it to a vote of the people? It is my understanding that by going to the people they can go to any bond issue that they want to authorize, but this is allowing inside levies without the vote of the people, if I read it correctly."

Senator Thompson: "That is also how I read it, Senator Rasmussen."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1654.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1654 and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Pullen, Rasmussen - 2.

Absent: Senator Sellar - 1.

Excused: Senators Benitz, Bottiger, Kiskaddon, McDermott, Stratton - 5.

SUBSTITUTE HOUSE BILL NO. 1654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:10 p.m., on motion of Senator Vognilid, the Senate adjourned until 11:00 a.m., Monday, March 3, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 3, 1986

The Senate was called to order at 11:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Rinehart and Stratton. On motion of Senator Bender, Senators Rinehart and Stratton were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jeff Ostenson and Avonna Warren, presented the Colors. Reverend Hendrik Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MOTION

At 11:06 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:52 a.m. by President Pro Tempore Goltz.

MOTION

At 11:52 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Pro Tempore Goltz.

MESSAGES FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed:

SENATE BILL NO. 4443,

SENATE BILL NO. 4512,

SENATE BILL NO. 4521,

ENGROSSED SENATE BILL NO. 4527,

SENATE BILL NO. 4528,

SENATE BILL NO. 4593,

ENGROSSED SENATE BILL NO. 4609,

SENATE BILL NO. 4617,

SUBSTITUTE SENATE BILL NO. 4618,

SUBSTITUTE SENATE BILL NO. 4629,

SENATE BILL NO. 4644,

SUBSTITUTE SENATE BILL NO. 4684,

SUBSTITUTE SENATE BILL NO. 4696,

SENATE BILL NO. 4747,

SUBSTITUTE SENATE BILL NO. 4757,

SUBSTITUTE SENATE BILL NO. 4758,

SENATE BILL NO. 4781, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 1, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 37,

SUBSTITUTE HOUSE BILL NO. 1335,

HOUSE BILL NO. 1371,

HOUSE BILL NO. 1442.

SUBSTITUTE HOUSE BILL NO. 1480,
HOUSE BILL NO. 1599,
HOUSE BILL NO. 1702, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 1, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1451, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 28, 1986

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4456.

SUBSTITUTE SENATE BILL NO. 4635, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 1, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3532,

SUBSTITUTE SENATE BILL NO. 3590,

SENATE BILL NO. 4619,

SENATE BILL NO. 4713,

SUBSTITUTE SENATE BILL NO. 4720,

SENATE BILL NO. 4770, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 1, 1986

Mr. President:

The House has passed:

SENATE BILL NO. 4721, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 4443,

SENATE BILL NO. 4512,

SENATE BILL NO. 4521,

SENATE BILL NO. 4527,

SENATE BILL NO. 4528,

SENATE BILL NO. 4593,

SENATE BILL NO. 4609,

SENATE BILL NO. 4617,

SUBSTITUTE SENATE BILL NO. 4618,

SUBSTITUTE SENATE BILL NO. 4629,

SENATE BILL NO. 4644,

SUBSTITUTE SENATE BILL NO. 4684,

SUBSTITUTE SENATE BILL NO. 4696,

SENATE BILL NO. 4747,

SUBSTITUTE SENATE BILL NO. 4757,

SUBSTITUTE SENATE BILL NO. 4758,

SENATE BILL NO. 4781.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1451.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 37,
 SUBSTITUTE HOUSE BILL NO. 1335,
 HOUSE BILL NO. 1371,
 HOUSE BILL NO. 1442,
 SUBSTITUTE HOUSE BILL NO. 1480,
 HOUSE BILL NO. 1599,
 HOUSE BILL NO. 1702.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 4721.

There being no objection, the President Pro Tempore reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 28, 1986

SHB 588 Prime Sponsor, Committee on Ways and Means: Revising provisions relating to retirement contribution rates. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Deccio, Goltz, Hayner, Lee, McDonald, Rasmussen, Rinehart, Talmadge, Warnke, Zimmerman.

Passed to Committee on Rules for second reading

February 28, 1986

SHB 1698 Prime Sponsor, Committee on Ways and Means: Providing for the extension of taxes when valuation is in dispute. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Craswell, Fleming, Goltz, Hayner, Lee, McDonald, Rasmussen, Rinehart, Talmadge, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1986

ESHB 2021 Prime Sponsor, Committee on Social and Health Services: Creating Washington health care project commission. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Bluechel, Fleming, Goltz, Hayner, Lee, Rasmussen, Rinehart, Talmadge, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS

March 3, 1986

GA 290 KAI N. LEE, to the position of member of the Pacific Northwest Electric Power and Conservation Planning Council, appointed by the Governor on January 31, 1986, for the term ending January 15, 1987, succeeding Charles Collins.
 Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Kreidler, McCaslin, Saling.

Passed to Committee on Rules.

March 3, 1986

GA 291 TOM TRULOVE, to the position of member of the Pacific Northwest Electric Power and Conservation Planning Council, appointed by the Governor on January 31, 1986, for the term ending January 15, 1989, succeeding Kai N. Lee.
Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Kreidler, McCaslin, Saling.

Passed to Committee on Rules.

There being no objection, the President Pro Tempore advanced the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

February 13, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:

Gregory Trujillo, appointed February 13, 1986, for a term ending September 30, 1990, as a member of the Yakima Community College District 16 Board of Trustees.

Sincerely,

BOOTH GARDNER, Governor

There being no objection, the President Pro Tempore advanced the Senate to the eighth order of business.

MOTION

On motion of Senator McManus, the following resolution was adopted:

SENATE RESOLUTION 1986-160

by Senator McManus

WHEREAS, Al H. Bowles, Jr. has made significant contributions to the growth and development of the state of Washington; and

WHEREAS, Citizens of the state of Washington have benefited greatly from the character, intelligence and initiative of Al H. Bowles, Jr.; and

WHEREAS, He directed, coordinated and instructed over 350 employment-finding and sales workshops over a twenty-two year period, funded by the Washington State Employment Security agency; and

WHEREAS, He has provided employment and career counseling to hundreds of people in individual and group situations; and

WHEREAS, His creative and innovative ideas of job training not only helped thousands of people find jobs over the past twenty-two years in his own organization but also established prototypes for employment and training courses throughout our state and nation; and

WHEREAS, He constructed curriculum for job placement, employment orientation, job finding and career change programs; and

WHEREAS, He lectured on career development, career planning and life planning at universities, colleges, federal, state, and local government agencies, religious institutions, labor and business organizations; and

WHEREAS, He excelled in sales management and sales training techniques; and

WHEREAS, He pioneered in early radio in Seattle as a sales manager, operations manager and disk jockey; and

WHEREAS, Thousands of former students know him as the "Professor" and the "Patriarch of Employment Procedure";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Al H. Bowles, Jr. for his contributions and inspiration to all citizens of the state of Washington.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore introduced Mr. Al H. Bowles, Jr. who was seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Mr. Bowles to address the Senate.

MOTION

On motion of Senator Thompson, the following resolution was adopted:

SENATE RESOLUTION 1986-162

by Senators Thompson and Zimmerman

WHEREAS, The Washington State Senate has taken quiet pride for many years in serving as a training ground for young people aspiring to careers in public service, communications, the law, and other professions; and

WHEREAS, Among the mentors of these hardworking novices who have given unsparingly of their time, knowledge and enthusiasm, one -- Professor William "B.J." Johnston, the faculty adviser for students from the University of Washington School of Communication who come here with assignments for newspapers throughout the state -- must be acknowledged among the best; and

WHEREAS, "B.J.", as he is known to all who have been close to him, has excelled in all the aspects of his profession as a writer and managing editor, particularly with the Lewiston Morning Tribune and earlier with the Associated Press in Spokane; as a faculty member at the University of Washington with major responsibilities for the practical training of journalism students; and as a recognized leader of professional associations; and

WHEREAS, "B.J." is most familiar to all of us for having created a nationally recognized legislative reporting course in 1971, which began covering the legislative process from a storeroom with two telephones in the communications building on the University of Washington campus and is now housed in the Institutions building; and

WHEREAS, The twelve to fifteen students who come each winter quarter have added up to a total of 185 participants in the program, of whom many have become reporters and editors throughout the Pacific Northwest and beyond; and

WHEREAS, "B.J." has been characterized:

(1) By former students as teaching more than excellent reporting, by imparting a sense of responsibility, humility and professionalism;

(2) By his professional associates as having communicated knowledge and experience with gentleness and patience; and

(3) By his academic colleagues as being unparalleled for his steadfastness, selflessness and dedication to excellence; and

WHEREAS, Professor Johnston -- "B.J." -- is retiring this year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, in session assembled, recognize and honor William F. "B.J." Johnston for his outstanding contributions to journalism, the University of Washington and the state; and

BE IT FURTHER RESOLVED, That the rooms in the Institutions building known as "B-18", "B-20", and "B-22", immediately be renamed in his honor as "BJ-18", "BJ-20" and "BJ-22"; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Professor William F. "B.J." Johnston, to the Director of the University of Washington School of Communications, and to Governor Booth Gardner.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore introduced Professor William F. "B. J." Johnston who was seated in the gallery.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1490, by Representatives Baugher, R. King, Chandler, Wang, Ballard, Lux, Patrick and Rayburn (by request of Joint Select Committee on Industrial Insurance)

Modifying reimbursements for certain industrial insurance payments.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 1490 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Warnke, I notice in our summaries that it mentions that we are granting to the director that he could waive recoupment of this kind of recovery, if that recovery would be against equity and good conscience. Now I know all of us have had problems with some of those kinds of recoveries when there had been no fault on the part of the recipient--and then the subsequent recovery really created a hardship that the worker had no part in creating. I just wondered if you feel that this language will take care of those kinds of situations?"

Senator Warnke: "Senator Lee, thank you. The situation that you bring forward is exactly what the committee had in mind and what the people had in mind when they were putting the bill together to give that discretion in those cases where there would be undue hardship and it was no fault of the injured workman."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1490.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1490 and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 40.

Voting nay: Senators Fleming, Garrett, Gaspard, McDermott, Rasmussen, Talmadge, Williams - 7.

Excused: Senators Rinehart, Stratton - 2.

HOUSE BILL NO. 1490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1581, by Committee on Commerce and Labor (originally sponsored by Representatives R. King, J. King, Wang, Chandler, Patrick and Fisch)

Revising provisions relating to claims closure in industrial insurance cases.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1581 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Warnke, I notice on page 2, in subsection 7(a), which is new material, we speak to self-insurers being allowed to close claims when an

injured worker returns to work and medical treatment is concluded. I guess I'm wondering, will the self-insurer decide when medical treatment is concluded or does the injured worker who may require additional help or a few more treatments to stay on the job, does he have anything to say in this matter?"

Senator Warnke: "Thank you, Senator Moore. It is certainly not our intent that the self-insurer be allowed to close such a case as that. I would expect the department, when adopting rules required in this section, to make it clear that the worker and the attending provider of medical treatment agree that treatment is completed before a claim is closed. There is also further protection for the injured worker. On page 3, beginning on line 2, there is a protest procedure that would bring the department back into the case."

Senator Moore: "Very good. I hope that settles the matter."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1581.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1581 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Garrett - 1.

Absent: Senator Sellar - 1.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1721, by Representatives Wang, Chandler and R. King

Modifying provisions relating to payments into the supplemental pension fund.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 1721 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Warnke, how much is the pension? If they're paying ten thousand--but what is the pension costing?"

Senator Warnke: "It depends upon their age and how much their pension is, but many, many times ten thousand dollars."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1721.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1721 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Garrett - 1.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1721, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bender, Senator Rinehart was excused.

On motion of Senator Zimmerman, Senator Patterson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1783, by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Wang, Chandler, Patrick, Lux and Cole) (by request of Joint Select Committee on Industrial Insurance)

Revising provisions relating to self-insured employers.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1783 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1783.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1783 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Garrett - 1.

Excused: Senators Patterson, Rinehart, Stratton - 3.

SUBSTITUTE HOUSE BILL NO. 1783, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1873, by Committee on Commerce and Labor (originally sponsored by Representatives Wang and R. King) (by request of Joint Select Committee on Industrial Insurance)

Revising provisions relating to benefits for injured workers.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1873 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1873.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1873 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Garrett - 1.

Absent: Senator Hayner - 1.

Excused: Senators Patterson, Rinehart, Stratton - 3.

SUBSTITUTE HOUSE BILL NO. 1873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1875, by Committee on Commerce and Labor (originally sponsored by Representatives Rayburn, Chandler, Wang, Patrick, R. King, Ballard, Armstrong, Winsley and May) (by request of Joint Select Committee on Industrial Insurance)

Revising provisions relating to industrial insurance benefits for retired workers and pensioners.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1875 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1875.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1875 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Garrett - 1.

Excused: Senators Patterson, Rinehart, Stratton - 3.

SUBSTITUTE HOUSE BILL NO. 1875, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 21, by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Patrick, Wang, Chandler, Lux and Ballard) (by request of Joint Select Committee on Industrial Insurance)

Establishing the joint select committee on industrial insurance.

The resolution was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Concurrent Resolution No. 21 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Concurrent Resolution No. 21.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Concurrent Resolution No. 21 and the resolution passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Patterson, Rinehart, Stratton - 3.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 21, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1424, by Representatives Appelwick and P. King
Providing for estate tax apportionment.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1424 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1424.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1424 and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voiting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Deccio, Kiskaddon, Warnke - 3.
Excused: Senators Patterson, Rinehart, Stratton - 3.

HOUSE BILL NO. 1424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1652, by Representatives Sommers and Tilly (by request of Department of Retirement Systems)

Revising provisions relating to public retirement disability benefits.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 3, after line 7, insert the following:

"NEW SECTION, Sec. 3. A new section is added to chapter 41.40 RCW to read as follows:

A member who became temporarily disabled before March 27, 1984, under the circumstances specified in RCW 72.09.240 (1) and (2) may receive service credit for such period of disability subject to all the limitations and conditions contained in section 2 of this act. In order to qualify for the service credit provided by this section the member must make application to the department no later than December 31, 1986, and must agree to allow the employer to withhold from the member's wages the employee contributions, with interest, as required under section 2 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 7, after line 24, insert the following:

"Sec. 6. Section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 23, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.160 are each amended to read as follows:

(1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more years of service, or who is on disability leave or retired, whether for disability or service, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the

child's legal guardian or, in the absence of a legal guardian and if the member has created a trust for the benefit of the child or children, payment of the increase attributable to each child will be made to the trust.

(2) If at the time of the death of a vested member with twenty or more years service as provided above or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to his retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), as now or hereafter amended, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the children, if more than one. If the member has created a trust for the benefit of the child or children, the payment shall be made to the trust.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies and there are children as defined in RCW 41.26.030(7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date."

On motion of Senator McDermott, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "adding" strike everything through "section" on line 3 and insert "new sections"

On page 1, line 2 of the title, strike "and"

On page 1, line 2 of the title, after " 41.26.125" and before the semicolon insert ", and 41.26.160."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 1652, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1652, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1652, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspar, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Bottiger - 1.

Excused: Senators Patterson, Rinehart, Stratton - 3.

ENGROSSED HOUSE BILL NO. 1652, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:41 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:29 p.m. by President Pro Tempore Goltz.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1846, by Committee on Ways and Means (originally sponsored by Representatives Sutherland, Crane, May, Appelwick, C. Smith, Fisch, Gallagher, Ebersole, Long, Hastings, B. Williams, Holland, Tanner, Lux, Thomas, Braddock, Fisher, K. Wilson, L. Smith, Schmidt and Peery)

Taxing certain warehouse operations under the business and occupation tax instead of the public utility tax.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1846 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1846.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1846 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Hayner - 1.

Excused: Senators Patterson, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1846, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1356, by Committee on Judiciary (originally sponsored by Representatives Wang, Appelwick, Tilly, Scott, Armstrong, West and Locke)

Authorizing an exemption from mandatory arbitration in certain support and maintenance issues.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 11, after "by law," insert "This section does not apply to counties of the third class or smaller, or to two- and three-county judicial districts with a population of less than seventy thousand."

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Newhouse was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 5, chapter 357, Laws of 1985 and RCW 2.08.067 are each amended to read as follows:

All judicial positions created by the legislature after ~~((the effective date of this act))~~ July 28, 1985, including the additional judicial positions created by ~~((sections 1 through 3, chapter 357, Laws of 1985))~~ RCW 2.08.061, 2.08.062, and 2.08.064, shall be authorized only for counties that have implemented a mandatory arbitration program for civil claims to the maximum extent permitted by law. This section does not apply to counties of the third class or smaller, or to two- and three-county judicial districts with a population of less than seventy thousand. Implementing a mandatory arbitration program to the maximum extent permitted by law does not require a county to authorize arbitration for maintenance or child support issues as provided in RCW 7.06.020(2) if:

(1) The county uses a show cause or motion by affidavit calendar, or other procedure by which maintenance or support issues are decided on a summary basis; or

(2) Upon the request of the chief administrative judge of a judicial district, the office of the administrator for the courts determines that a mandatory arbitration program would be more costly and time consuming to the county than the procedure then in use in the county for determining support or maintenance issues.

NEW SECTION. Sec. 2. A new section is added to chapter 7.75 RCW to read as follows:

(1) Members of the board of directors of a dispute resolution center are immune from suit in any civil action based upon any proceedings or other official acts performed in good faith as members of the board.

(2) Employees and volunteers of a dispute resolution center are immune from suit in any civil action based on any proceedings or other official acts performed in their capacity as employees or volunteers, except in cases of wilful or wanton misconduct.

(3) A dispute resolution center is immune from suit in any civil action based on any of its proceedings or other official acts performed by its employees, volunteers, or members or its board of directors, except (a) in cases of wilful or wanton misconduct by its employees or volunteers, and (b) in cases of official acts performed in bad faith by members of its board.

NEW SECTION. Sec. 3. A new section is added to chapter 26.12 RCW to read as follows:

(1) Any county may contract under chapter 39.34 RCW with any other county or counties to provide joint family court services.

(2) Any agreement between two or more counties for the operation of a joint family court service may provide that the treasurer of one participating county shall be the custodian of moneys made available for the purposes of the joint services, and that the treasurer may make payments from the moneys upon proper authorization.

(3) Any agreement between two or more counties for the operation of a joint family court service may also provide:

(a) For the joint provision or operation of services and facilities or for the provision or operation of services and facilities by one participating county under contract for the other participating counties;

(b) For appointments of members of the staff of the family court including the supervising counselor;

(c) That, for specified purposes, the members of the staff of the family court including the supervising counselor, but excluding the judges of the family court and other court personnel, shall be considered to be employees of one participating county;

(d) For other matters as are necessary to carry out the purposes of this chapter.

(4) The provisions of this chapter relating to family court services provided by a single county are equally applicable to counties which contract, under this section, to provide joint family court services.

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

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the custody or visitation dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3) Mediation proceedings shall be held in private and shall be confidential. The mediator shall not testify as to any aspect of the mediation proceedings.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court."

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, strike "and"

On page 1, line 1 of the title, after "2.08.067" and before the period insert "; adding a new section to chapter 7.75 RCW; adding a new section to chapter 26.12 RCW; and adding a new section to chapter 26.09 RCW"

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1356, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1356, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1356, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators Patterson, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1356, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 134, by Senators McDermott, Kreidler, Lee, Warnke, Garrett, Conner, Bauer, Saling, Johnson, Moore, Rasmussen and Vognild

Requiring a study of retirement systems.

The resolution was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Concurrent Resolution No. 134 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 134.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 134 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Sellar - 1.

Excused: Senator Stratton - 1.

SENATE CONCURRENT RESOLUTION NO. 134, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1400, by Committee on Judiciary (originally sponsored by Representatives Rayburn, Padden, Fisch, West, Madsen and Armstrong)

Creating the indeterminate sentence review board.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 9, after "Sec. 1." strike the remainder of the section and insert:

The legislature finds that a process for review of duration of confinement and release decisions for persons convicted of crimes committed before July 1, 1984, must be available after the board of prison terms and paroles ceases to exist. A transitional agency, the indeterminate sentence review board, is created to review such decisions until 1992 when all of the functions, powers, and duties previously performed by the indeterminate sentence review board will be transferred to the superior courts of the state of Washington."

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered simultaneously and adopted:

On page 4, line 29, after "recommendations" and insert ": PROVIDED, That the board and its successors shall give adequate written reasons whenever a minimum term or parole release decisions is made which is outside the sentencing ranges adopted pursuant to 9.94A.040 RCW. In making such decisions, the board and its successors shall consider the different charging and disposition practices under the indeterminate sentencing system."

On page 4, beginning on line 33, strike the remainder of the section.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1400, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1400, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1400, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senator Sellar - 1.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1400, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1459, by Representative Armstrong

Restricting evidentiary use of a breathalyzer test refusal.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 1459 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1459.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1459 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Pullen - 1.

Excused: Senator Stratton - 1.

ENGROSSED HOUSE BILL NO. 1459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1463, by Representatives Leonard, Appelwick, Cole, Scott, Crane, Lux, Day, Dellwo, Rayburn, Winsley and P. King (by request of Board of Pharmacy)

Revising provisions relating to controlled substances.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendments were considered simultaneously and adopted:

On page 6, line 20, after "(g)" strike "The" and insert "On or before December 1 of each year, the"

On page 6, line 21, strike "at the beginning of each biennium"

Senator Halsan moved that the following amendment by Senators Halsan and Pullen be adopted:

On page 21, line 24, strike "((for the purpose of sale or receipt)) sale, receipt, possession, or concealment" and insert "for the purpose of sale or receipt"

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Engrossed House Bill No. 1463 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1869, by Committee on Judiciary (originally sponsored by Representatives Locke and Winsley)

Changing provisions relating to crime victims' compensation.

The bill was read the second time.

MOTIONS

Senator Talmadge moved that the following amendment by Senators Talmadge and Newhouse be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 14, chapter 443, Laws of 1985 and RCW 7.68.060 are each amended to read as follows:

(1) For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

((+)) (a) An application for benefits is not received by the department within one year after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of dependents or beneficiaries accrued; or

((+)) (b) The criminal act is not reported by the victim or someone on his behalf to a local police department or sheriff's office within seventy-two hours of its occurrence or, if it could not reasonably have been reported within that period, within seventy-two hours of the time when a report could reasonably have been made.

(2) This section shall apply only to criminal acts reported after December 31, 1985.

Sec. 2. Section 8, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 239, Laws of 1983 and RCW 7.68.080 are each amended to read as follows:

The provisions of chapter 51.36 RCW as now or hereafter amended govern the provision of medical aid under this chapter to victims injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, except that:

(1) The provisions contained in RCW 51.36.030 ((and)), 51.36.040, and 51.36.080 as now or hereafter amended do not apply to this chapter;

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation do not apply: PROVIDED, That when the injury to any victim is

so serious as to require his being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090.

Sec. 3. Section 17, chapter 443, Laws of 1985 (uncodified) is amended to read as follows:

The amendments to RCW (~~7.68.060 and~~) 7.68.070 by this act apply only to criminal acts occurring after December 31, 1985.

Sec. 4. Section 337, chapter 258, Laws of 1984 and RCW 3.62.090 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under RCW 46.61.515, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

NEW SECTION. Sec. 5. Section 4 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect May 1, 1986.*

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Talmadge, what did you do about the allocation with respect to the counties and cities? In that first bill we passed, as I remember it, there was a change in the percentage going to the cities and counties and to the state for one year. Is that included in this?"

Senator Talmadge: "Yes. That's essentially dealt with. I believe in Section 4 of the amendment, Senator Hayner. There is the surcharge and the moneys go to the Public Safety and Education Account. This was the approach that was taken in the Ways and Means Committee as the alternative to playing around with the split between the various entities. The split of 68-32 that our local clerks are concerned about and everything else remains untouched. This is simply the surcharge to make up for the deficit in the Public Safety and Education Account and I tell the members of the Senate quite candidly, I am going to urge the body to take a look at this account in the interim, so that we don't see this kind of shortfall problem again. We need to look at the mechanism for collecting fees and fines and forfeitures in the court system and we also need to see what programs are funded out of the PSEA to determine if those are appropriate."

Senator Hayner: "I'm sorry, Senator Talmadge, but is this just for one year?"

Senator Talmadge: "No, my understanding is that it is permanent. That's what was decided by the Ways and Means Committee, but I would urge us to take a look at that issue in the interim. This may not be the way we want to do it, but it's the only device available to us in the short term."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Newhouse.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "compensation," strike the remainder of the title and insert "amending RCW 7.68.060, 7.68.080, and 3.62.090; amending section 17, chapter 443, Laws of 1985 (uncodified); providing an effective date; and declaring an emergency."

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1869, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1869, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1869, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1869, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1345, by Representatives Belcher, Madsen and Unsoeld

Transferring the legislative information system from the code reviser to a newly created legislative systems committee.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 1345 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Thompson, in reading this bill, I couldn't tell whether it's going to be one system of information controlled by this committee for the entire Legislature--everything that is entered into the IBM PCs will be in one system?"

Senator Thompson: "That's essentially correct. Yes."

Senator McDermott: "And so whatever our personal staff puts into a computer will be tied into a central data system?"

Senator Thompson: "Your questions seem to appear to be leaning toward concerns over security, Senator McDermott, and this bill does provide for the maintenance of security and would prevent the disclosure of information which a member might desire not have disclosed."

Senator McDermott: "So, what's put in by the budget chairman in one house will not be available to the budget chairman in the other house?"

Senator Thompson: "Ah, yes, you need have no concern about that, Mr. Chairman."

Senator McDermott: "Thank you."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1345.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1345 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogndild, von Reichbauer, Williams - 42.

Voting nay: Senators Hansen, McDermott, Pullen, Warnke, Wojahn, Zimmerman - 6.

Excused: Senator Stratton - 1.

ENGROSSED HOUSE BILL NO. 1345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1362, by Representatives Haugen, Basich, Braddock, McMullen, Zellinsky, Scott, Sayan, S. Wilson, Vekich, Lundquist, Fisch and P. King

Directing the design of an enhanced marketing plan for Washington fisheries.
The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed House Bill No. 1362 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1362.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1362 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

ENGROSSED HOUSE BILL NO. 1362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1892, by Committee on Energy and Utilities (originally sponsored by Representatives Locke and Vander Stoep)

Limiting the taxation of telecommunications services by cities.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Substitute House Bill No. 1892 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1892.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1892 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Newhouse - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1892, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2011, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives P. King and Addison)

Requiring maintenance of separate accounts for insurance agents.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2011 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Moore, you indicated the bill would require a client account in that trust account--"

Senator Moore: "Yes."

Senator Deccio: "So it would not be an account for each client, it would be all of the clients' moneys would go into one account?"

Senator Moore: "Into one account, yes, but it will still be two accounts that the bank will have."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 2011.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 2011 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Taimadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 46.

Absent: Senators Pullen, Zimmerman - 2.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 2011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1368, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Tilly, Winsley and J. Williams)

Revising provisions relating to abstracts of driving records.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following amendment by Senators McCaslin and Deccio be adopted:

On page 1, line 16, after "abstract" insert:

"The abstract provided to the insurance company shall also exclude traffic infraction for operating a motor vehicle on a highway posted at fifty-five miles per hour at a speed in excess thereof but not over the speed posted for the highway on October 1, 1973 or a highway constructed or reconstructed and posted at fifty-five miles per hour at a speed in excess thereof but not over the speed that would have been posted for the highway before October 1, 1973, if the speed were set using the criteria set forth in RCW 46.61.400, 46.61.410, and RCW 46.61.430."

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order that the amendment expands the scope and object of the bill. Mr. President, the amendment seeks to set a different speed limit and effects a different speed limit in the state providing that the infraction would not appear in the abstract, and would, therefore, not be available to the State Patrol and accumulating points for license revocation. It greatly expands the original object of the bill and for that reason I believe it is out of order."

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1368 was deferred.

SECOND READING

HOUSE BILL NO. 1482, by Representatives Walk, J. Williams, Zellinsky, Schmidt and P. King (by request of Department of Licensing)

Establishing procedures for issuing replacement boat titles.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 1482 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1482.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1482 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1482, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:38 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 5:38 p.m. by President Pro Tempore Goltz.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

March 3, 1986

ESHB 32 Prime Sponsor, Committee on Commerce and Labor: Providing collective bargaining for institutions of higher education. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Lee, Moore, Rinehart, Talmadge, Warnke, Wojahn.

MINORITY recommendation: Do not pass as amended. Signed by Senators Bluechel, Cantu, Craswell, Deccio, Hayner, McDonald, Rasmussen, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1986

REESHB 470 Prime Sponsor, Committee on Social and Health Services: Providing for the registration and certification of mental health professionals. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Deccio, Fleming, Goltz, Lee, Rinehart, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

March 3, 1986

HB 1631 Prime Sponsor, Representative Braddock: Modifying provisions relating to nursing home cost reimbursement. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Bluechel, Bottiger, Cantu, Craswell, Deccio, Hayner, Lee, McDonald, Moore, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 3, 1986

HB 1954 Prime Sponsor, Representative J. King: Authorizing the use of the local tax on lodging for capital improvements the debt for which has already been incurred. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Bluechel, Bottiger, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Thompson, Zimmerman.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 3, 1986

GA 168 ROBERT YAMASHITA, to the position of member of the Board of Trustees for Tacoma Community College District No. 22, appointed by the Governor on May 31, 1985, for the term ending September 30, 1988, succeeding Harvey Segall.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 170 HELEN BARR, to the position of member of the Board of Trustees for Peninsula Community College District No. 1, appointed by the Governor on May 31, 1985, for the term ending September 30, 1988, succeeding Ronald Carlson.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 176 MARGERY GUTHRIE, to the position of member of the Board of Trustees for Highline Community College District No. 9, appointed by the Governor on May 31, 1985, for the term ending September 30, 1987, succeeding Virginia Thacker.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 205 VIRGINIA CROSS, to the position of member of the Board of Trustees for Green River Community College District No. 10, appointed by the

Governor on July 25, 1985, for the term ending September 30, 1989, succeeding William Kennelly.

Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 206 KAREN MILLER, to the position of member of the Board of Trustees for Edmonds Community College District No. 23, appointed by the Governor on October 29, 1985, for the term ending September 30, 1990.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 208 CRAIG NELSON, to the position of member of the Board of Trustees for Wenatchee Valley Community College District No. 15, appointed by the Governor on August 14, 1985, for the term ending September 30, 1990, succeeding Robert W. Prince.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 223 VIVIAN WINSTON, to the position of member of the Higher Education Coordinating Board, appointed by the Governor on October 3, 1985, for the term ending June 30, 1987.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 227 ANN HOBI SCROGGS, to the position of member of the Board of Trustees for Grays Harbor Community College District No. 2, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 228 JOHN MITCHELL, to the position of member of the Board of Trustees for Olympic Community College District No. 3, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 229 ARLENE MILLER, to the position of member of the Board of Trustees for Skagit Valley Community College District No. 4, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990, succeeding James Bishop.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 230 TERRY OLLIS, to the position of member of the Board of Trustees for Everett Community College District No. 5, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990, succeeding Barbara Kusler.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 231 RICHARD SONSTELIE, to the position of member of the Board of Trustees for Bellevue Community College District No. 8, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 232 ELSIE DENNIS, to the position of member of the Board of Trustees for Highline Community College District No. 9, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990, succeeding Ed Pooley.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 233 BENAY NORDBY, to the position of member of the Board of Trustees for Green River Community College District No. 10, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 246 FRANCES SCOTT, to the position of member of the Board of Regents for Washington State University, appointed by the Governor on September 25, 1985, for the term ending September 30, 1991.

Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 3, 1986

GA 255 JUDGE JEROME FARRIS, to the position of member of the Board of Regents for the University of Washington, appointed by the Governor on September 25, 1985, for the term ending September 30, 1991.

Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1586, by Committee on Judiciary (originally sponsored by Representatives Armstrong, Appelwick, Fisch, Padden, Brough, Sanders, Isaacson and P. King)

Giving process servers a defense against criminal trespass.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

On page 2, after line 33, insert the following:

"Sec. 3, Section 2, chapter 51, Laws of 1927 as amended by section 1, chapter 54, Laws of 1933 and RCW 2.28.100 are each amended to read as follows:

No court shall be open, nor shall any judicial business be transacted, on a legal holiday, except:

- (1) To give, upon their request, instructions to a jury when deliberating on their verdict;
- (2) To receive the verdict of a jury;
- (3) For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature;
- (4) For hearing applications for and issuing writs of habeas corpus, injunction, prohibition and attachment;

(5) For the issuance of any process or subpoena not requiring immediate judicial or court action, and the service thereof.

The governor, in declaring any legal holiday, in his discretion, may provide in his proclamation that such holiday shall not be applicable to the courts of or within the state."

MOTION

On motion of Senator Boltiger, further consideration of Substitute House Bill No. 1586 was deferred.

SECOND READING

HOUSE BILL NO. 1686, by Representatives Scott, Long, K. Wilson, Armstrong, Appelwick and P. King

Establishing quasi-community property in Washington state.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1686 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1686.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1686 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1976, by Committee on Judiciary (originally sponsored by Representatives Locke, O'Brien, Zellinsky, Tilly, Armstrong, Brough and Fisch)

Requiring notice to prosecuting attorney before releasing mentally disordered persons.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1976 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1976.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1976 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1976, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 205, by Committee on Ways and Means (originally sponsored by Representatives Lux, Winsley and Zellinsky) (by Department of Licensing request)

Authorizing a limited offering exemption to the securities act.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendments were considered simultaneously and adopted:

On page 6, strike all of section 3, and renumber the remaining section consecutively on page 6, line 35, strike "1985" and insert "1986"

On motion of Senator Moore, the following title amendment was adopted:
On line 2 of the title, after "21.20.340:" strike "creating a new section;"

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 205, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 205, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 205, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Benitz, Cantu, Goltz, Lee, Newhouse, Pullen - 6.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 205, as amended as Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1398, by Representatives Zellinsky, West and Locke (by request of Attorney General)

Publishing maximum interest rates in the state register.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 1398 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1398.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1398 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 47.

Absent: Senator Zimmerman - 1.

Excused: Senator Stratton - 1.

ENGROSSED HOUSE BILL NO. 1398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:00 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Tuesday, March 4, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 4, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, Guess, Hansen, McManus, Moore, Peterson, Stratton and Talmadge. On motion of Senator Bender, Senators Moore, Stratton and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Pages Katie May and Kara Wright, presented the Colors. Reverend Hendrik Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

March 3, 1986

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4443,
 SENATE BILL NO. 4512,
 SENATE BILL NO. 4521,
 SENATE BILL NO. 4527,
 SENATE BILL NO. 4528,
 SENATE BILL NO. 4593,
 SENATE BILL NO. 4609,
 SENATE BILL NO. 4617,
 SUBSTITUTE SENATE BILL NO. 4618,
 SUBSTITUTE SENATE BILL NO. 4629,
 SENATE BILL NO. 4644,
 SUBSTITUTE SENATE BILL NO. 4684,
 SUBSTITUTE SENATE BILL NO. 4696,
 SENATE BILL NO. 4747,
 SUBSTITUTE SENATE BILL NO. 4757,
 SUBSTITUTE SENATE BILL NO. 4758,
 SENATE BILL NO. 4781, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 3, 1986

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1058,
 SUBSTITUTE HOUSE BILL NO. 1332,
 HOUSE BILL NO. 1350,
 HOUSE BILL NO. 1353,
 SUBSTITUTE HOUSE BILL NO. 1385,
 SUBSTITUTE HOUSE BILL NO. 1460,
 SUBSTITUTE HOUSE BILL NO. 1496,
 HOUSE BILL NO. 1517,
 HOUSE BILL NO. 1563,
 HOUSE BILL NO. 1572,
 HOUSE BILL NO. 1602,
 SUBSTITUTE HOUSE BILL NO. 1622,
 HOUSE BILL NO. 1637,
 SUBSTITUTE HOUSE BILL NO. 1654,

HOUSE BILL NO. 1711,
 HOUSE BILL NO. 1743,
 HOUSE BILL NO. 1776,
 SUBSTITUTE HOUSE BILL NO. 1831,
 SUBSTITUTE HOUSE BILL NO. 1866, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 3, 1986

Mr. President:

The Speaker has signed:

SENATE HOUSE BILL NO. 4721, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1058,
 SUBSTITUTE HOUSE BILL NO. 1332,
 HOUSE BILL NO. 1350,
 HOUSE BILL NO. 1353,
 SUBSTITUTE HOUSE BILL NO. 1385,
 SUBSTITUTE HOUSE BILL NO. 1460,
 SUBSTITUTE HOUSE BILL NO. 1496,
 HOUSE BILL NO. 1517,
 HOUSE BILL NO. 1563,
 HOUSE BILL NO. 1572,
 HOUSE BILL NO. 1602,
 SUBSTITUTE HOUSE BILL NO. 1622,
 HOUSE BILL NO. 1637,
 SUBSTITUTE HOUSE BILL NO. 1654,
 HOUSE BILL NO. 1711,
 HOUSE BILL NO. 1743,
 HOUSE BILL NO. 1776,
 SUBSTITUTE HOUSE BILL NO. 1831,
 SUBSTITUTE HOUSE BILL NO. 1866.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1493, by Committee on Transportation (originally sponsored by Representatives Rayburn and Baugher)

Restricting the application of motorist service business sign restrictions.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended. Substitute House Bill No. 1493 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1493.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1493 and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent, 4; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senator Bluechel - 1.

Absent: Senators Craswell, Guess, Hansen, McManus - 4.

Excused: Senators Moore, Stratton, Talmadge - 3.

SUBSTITUTE HOUSE BILL NO. 1493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1614, by Representatives Long and Armstrong (by request of Department of Licensing)

Delaying certain new prerequisites for the issuance of vehicle licenses.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 424, Laws of 1985 (uncodified) is amended to read as follows:

This act shall take effect on (~~July 1, 1986~~) January 1, 1988.

NEW SECTION. Sec. 2. The legislature recognizes that a program to require a person to possess a valid driver's license as a prerequisite for the registration of motor vehicles can help improve highway safety in the state. The legislature also recognizes that such a program should be carefully analyzed and planned before implementation to ensure that it is as cost effective as possible.

NEW SECTION. Sec. 3. The legislative transportation committee shall review the merits and costs of implementing the program established by chapter 424, Laws of 1985, including data on deaths and injuries caused by unlicensed drivers, and report back to the legislature prior to January 1, 1987.

Sec. 4. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 26, Laws of 1983 and by section 1, chapter 77, Laws of 1983 and RCW 46.01.140 are each reenacted and amended to read as follows:

The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor, or other agent a fee of one dollar for each application in addition to any other fees required by law. Applicants for certificates of ownership shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These additional fees, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his expenses in handling the application: PROVIDED, That an agent of the county auditor is entitled to an additional service charge of (~~one dollar and seventy-five cents~~) two dollars; PROVIDED FURTHER, That if the fee is collected by the state patrol or the department of transportation, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 5. Section 12, chapter 380, Laws of 1985 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of one dollar for each application in addition to any other fees required by law. Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These additional fees, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in

the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his expenses in handling the application: PROVIDED, That an agent of the county auditor is entitled to an additional service charge of ~~((one dollar and seventy-five cents))~~ two dollars: PROVIDED FURTHER, That if the fee is collected by the state patrol or the department of transportation, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

NEW SECTION, Sec. 6. Section 5 of this act shall take effect at the same time as does chapter 380, Laws of 1985.

Sec. 7. Section 44, chapter 170, Laws of 1965 ex. sess. as last amended by section 39, chapter 136, Laws of 1979 ex. sess. and RCW 46.01.230 are each amended to read as follows:

(1) The department of licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department, in accordance with ~~((regulations))~~ rules adopted by the director. The director's ~~((regulations))~~ rules shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such ~~((regulations))~~ rules shall contain provisions for cancellation of any registrations, licenses, or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle may be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270 ~~((as now or hereafter amended))~~.

(2) It is a traffic infraction to fail to surrender within ten days to the department or any authorized agent of the department any certificate, license, or permit after being notified by certified mail that such certificate, license, or permit has been canceled pursuant to this section.

(3) Whenever registrations, licenses, or permits have been paid for by checks that have been dishonored by nonacceptance or nonpayment, a reasonable handling fee in an amount not to exceed ten dollars may be assessed for each such instrument. The director shall make rules allowing agents or subagents, appointed or approved by the director pursuant to RCW 46.01.140, to collect restitution, and where they have collected restitution, to retain the reasonable handling fee.

NEW SECTION, Sec. 8. A new section is added to chapter 46.01 RCW to read as follows:

No civil suit or action may ever be commenced or prosecuted against any county auditor, or against any other government officer or entity, or against any other person, by reason of any act done or omitted to be done in connection with the titling, licensing, or registration of vehicles or vessels while administering duties and responsibilities as an agent of the director of licensing, or as an agent of an agent of the director of licensing, pursuant to RCW 46.01.140. However, this section does not bar the state of Washington or the director of licensing from bringing any action, whether civil or criminal, against any such agent, nor shall it bar a county auditor or other agent of the director from bringing an action against his or her agent.

NEW SECTION, Sec. 9. Section 8 of this act shall apply retroactively to all claims for which actions have not been filed before the effective date of section 8 of this act.

NEW SECTION, Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 11. Sections 8 through 10 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Peterson, the following title amendment was adopted:

In line 2 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 46.01.140 and 46.01.230; amending section 2, chapter 424, Laws of 1985 (uncodified); reenacting and amending RCW 46.01.140; adding a new section to chapter 46.01 RCW; creating new sections; prescribing penalties; declaring an emergency; and providing an effective date."

MOTION

On motion of Senator Peterson, the rules were suspended. Engrossed House Bill No. 1614, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1614, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1614, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Garrett - 1.

Excused: Senators Moore, Stratton, Talmadge - 3.

ENGROSSED HOUSE BILL NO. 1614, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1413, by Committee on Local Government (originally sponsored by Representatives Nutley, Isaacson, Haugen, Winsley, Ebersole, Allen, Rayburn, May, Brough, Hine and Grimm)

Authorizing alternative procedures for the issuance of revenue bonds by local governments.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1413 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1413.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1413 and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Craswell, McCaslin, Metcalf, Pullen - 5.

Excused: Senators Moore, Stratton, Talmadge - 3.

SUBSTITUTE HOUSE BILL NO. 1413 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688, by Committee on Higher Education (originally sponsored by Representatives Sommers and Prince)

Regulating private degree-granting institutions.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 25, after "(b)" strike all material through "chapter" on line 27, and insert "Institutions that have been accredited by an accrediting association recognized by the agency for the purposes of this chapter, provided that an institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association to qualify for this exemption"

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 4, after line 32, strike all material through "bond." on line 36, and insert the following:

"(e) Within ten days after a recovery on a bond or other posted security has occurred, the institution shall file a new bond or otherwise restore its security on file to the required amount."

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 3, line 6, after "the" strike "indirect or direct"

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute House Bill No. 1688, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1688, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1688, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Melcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Moore, Stratton, Talmadge - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1708, by Representatives Belcher, Brooks, Vekich, Dellwo, Unsoeld and P. King (by request of Governor Gardner)

Modifying liquor control board membership terms.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On page 1, line 14, after "qualified," strike all material down to and including "1989," on line 18 and insert "After the effective date of this 1986 act, the member who is appointed to the term that expired in 1985 shall be appointed to a four-year term, the member who is appointed to the term that expires in 1988 shall be appointed to a five-year term, and the member who is appointed to the term that expires in 1991 shall be appointed to a six-year term."

On page 1, beginning on line 19, strike "of the three members of the board appointed as aforesaid" and insert "~~((of the three members of the board appointed as aforesaid))~~ member following the effective date of this 1986 act"

On motion of Senator Warnke, the rules were suspended, House Bill No. 1708, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1708, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1708, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; absent, 1; excused, 2.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McManus, Newhouse, Owen, Peterson, Rinehart, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Bailey, Cantu, Conner, Guess, Johnson, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Patterson, Pullen, Rasmussen, Sellar, Zimmerman - 16.

Absent: Senator Saling - 1.

Excused: Senators Stratton, Talmadge - 2.

HOUSE BILL NO. 1708, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1368 and the pending amendment by Senators McCaslin and Deccio on page 1, line 16, deferred March 3, 1986.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Substitute House Bill No. 1368 is a very limited measure, (1) restricting the driver's abstract information available to insurance companies to accidents in which the person was driving, (2) prohibiting the nonrenewal or denial of insurance unless the policy holder is at fault.

"The amendment proposed by Senators McCaslin and Deccio excludes from the abstract any traffic infraction from driving for more than fifty-five miles per hour on certain highways.

"The President, therefore, finds the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

On motion of Senator Moore, the rules were suspended. Substitute House Bill No. 1368 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1368.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1368 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Bottiger - 1.

Excused: Senators Stratton, Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 1368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1483, by Representatives Wineberry, Baugher and Rayburn (by request of Department of Licensing)

Repealing provision relating to special license plates.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended. Engrossed House Bill No. 1483 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1483.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1483 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Stratton, Talmadge - 2.

ENGROSSED HOUSE BILL NO. 1483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 127, by Senators Kreidler, Bluechel, McDonald and Thompson

Establishing a joint select legislative committee on natural heritage resources.

The resolution was read the second time.

MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendment was adopted:

On page 1, line 11, after "survival of" strike "all"

On motion of Senator Kreidler, the rules were suspended, Engrossed Senate Concurrent Resolution No. 127 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 127.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 127 and the resolution passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Stratton, Talmadge - 2.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1484, by Committee on Local Government (originally sponsored by Representatives Peery, Brough, Nutley, May, Haugen, Sutherland, Rayburn, Baugher and P. King)

Revising provisions relating to the creation of metropolitan park districts.

The bill was read the second time.

MOTION

Senator Hansen moved that the following amendment by Senators Hansen, Pullen and Rasmussen be adopted:

• On page 4, after line 17, insert the following:

*NEW SECTION. Sec. 8. The legislature recognizes the value of park districts and encourages such park districts to make use of public utility and transportation corridors in such a way as to maximize recreational opportunities for all citizens pursuant to the provisions and limitations of RCW 64.04.190 and section 10 of this act.

Sec. 9. Section 23, chapter 143, Laws of 1984 and RCW 64.04.190 are each amended to read as follows:

(1) Public utility and transportation corridors are railroad properties (a) on which railroad operations have ceased; (b) that have been found suitable for public use by an order of the Interstate Commerce Commission of the United States; and (c) that have been acquired by purchase, lease, donation, exchange, or other agreement by the state, one of its political subdivisions, or a public utility.

(2) A public utility and transportation corridor retains its public use character as long as it is owned by a public agency or utility (~~(-A public utility and transportation corridor)~~) and is acquired by the public agency or utility after June 6, 1984, and before the effective date of this act, and therefore is not subject to reversion, taking by adverse possession, or any similar property interests ripening on the cessation of railroad operations.

NEW SECTION. Sec. 10. The amendment of RCW 64.04.190 by section 9 of this act does not extinguish, alter, or otherwise affect any property interest in or right to use a public utility and transportation corridor (as that term was defined in section 23, chapter 143, Laws of 1984) that was vested in a public utility as of the effective date of this act, nor does the amendment of RCW 64.04.190 by section 9 of this act affect in any manner the common law relating to such corridors."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Hansen, do I understand you now as going to give the right of imminent domain to the Parks Department? Didn't they always have the right to imminent domain, Senator?"

Senator Hansen: "Yes."

POINT OF ORDER

Senator Guess: "Mr. President, a point of order. I don't know what we're doing. We're giving them something they've already got and for that reason I would raise the point that the amendment expands the scope and object of the bill."

MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 1484 was deferred.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 129, by Senator Conner

Establishing department of ecology advisory committee to study oil spills.

The resolution was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 129 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 129.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 129 and the resolution passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Stratton, Talmadge - 2.

SENATE CONCURRENT RESOLUTION NO. 129, having received the constitutional majority, was declared passed.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 133, by Senator Williams

Requesting the Governor to initiate discussions about the transportation of radioactive waste.

MOTIONS

On motion of Senator Williams, Substitute Senate Concurrent Resolution No. 133 was substituted for Senate Concurrent Resolution No. 133 and the substitute resolution was advanced to second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Concurrent Resolution No. 133 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Concurrent Resolution No. 133.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Concurrent Resolution No. 133 and the resolution passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Stratton, Talmadge - 2.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 133, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1504, by Representatives Hine, Barnes, G. Nelson, Hargrove, Schmidt, Fisch, Sutherland and Zellinsky

Modifying moorage facilities' procedures for transient vessels.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 1504 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1504.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1504 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Stratton, Talmadge - 2.

HOUSE BILL NO. 1504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1564, by Committee on Local Government (originally sponsored by Representatives Haugen, Hine, Barnes, Allen, Brough, Long and Tanner)

Extending the time allowed for protests of proposed local improvement districts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1564 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1564.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1564 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognilid, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senator von Reichbauer - 1.

Excused: Senators Stratton, Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 1564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:15 a.m., on motion of Senator Vognilid, the Senate was declared to be at ease.

The Senate was called to order at 11:33 a.m. by President Cherberg.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Owen, the appointment of Jim Brooks as a member of the Oil and Gas Conservation Committee was confirmed.

APPOINTMENT OF JIM BROOKS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 8; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Boltiger, Deccio, Fleming, Granlund, Guess, Moore, Pullen, Warnke - 8.

Excused: Senator Stratton - 1.

MOTION

On motion of Senator Wojahn, the appointment of Dr. Lloyd Yee Young as a member of the State Board of Pharmacy was confirmed.

APPOINTMENT OF DR. LLOYD YEE YOUNG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson,

Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Craswell, Deccio, Owen - 3.

Excused: Senator Stratton - 1.

MOTIONS

On motion of Senator Zimmerman, Senator Craswell was excused.

On motion of Senator Bender, Senator DeJarnatt was excused.

On motion of Senator von Reichbauer, Senators Benitz, Deccio, Johnson and Lee were excused.

MOTION

On motion of Senator Wojahn, the appointment of Terry L. Brossett as a member of the Hospital Commission was confirmed.

APPOINTMENT OF TERRY L. BROSSETT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Excused: Senators Benitz, Craswell, Deccio, DeJarnatt, Johnson, Lee, Stratton - 7.

MOTION

On motion of Senator Talmadge, the appointment of Patricia W. Anthony as a member of the Sentencing Guidelines Commission was confirmed.

APPOINTMENT OF PATRICIA W. ANTHONY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Benitz, Deccio, DeJarnatt, Johnson, Lee, Stratton - 6.

MOTION

On motion of Senator Talmadge, the appointment of Brenda Teals as a member of the Judicial Qualifications Commission was confirmed.

APPOINTMENT OF BRENDA TEALS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Benitz, Deccio, DeJarnatt, Johnson, Lee, Stratton - 6.

MOTION

At 12:00 noon, on motion of Senator Vognild, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:19 p.m. by President Cherberg.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Warnke, the appointment of Gary B. Wiggs as chairman of the Board of Industrial Insurance Appeals was confirmed.

APPOINTMENT OF GARY B. WIGGS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 6; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalfe, Moore, Newhouse, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Craswell, Hayner, McDermott, Owen, Patterson, Peterson - 6.

Excused: Senators Deccio, Stratton - 2.

MOTIONS

On motion of Senator Bender, Senator McDermott was excused.

On motion of Senator McCaslin, Senator Barr was excused.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4627 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the policy of the legislature to encourage competition by reducing the government's role in price setting. It is the legislature's intent to leave price setting mainly to the forces of the marketplace. In the field of cigarette sales, the legislature finds that the goal of open competition should be balanced against the public policy disallowing use of cigarette sales as loss leaders. To balance these public policies, it is the intent of the legislature to repeal the unfair cigarette sales below cost act and to declare the use of cigarettes as loss leaders as an unfair practice under the consumer protection act.

Sec. 2. Section 3, chapter 2, Laws of 1983 as amended by section 1, chapter 173, Laws of 1984 and RCW 19.91.010 are each amended to read as follows:

When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Person" means and includes any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) "Wholesaler" includes any person who:

(a) Purchases cigarettes directly from the manufacturer, or

(b) Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only, or

(c) Services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

Nothing contained herein shall prevent a person from qualifying in different capacities as both a "wholesaler" and "retailer" under the applicable provisions of this chapter.

(3) "Retailer" means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) "Cigarettes" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(5) "Sale" means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

(6) "Sell at wholesale", "sale at wholesale" and "wholesale" sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary

course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.

(7) "Sell at retail", "sale at retail" and "retail sales" mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

(8) "Basic cost of cigarettes" means the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, in the quantity last purchased, whichever is lower, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price. ~~((The disposition of the manufacturers' cash discount is at the discretion of the wholesaler. Any retailer or wholesaler who actually receives and sells cigarettes with trade or cash discounts shall execute a sworn affidavit and obtain a sworn affidavit from the person granting the discount, whether a manufacturer or wholesaler, which shows: (a) Amount or rate of the discount; (b) date the discount was granted; (c) names of the persons granting and receiving the discount, and (d) whether the discount is for cash or trade purposes. Sworn affidavits under this section are maintained for five years and available for inspection by the department of revenue's request. The department of revenue may impose a civil penalty not to exceed two hundred fifty dollars for each failure to maintain affidavits under this section.~~

~~Nothing in this section may be construed to require any retailer to obtain affidavits from retail purchasers of cigarettes.))~~

(9) (a) The term "cost to the wholesaler" means the "basic cost of cigarettes" to the wholesaler plus the "cost of doing business by the wholesaler" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said wholesalers "cost of doing business" bears to said wholesalers dollar volume for all products sold by the wholesaler per annum, and said "cost of doing business by the wholesaler" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes". Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the wholesaler per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) For the purposes of this chapter the "cost of doing business" may not be computed using a percentage less than the overall percentage shown in subsection (9)(a) of this section or in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the "cost of doing business by the wholesaler" shall be presumed to be ~~((four percent))~~ the percentage of the "basic cost of cigarettes" to the wholesaler specified in (c) of this subsection, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the "basic cost of cigarettes" to the wholesaler.

(c) For the purposes of (b) of this subsection, the percentage of the basic cost of cigarettes to the wholesaler shall be:

(i) Four percent until July 1, 1987;

(ii) Three and one-half percent from July 1, 1987, until July 1, 1988;

(iii) Three percent from July 1, 1988, until July 1, 1989;

(iv) Two and one-half percent from July 1, 1989, until July 1, 1990; and

(v) Two percent from July 1, 1990, until July 1, 1991.

(10) (a) The term "cost to the retailer" means the "basic cost of cigarettes" to the retailer plus the "cost of doing business by the retailer" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said retailers "cost of doing business" bears to said retailers dollar volume per annum, and said "cost of doing business by the retailer" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes": PROVIDED, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining "cost to the retailer", pursuant to this subdivision, add the "cost of doing business by the wholesaler," as defined in subdivision (9) of this section, to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer". Any fractional part of a

cent amounting to one-tenth of one cent or more in cost to the retailer per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the "cost of doing business by the retailer" shall be presumed to be ~~((twelve and five-tenths percent))~~ the percentage of the "basic cost of cigarettes" to the retailer specified in (d) of this subsection.

(c) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the "cost of doing business by the retailer", who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be ~~((twelve and five-tenths percent))~~ the percentage of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler" specified in (d) of this subsection.

(d) For the purposes of (b) and (c) of this subsection, the percentage shall be:

(i) Eleven and one-half percent until July 1, 1987;

(ii) Ten and one-half percent from July 1, 1987, until July 1, 1988;

(iii) Nine and one-half percent from July 1, 1988, until July 1, 1989;

(iv) Eight and one-half percent from July 1, 1989, until July 1, 1990;

(v) Seven and one-half percent from July 1, 1990, until July 1, 1991.

(11) "Business day" means any day other than a Sunday or a legal holiday.

(12) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

NEW SECTION. Sec. 3. Section 2, chapter 173, Laws of 1984 and RCW 19.91.911 are each repealed.

NEW SECTION. Sec. 4. No person may engage in or conduct the business of purchasing, selling, consigning, or distributing cigarettes in this state without a license under this chapter. A violation of this section is a misdemeanor.

NEW SECTION. Sec. 5. (1) The licenses issuable under this chapter are as follows:

(a) A wholesaler's license.

(b) A retailer's license.

(2) Application for the licenses shall be made through the master license system under chapter 19.02 RCW. The department of revenue shall adopt rules regarding the regulation of the licenses. The department of revenue may refrain from the issuance of any license under this chapter if the department has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the department has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. Each such license shall expire on the master license expiration date, and each such license shall be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the department of revenue made pursuant thereto.

NEW SECTION. Sec. 6. A fee of six hundred fifty dollars shall accompany each wholesaler's license application or license renewal application. If a wholesaler sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license with a license fee of one hundred fifteen dollars shall be required for each additional place of business. Each license, or certificate thereof, and such other evidence of license as the department of revenue requires, shall be exhibited in the place of business for which it is issued and in such manner as is prescribed for the display of a master license. The department of revenue shall require each licensed wholesaler to file with the department a bond in an amount not less than one thousand dollars to guarantee the proper performance of the duties and the discharge of the liabilities under this chapter. The bond shall be executed by such licensed wholesaler as principal, and by a corporation approved by the department of revenue and authorized to engage in business as a surety company in this state, as surety. The bond shall run concurrently with the wholesaler's license.

NEW SECTION. Sec. 7. A fee of ten dollars shall accompany each retailer's license application or license renewal application. A fee of one additional dollar for each vending machine shall accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine.

NEW SECTION. Sec. 8. Any person licensed only as a wholesaler, or as a retail dealer, shall not operate in any other capacity unless the additional appropriate license or licenses are first secured. A violation of this section is a misdemeanor.

NEW SECTION. Sec. 9. (1) The department of revenue shall enforce the provisions of this chapter. The department of revenue may adopt, amend, and repeal rules necessary to enforce and administer the provisions of this chapter. The department of revenue has full power and authority to revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee to comply with any of the provisions of this chapter.

(2) A license shall not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the department of revenue. The department of revenue, upon a finding by same, that the licensee has failed to comply with any provision of this chapter or any rule promulgated thereunder, shall, in the case of the first offender, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and, in the case of a second or plural offender, shall suspend the license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the department of revenue finds the offender has been guilty of wilful and persistent violations, it may revoke the license or licenses.

(3) Any person whose license or licenses have been so revoked may apply to the department of revenue at the expiration of one year for a reinstatement of the license or licenses. The license or licenses may be reinstated by the department of revenue if it appears to the satisfaction of the department of revenue that the licensee will comply with the provisions of this chapter and the rules promulgated thereunder.

(4) A person whose license has been suspended or revoked shall not sell cigarettes or permit cigarettes to be sold during the period of such suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form whatever.

(5) Any determination and order by the department of revenue, and any order of suspension or revocation by the department of revenue of the license or licenses, or refusal to reinstate a license or licenses after revocation shall be reviewable by an appeal to the superior court of Thurston county. The superior court shall review the order or ruling of the department of revenue and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the department of revenue.

NEW SECTION. Sec. 10. All fees and penalties received or collected by the department of revenue pursuant to this chapter shall be paid to the state treasurer, to be credited to the general fund.

NEW SECTION. Sec. 11. A cigarette wholesalers or retailers license issued by the department of licensing under RCW 19.91.130 in good standing on the effective date of this section constitutes a license under section 4 of this act.

NEW SECTION. Sec. 12. Sections 4 through 10 of this act are each added to chapter 82.24 RCW.

NEW SECTION. Sec. 13. A new section is added to chapter 19.91 RCW to read as follows:

No person licensed to sell cigarettes under chapter 82.24 RCW may sell cigarettes below the actual price paid. Violations of this section constitute unfair or deceptive acts or practices under the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 2, Laws of 1983, section 1, chapter 173, Laws of 1984, section 2 of this 1986 act and RCW 19.91.010;

(2) Section 2, chapter 286, Laws of 1957 and RCW 19.91.020;

(3) Section 3, chapter 286, Laws of 1957 and RCW 19.91.030;

(4) Section 4, chapter 286, Laws of 1957 and RCW 19.91.040;

(5) Section 5, chapter 286, Laws of 1957 and RCW 19.91.050;

(6) Section 6, chapter 286, Laws of 1957 and RCW 19.91.060;

(7) Section 7, chapter 286, Laws of 1957 and RCW 19.91.070;

(8) Section 8, chapter 286, Laws of 1957, section 13, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.080;

(9) Section 9, chapter 286, Laws of 1957 and RCW 19.91.090;

(10) Section 10, chapter 286, Laws of 1957 and RCW 19.91.100;

(11) Section 11, chapter 286, Laws of 1957 and RCW 19.91.110;

(12) Section 12, chapter 286, Laws of 1957 and RCW 19.91.120;

(13) Section 13, chapter 286, Laws of 1957, section 14, chapter 278, Laws of 1975 1st ex. sess., section 35, chapter 182, Laws of 1982 and RCW 19.91.130;

(14) Section 4, chapter 2, Laws of 1983 and RCW 19.91.140;

(15) Section 5, chapter 2, Laws of 1983 and RCW 19.91.150;

(16) Section 16, chapter 286, Laws of 1957 and RCW 19.91.160;

(17) Section 17, chapter 286, Laws of 1957 and RCW 19.91.170;

(18) Section 18, chapter 286, Laws of 1957, section 17, chapter 278, Laws of 1975 1st ex. sess., section 4, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.180;

(19) Section 19, chapter 286, Laws of 1957, section 1, chapter 172, Laws of 1959, section 2, chapter 107, Laws of 1979 and RCW 19.91.190;

(20) Section 20, chapter 286, Laws of 1957 and RCW 19.91.900; and

(21) Section 21, chapter 286, Laws of 1957, section 5, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.910.

NEW SECTION. Sec. 15. Sections 1 and 4 through 14 of this act shall take effect on July 1, 1991.

On page 1, beginning on line 1 of the title, after "retailers;" strike the remainder of the title and insert "amending RCW 19.91.010; adding a new section to chapter 19.91 RCW; adding new

sections to chapter 82.24 RCW; creating a new section; repealing RCW 19.91.911, 19.91.010, 19.91.020, 19.91.030, 19.91.040, 19.91.050, 19.91.060, 19.91.070, 19.91.080, 19.91.090, 19.91.100, 19.91.110, 19.91.120, 19.91.130, 19.91.140, 19.91.150, 19.91.160, 19.91.170, 19.91.180, 19.91.190, 19.91.900, and 19.91.910; prescribing penalties; and providing an effective date."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4627.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4627, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4627, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 9; absent, 2; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Bluechel, Cantu, Craswell, Lee, McDonald, Pullen, Rasmussen, Saling, Sellar - 9.

Absent: Senators Bottiger, Moore - 2.

Excused: Senators Barr, Deccio, McDermott, Stratton - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4627, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 3160 with the following amendments:

On page 1, line 8, after "efficiency" and before "economy" strike "." and insert "or"

On page 1, line 8, after "economy" and before "in" strike ".", or academic excellence"

On page 1, line 15, after "award," insert "The award shall not be a regular or supplemental compensation program for all employees and the suggestion must, in fact, result in actual savings greater than the award amount."

On page 1, line 18, before "." strike "43.32 RCW" and insert "41.40 RCW",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendments to ReEngrossed Substitute Senate Bill No. 3160.

The President declared the question before the Senate to be the roll call on final passage of ReEngrossed Substitute Senate Bill No. 3160, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of ReEngrossed Substitute Senate Bill No. 3160, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Barr, Deccio, McDermott, Stratton - 4.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3160, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SENATE BILL NO. 3336 with the following amendments:

On page 1, line 19 strike out "hotel" and insert "registered"

On page 2, after line 2 insert a new section as follows:

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of state government and its existing public institutions, and shall take effect on May 1, 1986."

On page 1, line 3 after "RCW 66.24.400" strike the period and insert: "declaring an emergency; and providing an effective date."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Senate Bill No. 3336.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3336, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3336, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; nays, 13; absent, 1; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Gaspard, Granlund, Halsan, Hansen, Lee, McCaslin, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Wojahn - 31.

Voting nay: Senators Craswell, Fleming, Garrett, Goltz, Guess, Hayner, Johnson, Kiskaddon, Kreidler, Metcalf, Rinehart, Williams, Zimmerman - 13.

Absent: Senator Bottiger - 1.

Excused: Senators Barr, Deccio, McDermott, Stratton - 4.

SENATE BILL NO. 3336, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SENATE BILL NO. 4446 with the following amendment:

On page 1, line 6 after "city" insert ", town",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Senate Bill No. 4446.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4446, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4446, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Guess, Lee - 2.

Excused: Senators Barr, McDermott, Stratton - 3.

SENATE BILL NO. 4446, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1630, by Representatives Lux, Barrett and Nutley (by request of Insurance Commissioner)

Revising health care service contractor provisions.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendments were considered simultaneously and adopted:

On page 1, line 12, strike "psychological"

On page 1, line 13, strike "community"

On motion of Senator Moore the following Committee on Financial Institutions amendment was adopted:

On page 3, line 16, strike subsection "(h)" and reletter sections accordingly.

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 10, after line 9, insert the following:

NEW SECTION, Sec. 13. Section 5 of this act, which amends RCW 48.44.145, shall not take effect if RCW 48.44.145 is amended by ESB 3636 prior to July 1, 1986."

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 10, after line 9, insert the following:

NEW SECTION, Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Moore, the following title amendments were considered simultaneously and adopted:

On page 1, line 3 of the title, after "48.44.010;" strike "and"

On page 1, line 4 of the title, after "48.44 RCW" insert "; and declaring an emergency"

On motion of Senator Moore, the rules were suspended, Engrossed House Bill No. 1630, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, technical changes were made where provisions relating to adopted children were deleted. Could you tell us what that was that was deleted?"

Senator Moore: "The issue is when a child is adopted, at what point does the insurance take effect? If the child is born and is in the hospital and somebody has not yet signed a contract to take over the custody of the child--adoption proceedings--the question is, is there insurance or not? It seems until the contract is signed, the recipient of the child should not have coverage of that child."

Senator Rasmussen: "Does the Insurance Commissioner agree to this?"

Senator Moore: "In total."

Senator Rasmussen: "Thank you."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1630, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1630, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Sellar - 1.

Excused: Senators Barr, McDermott, Stratton - 3.

ENGROSSED HOUSE BILL NO. 1630, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1722, by Committee on Environmental Affairs (originally sponsored by Representatives Lux and Jacobsen)

Providing a study on air pollution.

The bill was read the second time.

MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendment was adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. The department of ecology shall establish a study team consisting of representatives of local air authorities, environmental organizations, and business organizations. The department, with the assistance of the study team, shall:

(1) Conduct a comprehensive study on the need for better management systems for controlling air pollution sources and, if determined necessary, methods to improve management;

(2) Thoroughly assess the existing stationary air pollution source regulatory system, its deficiencies, and ways to remedy them;

(3) Define the objectives of an air pollution source operating permit system;

(4) Assess programs in other states using permits or otherwise and compare their progress with the accomplishments achieved in Washington state;

(5) Evaluate the need for an air pollution source operating permit program, including: (a) A comparison with the accomplishments of the existing regulatory system, (b) the sources and emissions included and excluded, (c) government and private resources needed, (d) fees anticipated, (e) schedule for implementation, (f) time involved to establish and maintain the program, (g) its effect on air quality, (h) its impact on sources covered, and (i) its overall cost-effectiveness; and

(6) Identify alternatives to an air pollution source permit program and analyze the advantages and disadvantages of each.

By December 15, 1986, the department of ecology shall report the conclusions of the study to the appropriate standing committees of the legislature."

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 1722, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1722, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1722, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Barr, McDermott, Stratton - 3.

SUBSTITUTE HOUSE BILL NO. 1722, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1723, by Committee on Local Government (originally sponsored by Representatives Nutley, L. Smith, Ebersole and Madsen)

Revising regulation of public dances and recreational activities.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

On page 1, line 9, beginning with "Counties" strike all the matter down to and including "activities." on line 16, and insert "Counties are authorized to adopt ordinances to regulate public dances and other public recreational or entertainment activities in the unincorporated areas of the county whether or not held inside or outside a building and whether or not admission charges are imposed, and are authorized to license businesses engaged in such activities."

Senator Pullen moved that the following amendment be adopted:

On page 2, line 12, insert "PROVIDED, That it shall not be unlawful for such person to engage in target practice, recreational shooting, or pistol safety training under the supervision of his or her parent or guardian"

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute House Bill No. 1723 was deferred.

MOTION

On motion of Senator Bender, Senators Fleming and Warnke were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1829, by Committee on Ways and Means (originally sponsored by Representatives Ebersole, Berozoff, Taylor, Rayburn, Appelwick, Walker, Cole, Holland, Valle, Winsley, Long, May and Schoon) (by request of Superintendent of Public Instruction)

Requiring a study of categorical educational services.

The bill was read the second time.

MOTIONS

Senator Rinehart moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The superintendent of public instruction shall study methods to provide improved instruction to students needing categorical educational services and shall develop recommendations that enhance these students' opportunities for success. The study and recommendations shall include at least the following topics:

(1) Future service demand in light of changing student demographics, longitudinal trends, eligibility standards for special needs students, and declining federal resources;

(2) The adequacy of the state's data and information systems as they relate to class size and students requiring categorical educational services;

(3) The relationship between the current system for the delivery of categorical educational services and the ability of the regular classroom to meet student diversity;

(4) The relationship between the ratio of certificated staff to students in the classroom and the number of students referred and the type of categorical assistance for which referrals are made;

(5) The relationship between the ratio of adults to students in the classroom and the number of students referred and the type of categorical assistance for which referrals are made;

(6) The interrelationship between various state and federal programs designed to serve students requiring categorical educational services, and the effect of targeting under existing state and federal statutes and regulations;

(7) The relationship between the methods of delivering categorical educational services and research results about educational success;

(8) The impact of delivering categorical educational services in the regular classroom setting to include: (a) Class size considerations, (b) teaching methods, and (c) coordination of categorical program services;

(9) The interaction between and effects upon educators, support staff, and parents of students needing categorical educational services in various delivery models; and

(10) The superintendent of public instruction and the office of financial management are directed to conduct jointly a study that reviews state-wide testing instruments, analyzes trends and changes in student achievement, and such matters as they may agree to pursue; and

(11) Other topics designated by the advisory committee described in this section.

In conducting this study, the superintendent of public instruction shall include data regarding the categorical education services and students engaged in at least the following programs: Federal chapter 1 disadvantaged and chapter 1 migrant, bilingual, the state remediation assistance program, and the federal and state special education programs.

An advisory committee representative of education organizations concerned with the delivery of categorical instructional services and regular classroom instruction shall be appointed by the superintendent of public instruction to advise the superintendent of public instruction on the conduct of the study and the resulting recommendations.

This section shall expire January 30, 1987.

NEW SECTION, Sec. 2. The study shall be completed and results and recommendations for investigation of systems refining categorical education services through data-based pilot projects shall be reported to the legislature no later than January 5, 1987."

On motion of Senator Gaspard, the following amendments to the Committee on Education amendment were considered simultaneously and adopted:

On page 3, line 17, after "committee", insert "of legislators and citizens"

On page 3, line 26, after "and the", insert "approval of"

The President declared the question before the Senate to be adoption of the Committee on Education amendment, as amended.

The motion by Senator Rinehart carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Rinehart, the following title amendment was adopted:

On page 1, line 2 of the title, after "needs;" strike the remainder of the title and insert "and creating new sections."

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 1829, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1829, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1829, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Craswell, Johnson, Metcalf, Pullen - 4.

Excused: Senators Fleming, McDermott, Stratton, Warnke - 4.

SUBSTITUTE HOUSE BILL NO. 1829, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator McDonald was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, by Committee on Local Government (originally sponsored by Representatives Winsley, Ebersole, Walker and Day)

Relating to municipal incorporation proceedings and elections.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 308 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 308.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 308 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Fleming, McDermott, McDonald, Stratton, Warnke - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1270, by Committee on Local Government (originally sponsored by Representative Haugen)

Revising provisions on local property tax levies.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendments were considered simultaneously and adopted:

On page 1, line 13, after "December 31," strike "1987" and insert "1988"

On page 1, line 20, after "December 31," strike "1987" and insert "1988"

On page 1, line 24, after "through" strike "1990" and insert "1991"

On page 1, line 28, after "December 31," strike "1990" and insert "1991"

On page 3, line 29, after "December 1," strike "1986" and insert "1987"

On motion of Senator Thompson, the following Committee on Governmental Operations amendments were considered simultaneously and adopted:

On page 2, beginning on line 1, strike all material through "library," on page 3, line 11

Re-number the remaining sections consecutively.

On page 3, beginning with line 30, strike all material through "assessor," on page 4, line 17
Re-number the remaining sections consecutively.

Senator Owen moved that the following amendment by Senators Owen and DeJarnatt be adopted:

On page 4, after line 17, insert the following:

"Sec. 7, Section 84.12.360, chapter 15, Laws of 1961 as amended by section 170, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.12.360 are each amended to read as follows:

The actual cash value of the operating property assessed to a company, as fixed and determined by the state board of equalization, shall be apportioned by the department of revenue to the respective counties and to the taxing districts thereof wherein such property is located in the following manner:

(1) Property of steam, suburban, and interurban railroad companies, telegraph companies and pipe line companies—upon the basis of that proportion of the value of the total operating property within the state which the mileage of track, as classified by the department of revenue (in case of railroads), mileage of wire (in the case of telegraph companies) and mileage of pipe line (in the case of pipe line companies) within each county or taxing district bears

to the total mileage thereof within the state, at the end of the calendar year last past. For the purpose of such apportionment the department may classify railroad track.

(2) Property of street railroad companies, motor vehicle transportation companies, telephone companies, electric light and power companies, gas companies, water companies, heating companies and toll bridge companies—upon the basis of relative value of the operating property within each county and taxing district to the value of the total operating property within the state to be determined by such factors as the department of revenue shall deem proper; PROVIDED, That the value of any contracts that are entered into as a result of failure to complete construction or begin operations of a nuclear electricity generating plant, until such time that its operations begin, shall be apportioned to the location of that plant.

(3) Planes or other aircraft of airplane companies and watercraft of steamboat companies—upon the basis of such factor or factors of allocation, to be determined by the department of revenue, as will secure a substantially fair and equitable division between counties and other taxing districts.

All other property of airplane companies and steamboat companies—upon the basis set forth in subdivision (2) hereof.

The basis of apportionment with reference to all public utility companies above prescribed shall not be deemed exclusive and the department of revenue in apportioning values of such companies may also take into consideration such other information, facts, circumstances, or allocation factors as will enable it to make a substantially just and correct valuation of the operating property of such companies within the state and within each county thereof."

Renumber the sections consecutively.

POINT OF ORDER

Senator Deccio: "Mr. President, I would like to challenge the scope and object on the amendment by Senators Owen and DeJarnatt. As I understand it, Engrossed Substitute House Bill 1270 is an act relating to local government and is designed to address difficulties facing junior taxing districts. The bill recognizes the taxing capacities for some of the junior districts that have been reduced and allows transfer of funds, agreements between districts and deals with a 106 percent levy.

"The proposed amendment deals with nuclear electricity generating plant construction contracts and apportionment of the value of such contracts when construction is not completed. Mr. President, as such, it has nothing to do with the object of this bill and since it does deal with difficulties in junior taxing districts, I thereby make this challenge."

There being no objection, further consideration of Engrossed Substitute House Bill No. 1270 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1495, by Committee on Social and Health Services (originally sponsored by Representative Brekke)

Permitting health care assistants to perform in certain functions.

The bill was read the second time.

MOTIONS

On motion of Senator Wojahn, the following Committee on Human Services and Corrections amendment was adopted:

On page 2, on line 11, after "RCW" strike all material down to and including "(;)" on line 13 and insert "; or"

Reletter the remaining subsection accordingly.

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 1495, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Kreidler: "Senator Wojahn, if the committee amendment is adopted, as it has been or will be with the passage of this bill, will this in any way interfere with a clinical laboratory's ability to certify health care assistants who withdraw blood and perform other health services in a laboratory?"

Senator Wojahn: "No, Senator Kreidler, RCW 18.135.050 very clearly authorizes the health care facility itself--the facility itself--to certify assistants. This authorization is now provided to federally certified clinical laboratories and this simply places the state law in conformity with federal law."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1495, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1495, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogndil, von Reichbauer, Williams, Wojahn, Zimmerman - 45.

Voting nays: Senator Deccio - 1.

Excused: Senators McDermott, Stratton, Warnke - 3.

SUBSTITUTE HOUSE BILL NO. 1495, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Bottiger moved that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time through March 7, 1986.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger to limit debate through March 7, 1986.

The motion by Senator Bottiger carried and debate was limited through March 7, 1986.

There being no objection, the Senate resumed consideration of the Substitute House Bill No. 1586 and the pending Committee on Judiciary amendment on page 2, line 33, deferred March 3, 1986.

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the Committee on Judiciary amendment was adopted.

MOTIONS

On motion of Senator Bluechel, the following amendment by Senators Bluechel and Talmadge was adopted:

On page 1, line 20, following "process" insert: "The actor's entry into a building in which the person upon whom service is sought is employed shall not be considered reasonable unless the actor, prior to service, receives the authorization for such service from the employer of the person upon whom service is sought."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 2 of the title, after "amending" strike the remainder of the title and insert "RCW 9A.52.090, 9A.52.010, and 2.28.100."

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1586, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Talmadge, Article 1, Section 7 says, 'Invasion of private affairs in home prohibited. No person shall be disturbed in his private affairs or his home invaded without the authority of the law.' Is this the opening wedge?"

Senator Talmadge: "Senator, absolutely not. What you have present here is a situation where someone is attempting to serve valid legal papers on a party and the problem has been that that individual, in some instances, has been held to be criminally trespassing in serving the papers. This bill makes it clear that the process server can go up to the door of the residence, knock on the door and serve the papers, but can't go into the residence and can't invade any building that is not open to the general public. In fact, with Senator Bluechel's amendment, if it's a business that the employer has to have his or her permission given to the process server to reach the employee. The person that is serving--a legal, valid process--is something that has been, I think, a tradition for a long period of time in Anglo-American law and there is some desire, I think, from a public policy standpoint to make sure that the people who are subject to legal process get notice, because if we don't do something like this, you're going to have circumstances where the process server will not be getting that information to the individual who will be subject to a lawsuit or subject to some criminal subpoena or something of that sort. I don't see it as a violation of any constitutional standard whatsoever."

Senator Guess: "Senator, I have in my mind a home work-place where the house sits back about three hundred feet from the street. There is a fence and there is a gate. When the man goes to work in the morning, he goes through a turn stile, sort of, and then he proceeds over to the old barn, which is a manufacturing place. Now, at what point is he going to stop? The barn's wide open."

Senator Talmadge: "Senator, if that building is not open to the general public, I don't believe, under the terms of this bill, that process server can go there. But I remind you, as Senator Bottiger pointed out, this is a free enterprise bill because the sheriff can certainly serve the papers--and they do all the time. It's the private process server that is doing the serving who would have now the opportunity to serve the papers without being fearful of a charge of criminal trespassing."

"In answer to your question, specifically, the out building, unless it is open to the general public in some sense, would not be susceptible to the provisions of this bill."

Senator Guess: "Thank you, Senator."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1586, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1586, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognick, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Craswell, Guess, Pullen, Rasmussen - 5.

Absent: Senator Garrett - 1.

Excused: Senators McDermott, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1586, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1633, by Representative Appelwick

Providing for the taxation of timber harvested by public entities.

The bill was read the second time.

MOTION

On motion of Senator Halsan the following amendment was adopted:

On page 3, after line 35, insert the following:

"**NEW SECTION**, Sec. 3. A new section is added to chapter 82.04 RCW, to be codified within RCW 82.04.020 through 82.04.212, to read as follows:

"Plantation Christmas trees" means Christmas trees which are exempt from the timber excise tax under RCW 84.33.170.

Sec. 4. Section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 25, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.050 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), or (d) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, seedlings, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects, but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 5. Section 82.04.100, chapter 15, Laws of 1961 as last amended by section 2, chapter 148, Laws of 1985 and RCW 82.04.100 are each amended to read as follows:

"Extractor" means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees other than plantation Christmas trees, or other natural products, or takes fish, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products. "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others ((or)); persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession; or persons who fell, cut, or take plantation Christmas trees from the person's own land or from land in which the person has a present right of possession.

Sec. 6. Section 82.04.330, chapter 15, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1985 and by section 10, chapter 414, Laws of 1985 and RCW 82.04.330 are each reenacted and amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon the person's own lands or upon land in which the person has a present right of possession, any agricultural or horticultural produce or crop, or of raising upon the person's own lands or upon land in which the person has a present right of possession, any plantation Christmas tree or any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising ((Christmas trees or)) timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, "fish" means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession."

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1633 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870, by Committee on Trade and Economic Development (originally sponsored by Representatives McMullen, Schmidt, Fisch, Haugen and May)

Requiring charter and tour operators to maintain an escrow account.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds and declares that advertising, sales, and business practices of certain travel charter or tour operators have worked financial hardship upon the people of this state; that the travel business has a significant impact upon the economy and well-being of this state and its people; that problems have arisen regarding certain segments of the travel charter or tour operator business; and that the public welfare requires regulation of travel charter or tour operators in order to eliminate unfair advertising, sales and business practices. The legislature further finds it necessary to establish standards that will safeguard the people against financial hardship and to encourage fair dealing and prosperity in the travel business.

NEW SECTION, Sec. 2. (1) "Travel charter or tour operator" means a person who sells, provides, furnishes, contracts for, arranges, or advertises in this state that he or she can or may arrange, or has arranged air, sea, or land transportation either separately or in conjunction with other services. "Travel charter or tour operator" does not include: (a) An air carrier, (b) an ocean carrier, (c) a motor carrier, (d) a rail carrier, (e) a charter party carrier, (f) an auto transportation carrier, (g) an authorized airline reporting corporation agent, (h) a member of the United States Tour Operator's Association, or (i) a person who sells membership in an organization, club, or association that entitles the purchaser to obtain transportation or other services from a travel charter or tour operator and who does not arrange or provide for transportation.

(2) "Advertise" means to make any representation in conjunction with, or to effect the sale of, travel services and includes communication with other members of the same partnership, corporation, joint venture, association, organization, group or other entity.

(3) "Passenger" is a person who purchases travel arrangements in Washington state and on whose behalf money or other consideration has been given or is to be given to another, including another member of the same partnership, corporation, joint venture, association, organization, group or other entity, for procuring transportation or other travel services.

(4) "Adequate bond" means a bond executed by an authorized surety insurer in an amount not less than fifty thousand dollars or an amount equal to ten percent of the total revenue of the two highest consecutive months for the travel charter or tour operator's business during the prior calendar year, whichever is greater, but in no case, more than five hundred thousand dollars, for the benefit of every person for whom services have not been delivered by the wrongful act of the principal acting in the course and scope of his or her occupation or business or by any official, agent, or employee of the principal acting in the course or scope of his or her employment or agency.

NEW SECTION, Sec. 3. A travel charter or tour operator shall not advertise that air, sea, or land transportation either separately or in conjunction with other services is or may be available unless he or she has, prior to such advertisement, received written confirmation with a carrier for the transportation advertised.

NEW SECTION, Sec. 4. At or prior to the time of full or partial payment for air, sea, or land transportation or any other services offered by the travel charter or tour operator in conjunction with such transportation, the travel charter or tour operator shall furnish to the person making the payment a written statement conspicuously setting forth the following information:

(1) The name and business address and telephone number of the travel charter or tour operator.

(2) The amount paid, the date of such payment, the purpose of the payment made, and an itemized statement of the balance due, if any.

(3) The location and number of the trust account or bond required by this statute.

(4) The name of the carrier with whom the travel charter or tour operator has contracted to provide the transportation, the type of equipment contracted, and the date, time, and place of each departure: PROVIDED, That the information required in this subsection may be provided at the time of final payment.

(5) The conditions, if any, upon which the contract between the travel charter or tour operator and the passenger may be canceled, and the rights and obligations of all parties in the event of such cancellation.

(6) A statement in eight-point boldface type in substantially the following form:

"If transportation or other services are canceled by the travel charter or tour operator, all sums paid to the travel charter or tour operator for services not performed in accordance with the contract between the travel charter or tour operator and the passenger will be refunded within fourteen days after the cancellation by the travel charter or tour operator to the passenger or the party who contracted for the passenger unless mutually acceptable alternative travel arrangements are provided."

NEW SECTION, Sec. 5. (1) If the transportation or other services contracted for are canceled the travel charter or tour operator shall return to the passenger within fourteen days after the cancellation all moneys paid for services not performed in accordance with the contract unless mutually acceptable alternative travel arrangements are provided.

(2) Any material misrepresentation with regard to the transportation and other services offered shall be deemed to be a cancellation necessitating the refund required by this section.

NEW SECTION, Sec. 6. (1) Except as otherwise provided in subsection (3) of this section, a travel charter or tour operator shall deposit ninety percent of all sums received for transportation or any other services offered by the travel charter or tour operator in conjunction with such transportation in a trust account in a federally insured financial institution.

(2) The trust account required by this section shall be created and maintained for the benefit of the passengers paying money to the travel charter or tour operator. The travel charter or tour operator shall not in any manner encumber the corpus of the account and shall not withdraw money therefrom except: (a) in an amount equal to partial or full payment for the services contracted for the passengers to the carrier or person providing the other services offered by the travel charter or tour operator; or (b) to make the refunds as required by section 5 of this act or as provided for by written contract between the travel charter and tour operator and passengers. A travel charter and tour operator may withdraw from the account any interest earned and credited to the trust account for the sole benefit of the travel charter and tour operator after all services have been provided as contracted.

(3) A travel charter and tour operator, instead of maintaining a trust account as provided in subsections (1) and (2) of this section, may maintain an adequate bond.

(4) A violation of any provision of this section shall constitute a gross misdemeanor punishable under RCW 9A.20.021(2).

NEW SECTION, Sec. 7. A travel charter or tour operator is not required to comply with section 6 of this act if a written agreement exists between the travel charter or tour operator and a current member of the United States Tour Operators' Association to provide full service in the event the travel charter or tour operator defaults in providing services to passengers, and the travel charter or tour operator states the existence of this agreement in all of its promotional brochures. Any misleading statement is a violation of this section, and shall constitute a gross misdemeanor punishable under RCW 9A.20.021(2).

NEW SECTION, Sec. 8. A violation of sections 3 through 7 of this act shall constitute a violation of RCW 19.86.020.

NEW SECTION, Sec. 9. This chapter does not apply to the sale of public transportation by a public charter operator who is complying with regulations of the United States department of transportation.

NEW SECTION, Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION, Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 12. This act shall take effect January 1, 1987."

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 1870, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1870, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1870, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bolliger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senator Barr - 1.

Excused: Senators McDermott, Stratton - 2.

INGROSSED SUBSTITUTE HOUSE BILL NO. 1870, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1962, by Representatives Cole, Nutley, Patrick, Wang, Betrozoff, Chandler, Ebersole, J. Williams, Long, Fisch, R. King, Walker, O'Brien and Fisher

Modifying provisions regulating engineers and surveyors.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 2, line 14, after "board" strike "~~((shall be a citizen of the United States and))~~" and insert "shall be a citizen of the United States and"

On motion of Senator Vognild, the rules were suspended, House Bill No. 1962, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1962, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1962, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senators Decclo, McDonald - 2.

Excused: Senators McDermott, Stratton - 2.

HOUSE BILL NO. 1962, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1967, by Committee on Local Government (originally sponsored by Representative McMullen)

Providing for the lease of state lands for county fairgrounds.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following amendment was adopted:

On page 1, line 17, after "compact" insert ", of an area not to exceed two hundred fifty acres"

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1967, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Peterson, in placing the grounds in there, you're talking about the land outside of the buildings, you are not going to be involving the buildings?"

Senator Peterson: "No."

Senator Zimmerman: "You're talking about the open areas outside of the--"

Senator Peterson: "Some of the land that used to be used as farm land and other purposes. It wouldn't affect the--"

Senator Zimmerman: "It won't affect the site as far as the other structures?"

Senator Peterson: "No."

Senator Zimmerman: "Thank you."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1967, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1967, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDermott, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1967, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1633, deferred earlier today.

MOTIONS

On motion of Senator Halsan, the following amendment was adopted:

On page 3 after line 35, insert the following:

***NEW SECTION.** Sec. 3. A new section is added to chapter 84.33 RCW to read as follows:

(1) If no later than thirty days after removal of classification or designation the owner applies for classification under RCW 84.34.020 (2) or (3), then the classified or designated forest land shall not be considered removed from classification or designation for purposes of the compensating tax under RCW 84.33.120 or 84.33.140 until the application for current use classification under RCW 84.34.030 is denied or the property is removed from designation under RCW 84.34.108. Upon removal from designation under RCW 84.34.108, the amount of compensating tax due shall be equal to:

(a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land when removed from designation under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land, but in no event greater than ten, minus the total number of years in excess of ten that the land was classified or designated under this chapter and classified under chapter 84.34 RCW.

(2) Nothing in this section authorizes the continued classification or designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to classification under subsection (1) of this section which does not meet the necessary definitions of forest land under RCW 84.33.100."

Renumber the sections consecutively and correct any internal references accordingly.

On motion of Senator Halsan, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "entities;" strike "and" and after "84.33.073" insert "; and adding a new section to chapter 84.33 RCW"

On page 1, line 2 of the title, after "entities;" strike "and" and after "84.33.035" strike "and 84.33.073" and insert "; 84.33.073, 82.04.050, and 82.04.100; reenacting and amending RCW 82.04.330; adding a new section to chapter 82.04 RCW"

On motion of Senator Halsan, the rules were suspended, House Bill No. 1633, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1633, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1633, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

HOUSE BILL NO. 1633, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1270 and the pending amendment by Senators Owen and DeJarnatt on page 4, line 17, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Deccio, the President finds that Engrossed Substitute House Bill No. 1270 is a measure authorizing the transfer of funds and reduction of tax rates between large senior taxing districts and smaller junior taxing districts in order to keep the larger districts from severe reductions in regular property taxes.

"The amendment proposed by Senators Owen and DeJarnatt provides for the apportionment of the value of certain nuclear power plant contracts in the location of the plant for purposes of the assessment and taxation of public utilities.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTIONS

On motion of Senator Thompson, the following title amendment was adopted:

On page 1, line 1 of the title, after "government;" strike "amending RCW 84.09.030; adding a new section to chapter 27.12 RCW;"

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 1270, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1270, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1270, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Craswell, McCaslin, Pullen, Rasmussen - 4.

Excused: Senators McDermott, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1270, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1484 and the pending amendment by Senators Hansen, Pullen and Rasmussen on page 4, line 17, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Guess, the President finds that Engrossed Substitute House Bill No. 1484 is a measure revising provisions relating to the creation of metropolitan park districts.

"The amendment proposed by Senators Hansen, Pullen and Rasmussen deals with character and property interests in public utility and transportation corridors.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

Senator Kreidler moved that the following amendment be adopted:

On page 4, line 14, beginning with "As" strike all the matter down to and including "office," on line 17, and insert a new paragraph as follows:

"As of January 1, 1988, the terms of all commissioners of park and recreation districts, in existence as of the effective date of this act, shall be reduced by two years to reflect the reduction from six-year terms of office to four-year terms of office. If three terms of office will end as of January 1, 1988, three commissioners shall be elected at the November, 1987 general election for four-year terms of office. If four terms of office will end as of January 1, 1988, all four positions shall be filled at the November, 1987 general election with three commissioner positions having four-year terms, and the fourth commissioner position initially having a two-year term."

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Kreidler, your amendment has peaked my curiosity, because nearly all of the special district commissioners--water districts, sewer districts, fire districts have three members of six-year terms and it works out just right, because one of them is up every two years. Could you tell me what the impetus is, why this particular kind of a district suddenly felt that they should have a different kind of procedure?"

Senator Kreidler: "First off, Senator Lee, this is language that came over to us from the House. That is, it was explained before the committee. The impetus is primarily one director--the public service commitment of six years. There are a number of people who would like to serve in that capacity, but feel that four years is long enough--that six years, and that kind of commitment, is too long and if having it at four years you could have more people willing to participate in that process of being willing to be a volunteer to serve on a park board."

POINT OF INQUIRY

Senator Lee: "Senator Thompson, as chairman of the Governmental Operations Committee that handles the local government issues, is this, and I recall, when serving on that committee, we used to have requests that they wanted a little bit more pay for the meetings in order to get people to serve. Is this the next step--that we're having so few people willing to serve on these local boards that we're now reducing the terms?"

Senator Thompson: "Senator Lee, I'm not as familiar as I should be to answer this question authoritatively, but it would appear to me that there's a higher value to be served in uniformity in resolving such questions as this, and I guess I would defer to the judgment of others who dealt with it more directly."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, have you had this checked for constitutionality? It was always my understanding that we could not reduce the term of elected officials during their term of office. This would indicate that you're going to shorten up an elected official's term by two years."

Senator Kreidler: "First off, Senator, it does not apply for two years from now and, therefore, the constitutional question has been answered, at least from the standpoint of the attorneys that we ran the language past.

"First of all, and I should point out, the amendment before us just deals with the process by which the shortening of terms as specified in the bill would be handled.

The amendment before us just tries to make an adjustment for what is already--to get around that specific question that you're raising as to constitutionality is to develop a process by which that change from six to four would take place. We're just trying to clarify it here in such a way that it's workable, as the language came over from the House."

Further debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Kreidler, I think the only metropolitan park district remaining in the state, at this time, is the one in Tacoma/Pierce County and there have been some moves to abolish that. I think there were two Yakima ones at one time, but some years ago they abolished that. We always have a rather lively election for the park district commissioners and it has been six years, of course.

"I'm wondering, did anyone appear from Tacoma, from the Metropolitan Park District there? On this bill, did they express their feelings on a four-year term? It seems like we just had an election last year on this. I need to know because no one has contacted me."

Senator Kreidler: "There were park people present at the hearing when we held it and they've certainly been apprised of this as it is considered a major bill for the park districts working through the Legislature and there were no objections raised at the committee. It was one of those things where they weren't testifying for or against, they were speaking to the rest of the bill and really didn't feel that this was of any major consequence."

Senator Wojahn: "Mr. President, one more question. One of the problems that we have found in Tacoma and I am wondering if the parties wishing this bill won't run into this stumbling block. We have never been able to generate enough funds through the local level ability and, therefore, the city council has had to back up just about everything that the parks have wanted and it has always become a difficult situation. We were able to get a special levy the last election, which was incredibly good and we didn't expect it, but there has never been enough money for maintenance and operation through the amount that they are given under our tax system in the state. Did this come up?"

Senator Kreidler: "No, it did not. This would only allow smaller communities to form park districts and wouldn't affect the funding of any of those districts or communities that currently have park districts."

POINT OF INQUIRY

Senator Bluechel: "Senator Kreidler, the bill pertains to metropolitan park districts. There are other types of park districts, if my memory serves me right, and I cannot remember the committee meeting in which this came up, but I have a suspicion that not everybody knows about this. How wide did you disseminate the information as to this change?"

Senator Kreidler: "The standard process is to use our mailing lists for people who have shown an interest in park issues and they are notified of the public hearings and that certainly includes many local park districts individually, but then certainly as they kind of work in concert with people that kind of take state legislature responsibility as a group and they were certainly well apprised of the hearing and certainly of the progress of this bill. At least from the Senate standpoint, I'm looking only at a second guess as to what might have taken place in the House."

Senator Bluechel: "Senator Kreidler, I can't remember. Did this bill pass out of the Senate and die in the House, or has it passed out of the Senate--the amendment in bill form?"

Senator Kreidler: "The amendment was part of the House bill and our amendment here that we're offering is only to clarify how the language that they had in their bill, for reducing from six to four, would work. It appeared to the committee--Senator Cantu raised the question in committee as to its workability of making that reduction from six to four years and this language is addressed to the concern that he raised at that time to clarify how that process of transition from six to four would take place and that's what the amendment seeks to do."

Senator Bluechel: "The bill has passed both bodies--the House bill?"

Senator Kreidler: "The House bill has passed--this is not a concurrence. This is a House bill that has passed the House and passed the Senate committee and is now before us for our consideration."

Senator Bluechel: "Thank you, Senator Kreidler."

MOTION

Senator Rasmussen moved that further consideration of Engrossed Substitute House Bill No. 1484 be deferred.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rasmussen that further consideration of Engrossed Substitute House Bill No. 1484 be deferred.

The motion by Senator Rasmussen carried and further consideration of Engrossed Substitute House Bill No. 1484 was deferred.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4990 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The purpose of this chapter is to further the public interest, welfare, and safety by providing for the protection and promotion of safety in the operation of watercraft on the rivers of this state.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Watercraft" means every type of watercraft used as a means of transportation on a river, including but not limited to power boats, drift boats, open canoes, rafts, decked canoes, and kayaks.

(2) "Carrying passengers for hire" means carrying passengers by watercraft for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the watercraft. This shall not affect trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment shall be considered to be carrying passengers for hire. Individuals licensed under chapter 77.32 RCW and acting as a fishing guide are exempt from this chapter.

(3) "Operate" means to navigate or otherwise use a watercraft.

(4) "Operator" means any person operating the watercraft or performing the duties of a pilot or guide for one or more watercraft in a group.

(5) "Passenger" means every person on board a watercraft who is not an operator.

(6) "Rivers of the state" means those rivers and streams, or parts thereof, within the boundaries of this state.

NEW SECTION, Sec. 3. The owner and operator of a watercraft shall be jointly and severally liable for any injury or damage caused by the operation of a watercraft in violation of this chapter. There shall be a presumption that the watercraft is being operated with the knowledge and consent of the owner if, at the time of injury or damage, the watercraft is under the control of the owner, the owner's spouse, parent, sibling, offspring, or other member of the owner's immediate family.

NEW SECTION, Sec. 4. (1) No person may operate any watercraft in a manner that interferes with other watercraft or with the free and proper navigation of the rivers of this state.

(2) Every operator of a watercraft shall at all times operate the watercraft in a careful and prudent manner and at such a speed as to not endanger the life, limb, or property of any person.

(3) No watercraft may be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration the type and construction of the watercraft and other existing operating conditions. In the case of inflatable rafts, safe carrying capacity in whitewater shall be considered as less than the United States Coast Guard capacity rating for each watercraft. This subsection shall not apply in cases of an unexpected emergency on the river.

NEW SECTION, Sec. 5. (1) Watercraft proceeding downstream have the right of way over watercraft proceeding upstream.

(2) In all cases, watercraft not under power have the right of way over motorized craft underway.

NEW SECTION. Sec. 6. (1) No person may operate on the rivers of this state a watercraft carrying passengers for hire unless the person has been issued a valid Red Cross standard first aid card or at least its equivalent.

(2) This section does not apply to a person operating a watercraft on the navigable waters of the United States in this state and who is licensed by the United States Coast Guard for the type of watercraft being operated.

NEW SECTION. Sec. 7. While carrying passengers for hire on whitewater river sections in this state, the operator and owner shall:

- (1) If using inflatable boats, use only boats with three or more separate air chambers;
- (2) Ensure that all passengers and operators are wearing a securely fastened United States Coast Guard approved type III or type V life jacket in good condition;
- (3) Ensure that each watercraft has accessible a spare type III or type V life jacket in good repair;
- (4) Ensure that each watercraft has on it a bagged throwable line with a floating line and bag;
- (5) Ensure that each watercraft has accessible an adequate first-aid kit;
- (6) Ensure that each watercraft has a spare propelling device;
- (7) Ensure that a repair kit and air pump are accessible to inflatable watercraft; and
- (8) Ensure that equipment to prevent and treat hypothermia is accessible to all watercraft on a trip.

NEW SECTION. Sec. 8. Boat operators and passengers on any trip carrying passengers for hire shall not allow the use of alcohol during the course of a trip on a whitewater river section in this state.

NEW SECTION. Sec. 9. Whitewater river sections include but are not limited to:

- (1) Green river above Flaming Geyser state park;
- (2) Klickitat river above the confluence with Summit creek;
- (3) Methow river below the town of Carlton;
- (4) Sauk river above the town of Darrington;
- (5) Skagit river above Bacon creek;
- (6) Sulattle river;
- (7) Tieton river below Rimrock dam;
- (8) Skykomish river below Sunset Falls and above the Highway 2 bridge one mile east of the town of Gold Bar;
- (9) Wenatchee river above the Wenatchee county park at the town of Monitor;
- (10) White Salmon river; and
- (11) Any other section of river designated a "whitewater river section" by the interagency committee for outdoor recreation. Such river sections shall be class two or greater difficulty under the international scale of whitewater difficulty.

NEW SECTION. Sec. 10. (1) When, as a result of an occurrence that involves a watercraft or its equipment, a person dies or disappears from a watercraft, the operator shall notify the nearest sheriff's department, state patrol office, coast guard station, or other law enforcement agency of:

- (a) The date, time, and exact location of the occurrence;
 - (b) The name of each person who died or disappeared;
 - (c) A description of the watercraft; and
 - (d) The names and addresses of the owner and operator.
- (2) When the operator of a boat cannot give the notice required by subsection (1) of this section, each person on board the boat shall either give the notice or determine that the notice has been given.

NEW SECTION. Sec. 11. (1) Every peace officer of this state and its political subdivisions has the authority to enforce this chapter. Wildlife agents of the department of game and fisheries patrol officers of the department of fisheries, through their directors, the state patrol, through its chief, county sheriffs, and other local law enforcement bodies, shall assist in the enforcement. In the exercise of this responsibility, all such officers may stop any watercraft and direct it to a suitable pier or anchorage for boarding.

(2) A person, while operating a watercraft on any waters of this state, shall not knowingly flee or attempt to elude a law enforcement officer after having received a signal from the law enforcement officer to bring the boat to a stop.

(3) This chapter shall be construed to supplement federal laws and regulations. To the extent this chapter is inconsistent with federal laws and regulations, the federal laws and regulations shall control.

NEW SECTION. Sec. 12. (1) Any person carrying passengers for hire on whitewater river sections in this state shall register with the department of licensing. Each registration application shall be submitted annually on a form provided by the department of licensing and shall include the following information:

- (a) The name, residence address, and residence telephone number, and the business name, address, and telephone number of the registrant or the registrant's employees who carry passengers for hire;

(b) Proof that the registrant has liability insurance for a minimum of three hundred thousand dollars per claim for occurrences by the registrant and the registrant's employees that result in bodily injury or property damage; and

(c) Certification that the registrant will maintain the insurance for a period of not less than one year from the date of registration.

(2) The department of licensing shall charge a fee for each application, to be set in accordance with RCW 43.24.086.

(3) An operator working under the direction, supervision, or control of a registrant shall not be required to register under this section.

(4) The failure to register as required under this section shall constitute a gross misdemeanor, punishable under RCW 9A.20.021.

(5) The department of licensing shall submit annually a list of registered persons and companies to the department of trade and economic development, tourism promotion division.

(6) If an insurance company cancels or refuses to renew insurance for a registrant during the period of registration, the insurance company shall notify the department of licensing in writing of the termination of coverage and its effective date not less than thirty days before the effective date of termination.

(a) Upon receipt of an insurance company termination notice, the department of licensing shall send written notice to the registrant that on the effective date of termination the department of licensing will suspend the registration unless proof of insurance as required by this section is filed with the department of licensing before the effective date of the termination.

(b) If an insurance company fails to give notice of coverage termination, this failure shall not have the effect of continuing the coverage.

(c) The department of licensing may suspend or revoke registration under this section if the registrant fails to maintain in full force and effect the insurance required by section 12 of this act.

(7) The state of Washington shall be immune from any civil action arising from a registration under this section.

NEW SECTION. Sec. 13. A person violating this chapter shall be subject to a civil penalty of up to one hundred fifty dollars per violation.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 91 RCW.*

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Kreidler, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 4990 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SENATE BILL NO. 3018 with the following amendments:

On page 3, beginning on line 7, strike "to be designated as chapter 39.35A RCW"

On page 1, beginning on line 2 of the title, strike "to be designated as chapter 39.35A RCW".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Senate Bill No. 3018.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3018, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3018, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Rinehart - 1.

Excused: Senators McDermott, Stratton - 2.

SENATE BILL NO. 3018, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1986

Mr. President:

The House has passed SENATE BILL NO. 4450 with the following amendment:

On page 1, line 5, after "office" insert ", for the office of superintendent of public instruction.",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Senate Bill No. 4450.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4450, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4450, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 34.

Voting nay: Senators Barr, Bluechel, Cantu, Craswell, Johnson, McCaslin, McDonald, Pullen, von Reichbauer, Zimmerman - 11.

Absent: Senators Granlund, Guess - 2.

Excused: Senators McDermott, Stratton - 2.

SENATE BILL NO. 4450, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4455 with the following amendments:

On page 1, line 14 after "an" insert: "established eye bank, tissue bank, or organ procurement agency including those organ procurement agencies associated with a national organ procurement transportation network or other"

On page 1, beginning on line 20 after the period strike all language through the period on line 23.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Wojahn, the Senate concurred in the House amendments to Substitute Senate Bill No. 4455.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4455, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4455, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse,

Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Granlund - 1.

Excused: Senators McDermott, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4455, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SENATE BILL NO. 4470 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 19, chapter 1, Laws of 1973 as last amended by section 1, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.190 are each amended to read as follows:

(1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying: PROVIDED, This does not prevent officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency: PROVIDED, That public funds may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" means a voluntary transfer of any thing of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business: PROVIDED FURTHER, That this section does not permit the printing of a state publication which has been otherwise prohibited by law.

(4) No elective official or any employee of his or her office or any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, in any effort to support or oppose an initiative to the legislature. "Facilities of a public office or agency" has the same meaning as in RCW 42.17.130. The provisions of this subsection shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose an initiative to the legislature so long as (i) any required notice of the meeting includes the title and number of the initiative to the legislature, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any initiative to the legislature at an open press conference or in response to a specific inquiry;

(c) Activities which are part of the normal and regular conduct of the office or agency.

(5) Each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying shall file with the commission, except as exempted by ~~((subsection (4)))~~ (d) of this ~~((section))~~ subsection, quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each elected official, officer, or employee who lobbied, a general description of the nature of the lobbying, and the proportionate amount of time spent on the lobbying;

(c) A listing of expenditures incurred by the agency for lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

(d) For purposes of this subsection (~~((4)) of this section~~) the term "lobbying" does not include:

(i) Requests for appropriations by a state agency to the office of financial management pursuant to chapter 43.88 RCW nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;

(ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;

(iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;

(iv) Requests, recommendations, or other communication between or within state agencies or between or within local agencies;

(v) Any other lobbying to the extent that it includes:

(A) Telephone conversations or preparation of written correspondence;

(B) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period by officers or employees of that agency and in-person lobbying by any elected official of such agency on behalf of such agency or in connection with the powers, duties, or compensation of such official: PROVIDED, That the total expenditures of non-public funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington do not exceed fifteen dollars for any three-month period: PROVIDED FURTHER, That the exemption under this subsection is in addition to the exemption provided in (A) of this subsection;

(C) Preparation or adoption of policy positions.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within one month after the end of the quarter covered by the report.

~~((5))~~ (6) In lieu of reporting under subsection ~~((4))~~ (5) of this section any county, city, town, municipal corporation, quasi municipal corporation, or special purpose district may determine and so notify the public disclosure commission, that elected officials, officers, or employees who on behalf of any such local agency engage in lobbying reportable under subsection ~~((4))~~ (5) of this section shall register and report such reportable lobbying in the same manner as a lobbyist who is required to register and report under RCW 42.17.150 and 42.17.170. Each such local agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

~~((6))~~ (7) The provisions of this section do not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

~~((7))~~ (8) The purpose of this section is to require each state agency and certain local agencies to report the identities of those persons who lobby on behalf of the agency for compensation, together with certain separately identifiable and measurable expenditures of an agency's funds for that purpose. This section shall be reasonably construed to accomplish that purpose and not to require any agency to report any of its general overhead cost or any other costs which relate only indirectly or incidentally to lobbying or which are equally attributable to or inseparable from nonlobbying activities of the agency.

The public disclosure commission may adopt ~~((regulations))~~ rules clarifying and implementing this legislative interpretation and policy."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Senate Bill No. 4470.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4470, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4470, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Granlund - 1.

Excused: Senators McDermott, Stratton - 2.

SENATE BILL NO. 4470, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Granlund was excused.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SENATE BILL NO. 4647 with the following amendments:

On page 3, after line 18, insert the following:

*Sec. 3. Section 1, chapter 270, Laws of 1985 and RCW 50.29.022 are each amended to read as follows:

(1) For the purpose of establishing an employer's rate of contribution for the tax year beginning January 1, 1985, the department shall calculate a percentage rate of savings for benefit charges for the fiscal year ending June 30, 1985 and apply the rate as though RCW 50.29.020(2)(g) had been in effect for fiscal years 1984, 1983, 1982, and 1981. For fiscal years ending June 30, 1986, and beyond, benefit charges will be calculated pursuant to RCW 50.29.020(2)(g).

(2) For the purpose of establishing an employer's rate of contribution for the tax year beginning January 1, 1986, the department shall calculate the percentage rate of savings for benefit charges for the fiscal year ending 1985, and apply the rate to fiscal years 1984, 1983, and 1982.

(3) For the purpose of establishing an employer's rate of contribution for the tax year beginning January 1, 1987, the department shall calculate the average percentage rate of savings for benefit charges for fiscal years 1986 and 1985, and apply the rate to fiscal years 1984 and 1983.

(4) For the purpose of establishing an employer's rate of contribution for the tax year beginning January 1, 1988, the department shall calculate the average percentage rate of savings for benefit charges for fiscal years 1987, 1986, and 1985, and apply the rate to fiscal year 1984.

(5) If any part of this section is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this section is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this section. The rules under this section shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

Renumber the remaining section accordingly.

On page 1, line 2 of the title, after "50.29.010" insert "and 50.29.022".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Senate Bill No. 4647.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4647, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4647, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Bluechel - 1.

Excused: Senators Granlund, McDermott, Stratton - 3.

SENATE BILL NO. 4647, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4797 with the following amendment:

On page 1, line 14 after "the" insert "appropriate standing committees of the",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendment to Substitute Senate Bill No. 4797.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4797, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4797, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDermott, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4797, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SENATE BILL NO. 4569 with the following amendments:

On page 1, line 7 after "public" add "particularly as increasing public participation in recreational fishing increases pressure on the state's fishery resources"

On page 1, line 18 after "game fund," add "reasonable contribution by recreational users toward the cost of fishery management,".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Senate Bill No. 4569.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4569, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4569, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDermott, Stratton - 2.

SENATE BILL NO. 4569, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4479 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 300, Laws of 1981 as last amended by section 1, chapter 439, Laws of 1985 and RCW 39.84.020 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (1) "Board of directors" means the board of directors of a public corporation.
- (2) "Construction" or "construct" means construction and acquisition, whether by devise, purchase, gift, lease, or otherwise.
- (3) "Facilities" means land, rights in land, buildings, structures, docks, wharves, machinery, transmission equipment, public broadcast equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.
- (4) "Financing document" means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.
- (5) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement; and "to improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.
- (6) "Industrial development facilities" means manufacturing, processing, research, production, assembly, warehousing, transportation, public broadcasting, pollution control, solid waste disposal, energy facilities, sports facilities, and industrial parks. For the purposes of this section, the term "sports facilities" shall not include facilities which are constructed for use by members of a private club or as integral or subordinate parts of a hotel or motel, or which are not available on a regular basis for general public use.
- (7) "Industrial park" means acquisition and development of land as the site for an industrial park. For the purposes of this chapter, "development of land" includes the provision of water, sewage, drainage, or similar facilities, or of transportation, energy, or communication facilities, which are incidental to the use of the site as an industrial park, but does not include the provision of structures or buildings.
- (8) "Municipality" means a city, town, county, or port district of this state.
- (9) "Ordinance" means any appropriate method of taking official action or adopting a legislative decision by any municipality, whether known as a resolution, ordinance, or otherwise.
- (10) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in an industrial development facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of an industrial development facility, including costs of studies assessing the feasibility of an industrial development facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.
- (11) "Revenue bond" means a nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of financing an industrial development facility on an interim or permanent basis.
- (12) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise."

On page 1, line 1 of the title, after "bonds," strike the remainder of the title and insert "and amending RCW 39.84.020."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator McManus, the Senate concurred in the House amendments to Substitute Senate Bill No. 4479.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4479, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4479, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams - 37.

Voting nay: Senators Cantu, Craswell, McCaslin, McDonald, Metcalf, Pullen, Rasmussen, Wojahn, Zimmerman - 9.

Absent: Senator Conner - 1.

Excused: Senators McDermott, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4479, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senator Guess was excused.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SENATE BILL NO. 3397 with the following amendments:

On page 1, line 7 after "illegal" strike "hunting or" and insert "~~((hunting or))~~"

On page 1, line 19, after "fine," strike all material through "court" on line 21 and insert: "No court may establish bail for illegal possession of wildlife listed in subsection 1 in an amount less than the bail established for hunting during the closed season plus the reimbursement value of wildlife set forth in subsection 1"

On page 1, line 22 after "illegal" strike "hunting or" and insert "~~((hunting or))~~"

On page 2, beginning on line 9 strike all material through "fund," on line 12

On page 2, line 16 after "30," strike "1985" and insert "1986".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Owen moved that the Senate do concur in the House amendments on page 1, lines 7, 19 and 22 and to the House amendment on page 2, line 16, to Senate Bill No. 3397.

The President declared the question before the Senate to be the motion by Senator Owen that the Senate do concur in the House amendments on page 1, lines 7, 19 and 22 and to page 2, line 16 to Substitute Senate Bill No. 3397.

The motion by Senator Owen carried and the Senate concurred in the House amendments on page 1, lines 7, 19, 22 and page 2, line 16 to Substitute Senate Bill No. 3397.

MOTION

On motion of Senator Owen, the Senate refuses to concur in the House amendment on page 2, line 9, to Substitute Senate Bill No. 3397 and asks the House to recede therefrom.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1177, by Committee on Environmental Affairs (originally sponsored by Representative Lux)

Providing public access to records of hazardous waste handlers.

The bill was read the second time.

MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.105 RCW to read as follows:

Any person who generates, treats, stores, disposes, or otherwise handles dangerous or extremely hazardous wastes shall provide copies of any notification forms, or annual reports that are required pursuant to RCW 70.105.130 to the fire departments or fire districts that service the areas in which the wastes are handled upon the request of the fire departments or fire districts. In areas that are not serviced by a fire department or fire district, the forms or reports shall be provided to the sheriff or other county official designated pursuant to RCW 48.48.060 upon the request of the sheriff or other county official. This section shall not apply to the transportation of hazardous wastes."

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute House Bill No. 1177, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1177, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1177, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Absent: Senator Hansen, Wojahn - 2.

Excused: Senators Guess, McDermott, Stratton - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1177, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1511, by Representatives Belcher, Hankins and Ebersole (by request of State Treasurer)

Revising provisions relating to state warrants.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 1511 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1511.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1511, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Hansen - 1.

Excused: Senators Guess, McDermott, Stratton - 3.

HOUSE BILL NO. 1511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Thompson, the appointment of Fred Montoya as a member of the Human Rights Commission was confirmed.

APPOINTMENT OF FRED MONTOYA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Guess, McDermott, Stratton - 3.

MOTION

On motion of Senator Warnke, the appointment of Jane Wilkinson as a member of the Public Employee Relations Commission was confirmed.

APPOINTMENT OF JANE WILKINSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator von Reichbauer - 1.

Excused: Senators Guess, McDermott, Stratton - 3.

MOTION

On motion of Senator Rinehart, the appointment of Pearl McElheran as a member of the Higher Education Coordinating Board was confirmed.

APPOINTMENT OF PEARL MCELHERAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; nays, 7; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Barr, Benitz, Cantu, Hayner, McDonald, Metcalf, Sellar - 7.

Absent: Senator Patterson - 1.

Excused: Senators Guess, McDermott, Stratton - 3.

MOTION

On motion of Senator Rinehart, the appointment of Dr. Carrol A. Hernandez as a member of the Board of Trustees for Central Washington University was confirmed.

APPOINTMENT OF DR. CARROL A. HERNANDEZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Guess, McDermott, Stratton - 3.

MOTION

On motion of Senator Bender, Senator Warnke was excused.

MOTION

On motion of Senator Rinehart, the appointment of Dr. R. Y. Woodhouse as a member of the Board of Trustees for Central Washington University was confirmed.

APPOINTMENT OF DR. R. Y. WOODHOUSE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; nays, 2; absent, 2; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Deccio, Patterson - 2.

Absent: Senators Newhouse, Rasmussen - 2.

Excused: Senators Guess, McDermott, Stratton, Warnke - 4.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 3, 1986

GA 154 EVELYN J. WHITNEY, to the position of member of the State Personnel Board, appointed by the Governor on April 16, 1985, for the term ending January 4, 1989, succeeding Della M. Newman.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Gaspard, Rinehart.

MINORITY recommendation: That said appointment not be confirmed. Signed by Senators Saling, Zimmerman.

Passed to Committee on Rules.

March 3, 1986

GA 158 NANCI C. PRIMLEY, to the position of member of the Washington State Housing Finance Commission, reappointed by the Governor on April 25, 1985, for the term ending June 30, 1987.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Rinehart, Saling, Zimmerman.

Hold.

March 3, 1986

GA 159 DAVID BALLAINE, to the position of member of the Washington State Housing Finance Commission, appointed by the Governor on April 25, 1985, for the term ending June 30, 1987, succeeding Charles R. Richmond.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Rinehart, Saling, Zimmerman.

Hold.

March 3, 1986

GA 160 ANNE ROSE, to the position of member of the Washington State Housing Finance Commission, reappointed by the Governor on April 25, 1985, for the term ending June 30, 1987.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Rinehart, Saling, Zimmerman.

Hold.

March 3, 1986

GA 162 DELBERT L. LONG, to the position of member of the Washington State Housing Finance Commission, appointed by the Governor on April 25, 1985, for the term ending June 30, 1987, succeeding Betty H. Sherman. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Rinehart, Saling, Zimmerman.

Hold.

March 3, 1986

GA 165 JAMES L. KIRSCHBAUM, to the position of member of the Washington State Housing Finance Commission, reappointed by the Governor on April 25, 1985, for the term ending at the Governor's pleasure. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Rinehart, Saling, Zimmerman.

Hold.

March 3, 1986

GA 185 CHARLES R. RICHMOND, to the position of member of the Washington State Housing Finance Commission, appointed by the Governor on July 5, 1985, for the term ending June 30, 1987, succeeding William Riley. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Rinehart, Saling, Zimmerman.

Hold.

March 3, 1986

GA 202 ESTER B. HUEY, to the position of member of the Washington State Housing Finance Commission, reappointed by the Governor on July 1, 1985, for the term ending June 30, 1989. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Rinehart, Saling, Zimmerman.

Hold.

March 3, 1986

GA 203 LEO C. BROWN, Jr., to the position of member of the Washington State Housing Finance Commission, reappointed by the Governor on July 1, 1985, for the term ending June 30, 1989. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Rinehart, Saling, Zimmerman.

Hold.

March 3, 1986

GA 204 VERN STONECYPHER, to the position of member of the Personnel Appeals Board, appointed by the Governor on July 25, 1985, for the term ending July 26, 1991, succeeding Cameron Sherwood. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Rinehart, Saling, Zimmerman.

Hold.

March 3, 1986

GA 288 HARLAN D. DOUGLASS, to the position of member of the Washington State Housing Finance Commission, appointed by the Governor on January 21, 1986, for the term ending June 30, 1989. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Rinehart, Saling, Zimmerman.

Hold.

March 3, 1986

GA 289 RALPH C. RUFF, to the position of Director of the Office of Minority and Women's Business Enterprises, appointed by the Governor on February 3, 1986, for the term continuing at the Governor's pleasure.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Rinehart, Saling, Zimmerman.

Hold.

MOTION

On motion of Senator Vognild, the rules were suspended. Gubernatorial Appointment Nos. 158, 159, 160, 162, 165, 185, 202, 203, 204, 288 and 289 were advanced to second reading and placed on the second reading calendar.

MOTION

At 5:51 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Wednesday, March 5, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 5, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Benitz, Conner, Fleming, McDermott, Stratton and Thompson.

The Sergeant at Arms Color Guard, consisting of Pages Kevin Smith and Ken Smith, presented the Colors. Reverend John I. Owen, Crisis Counselor and Police Chaplain of The Crisis Chaplain Corps of Seattle, and the guest of Senator Eleanor Lee, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed:

SENATE BILL NO. 4490,

SUBSTITUTE SENATE BILL NO. 4491,

SENATE BILL NO. 4529,

SENATE BILL NO. 4556,

SENATE BILL NO. 4894,

SUBSTITUTE SENATE BILL NO. 4923, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 4, 1986

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 4645,

ENGROSSED SENATE BILL NO. 4678, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Talmadge, the appointment of Jon Ostlund as a member of the Sentencing Guidelines Commission was confirmed.

APPOINTMENT OF JON OSTLUND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 7.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bauer, Benitz, Conner, Fleming, McDermott, Stratton, Thompson - 7.

MOTION

On motion of Senator Bender, Senators Bauer, Conner, McDermott, Stratton and Thompson were excused.

MOTION

On motion of Senator Wojahn, the appointment of Anita Mendez Peterson as a member of the Clemency and Pardons Board was confirmed.

APPOINTMENT OF ANITA MENDEZ PETERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Hayner, McManus - 2.

Excused: Senators Bauer, Conner, McDermott, Stratton, Thompson - 5.

MOTION

On motion of Senator Wojahn, the appointment of Vernon Stoner as a member of the Clemency and Pardons Board was confirmed.

APPOINTMENT OF VERNON STONER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bauer, Conner, Stratton, Thompson - 4.

MOTION

On motion of Senator Bender, Senator Peterson was excused.

MOTION

On motion of Senator Wojahn, the appointment of S. R. (John) Johnston as a member of the Clemency and Pardons Board was confirmed.

APPOINTMENT OF S. R. (JOHN) JOHNSTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Bauer, Conner, Peterson, Stratton, Thompson - 5.

MOTION

On motion of Senator Wojahn, the appointment of Trudy Schmidli as a member of the Clemency and Pardons Board was confirmed.

APPOINTMENT OF TRUDY SCHMIDLİ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Bauer, Conner, Peterson, Stratton, Thompson - 5.

MOTION

On motion of Senator Wojahn, the appointment of Mark Cooper as a member of the Corrections Standards Board was confirmed.

APPOINTMENT OF MARK COOPER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bauer, Conner, Peterson, Stratton - 4.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1345,

HOUSE BILL NO. 1362,

HOUSE BILL NO. 1398,

HOUSE BILL NO. 1424,

HOUSE BILL NO. 1459,

HOUSE BILL NO. 1482,

HOUSE BILL NO. 1490,

SUBSTITUTE HOUSE BILL NO. 1581,

HOUSE BILL NO. 1686,

HOUSE BILL NO. 1721,

SUBSTITUTE HOUSE BILL NO. 1783,

SUBSTITUTE HOUSE BILL NO. 1846,

SUBSTITUTE HOUSE BILL NO. 1873,

SUBSTITUTE HOUSE BILL NO. 1875,

SUBSTITUTE HOUSE BILL NO. 1892,

SUBSTITUTE HOUSE BILL NO. 1976,

SUBSTITUTE HOUSE BILL NO. 2011,

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 21, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1345,

HOUSE BILL NO. 1362,

HOUSE BILL NO. 1398,

HOUSE BILL NO. 1424,

HOUSE BILL NO. 1459,

HOUSE BILL NO. 1482,

HOUSE BILL NO. 1490,

SUBSTITUTE HOUSE BILL NO. 1581,

HOUSE BILL NO. 1686,

HOUSE BILL NO. 1721,

SUBSTITUTE HOUSE BILL NO. 1783,

SUBSTITUTE HOUSE BILL NO. 1846,

SUBSTITUTE HOUSE BILL NO. 1873,

SUBSTITUTE HOUSE BILL NO. 1875,

SUBSTITUTE HOUSE BILL NO. 1892,

SUBSTITUTE HOUSE BILL NO. 1976,

SUBSTITUTE HOUSE BILL NO. 2011,

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 21.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Fisch, Miller, Wang, Winsley, Allen, Fisher, O'Brien, P. King, Sayan, Basich, McMullen, Lux, Brekke and Rayburn)

Providing collective bargaining for institutions of higher education.

The bill was read the second time.

MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the purpose of this chapter to promote cooperative efforts between employees and the boards of regents or boards of trustees of the institutions of higher education in the state of Washington by prescribing certain rights and obligations of the employees and by establishing orderly procedures governing the relationship between the employees and their employers which procedures are designed to meet the special requirements and needs of public employment in higher education.

NEW SECTION. Sec. 2. The boards of regents and boards of trustees of the state institutions of higher education are authorized to engage in collective bargaining with the exclusive bargaining representatives of their employees, as provided in this chapter: PROVIDED, That nothing in this chapter authorizes collective bargaining over class size. The boards of regents and boards of trustees shall not employ additional staff to engage in or administer collective bargaining agreements unless an employee organization has been properly designated as the exclusive representative under section 7 of this act.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Employee" means any employee of an employer, but shall not include the chief executive or administrative officers of the institution of higher education, confidential employees, casual employees, supervisors, or employees subject to chapter 28B.16 RCW.

(2) "Casual employee" means any individual working in assignments of a limited scope or of a short-term or transitory nature so as to indicate that the individual does not share a community of interest with other employees of the institution or lacks an expectancy of continued employment. Medical residents and graduate students serving in graduate student service appointments are casual employees within the meaning of this section. An individual shall not be considered a casual employee within the meaning of this section solely by virtue of their status as a part-time employee.

(3) "Confidential employee" includes:

(a) Any person who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or conduct of collective bargaining, or the administration of collective bargaining agreements, if the role of the person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; and

(b) Any person who assists and acts in a confidential capacity to such person.

(4) "Supervisor" includes any individual having authority in the interest of an employer to hire, assign, promote, transfer, lay off, recall, suspend, discipline, or discharge other employees, to adjust employees' grievances, or to recommend effectively such action, if the exercise of the authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment. A person is not included solely by reason of his or her membership on a faculty tenure or other governance committee or body. The term "supervisor" includes only those persons who perform a preponderance of the acts of authority specified in this subsection.

(6) "Collective bargaining" and "bargaining" mean the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times early in the college or university budget-making process to bargain in good faith in an effort to reach agreement with respect to wages, hours, and other terms and conditions of employment. Service and activity fees as defined in RCW 28B.15.041, that portion of funds specifically designated for research grants, and endowments, fellowships, scholarships, or bequests whether from public or private agencies or donors shall not be a subject for bargaining. Prior law, practice, or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which items are mandatory subjects for bargaining.

(6) "Commission" means the public employment relations commission established under RCW 41.58.010.

(7) "Employer" means the board of regents or board of trustees of each institution of higher education and includes any officer, board, commission, council, or other person or body acting on behalf of an employer.

(8) "Employee organization" means any organization, union, association, agency, committee, council, or group of any kind in which employees participate and which exists for the purpose, in whole or in part, of collective bargaining with employers.

(9) "Exclusive bargaining representative" means any employee organization which has:

(a) Been certified or recognized pursuant to the provisions of this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Prior to the effective date of this act, been certified or recognized under a predecessor statute as the representative of the employees in a bargaining unit which continues to be appropriate under this chapter.

(10) "Institution of higher education" means each of the state universities, regional universities, community college districts, and The Evergreen State College.

(11) "Person" means one or more individuals, labor organizations, partnerships, associations, corporations, employers, or legal representatives. In determining whether any person is acting as an agent of another person, so as to make such other person responsible for his or her acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

(12) "Unfair labor practice" means any unfair labor practice listed in section 9 of this act.

(13) "Union security provision" means a provision in a collective bargaining agreement under which some or all employees in the bargaining unit may be required, as a condition of continued employment on or after the thirtieth day following the beginning of such employment or the effective date of the provision, whichever is later, to become a member of the exclusive bargaining representative or pay an agency fee equal to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative.

NEW SECTION. Sec. 4. Employees have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and also have the right to refrain from any or all of these activities except to the extent that employees may be required to make payments to an exclusive bargaining representative or charitable organization under a union security provision authorized in this chapter: PROVIDED, That nothing contained in this chapter shall permit or grant any public employee the right to strike or refuse to perform his or her official duties.

NEW SECTION. Sec. 5. (1) Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted monthly from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. The employer shall enforce any union security provision by monthly deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

NEW SECTION. Sec. 6. In any dispute concerning the unit appropriate for collective bargaining or the allocation of employees or positions to bargaining units, the commission, after hearing, shall determine the dispute, taking into consideration the duties, skills, and working conditions of the employees, the extent of organization among the employees, the community of interest among the employees, the desire of the employees, and the overall management structure of the employer including the interrelationships of divisions within the institution. Unnecessary fragmentation shall be avoided. All employees who are tenured or eligible to

seek or be awarded tenure shall be included in the same bargaining unit at each institution of higher education.

NEW SECTION. Sec. 7. (1) The employee organization which has been designated by the majority of the employees in an appropriate bargaining unit as their representative for the purposes of collective bargaining shall be the exclusive bargaining representative of, and shall be required to represent, all the employees within the bargaining unit without regard to membership in that employee organization: PROVIDED, That any employee may at any time present his or her complaints or concerns to the employer and have such complaints or concerns adjusted without intervention of the exclusive bargaining representative, and may request that the exclusive bargaining representative be given an opportunity to be present at that adjustment and to make its views known, and as long as the adjustment is made known to the bargaining representative and is not inconsistent with the terms of a collective bargaining agreement then in effect.

(2) The commission shall resolve any dispute concerning selection of a bargaining representative in accordance with the procedures specified in this section.

(a) No question concerning representation may be raised within one year following a certification or attempted certification.

(b) Where there is a valid collective bargaining agreement in effect, no question concerning representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement: PROVIDED, That in the event a valid collective bargaining agreement, together with any renewals or extensions thereof, has been or will be in existence for more than three years, then a question concerning representation may be raised not more than ninety nor less than sixty days prior to the third anniversary date or any subsequent anniversary date of the agreement; and if the exclusive bargaining representative is removed as the result of such procedure, the collective bargaining agreement shall be deemed to be terminated as of the date of the certification or the anniversary date following the filing of the petition, whichever is later.

(c) An employee organization seeking certification as exclusive bargaining representative of a bargaining unit of employees, or bargaining unit employees seeking decertification of an exclusive bargaining representative, shall make a confidential showing to the commission of credible evidence demonstrating that at least thirty percent of the employees in the bargaining unit are in support of the petition. The petition shall indicate the name, address, and telephone number of any employee organization known to claim an interest in the bargaining unit.

(d) A petition filed by an employer shall be supported by credible evidence demonstrating the basis on which the employer claims the existence of a question concerning the representation of its employees.

(e) Any employee organization which makes a confidential showing to the commission of credible evidence demonstrating that it has the support of at least ten percent of the employees in the bargaining unit involved shall be entitled to intervene in proceedings under this section and to have its name listed as a choice on the ballot in an election conducted by the commission.

(f) The commission shall determine any question concerning representation by conducting a secret ballot election among the employees in the bargaining unit, except where the commission determines that a serious unfair labor practice has been committed which interfered with the election process and precludes the holding of a fair election, the commission may determine the question concerning representation by conducting a cross-check comparing the employee organization's membership records or bargaining authorization cards against the employment records of the employer.

(g) The representation election ballot shall contain a choice for each employee organization qualifying under (c) or (e) of this subsection, together with a choice for no representation. The representation election shall be determined by the majority of the valid ballots cast. Where there are three or more choices on the ballot and none of the choices receives a majority of the valid ballots cast, a run-off election shall be conducted between the two choices receiving the highest and second highest numbers of votes.

NEW SECTION. Sec. 8. (1) The commission shall adopt rules under the administrative procedure act, chapter 34.04 RCW, as it deems necessary and appropriate to administer this chapter, in conformity with the intent and purpose of this chapter, and consistent with the best standards of labor-management relations.

(2) The rules, precedents, and practices of the national labor relations board, if consistent with this chapter, shall be considered by the commission in its interpretation of this chapter, and before the adoption of any commission rules.

NEW SECTION. Sec. 9. (1) It is an unfair labor practice for an employer:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. An employer may permit employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment, but nothing in this subsection prevents an employer from requiring, as a condition of continued employment, payment of the periodic dues and initiation fees uniformly required to an exclusive bargaining representative under section 5 of this act;

(d) To discharge or otherwise discriminate against an employee because the employee has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the exclusive bargaining representative of its employees.

(2) It is an unfair labor practice for an employee organization or its agents:

(a) To restrain or coerce: (i) Employees in the exercise of the rights guaranteed in section 4 of this act, but this does not impair the right of an employee organization to prescribe its own rules for the acquisition or retention of membership in the organization; or (ii) an employer in the selection of its representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than the failure of the employee to tender the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership;

(c) To refuse to bargain collectively with the employer of employees for whom it is the exclusive bargaining representative.

(3) The expression of any views, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

NEW SECTION, Sec. 10. (1) The commission may prevent any person from engaging in any unfair labor practice. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, equity, or otherwise.

(2) A complaint charging unfair labor practices shall be filed within six months following the act or event complained of or discovery of such act or event complained of, whichever is later.

(3) The person or persons named as respondent in a complaint charging unfair labor practices shall have the right to file an answer to the complaint and to appear in person or otherwise to give testimony at the place and time set by the commission for hearing.

(4) If the commission determines that any person has engaged in or is engaging in any unfair labor practice, then the commission shall issue and cause to be served upon the person an order requiring the person to cease and desist from the unfair labor practice and to take such affirmative action as will effectuate the purposes and policy of this chapter, including the reinstatement of employees with back pay.

(5) The commission may petition the superior court of the county in which the main office of the employer is located or where the person who has engaged or is engaging in the unfair labor practice resides or transacts business, for the enforcement of its order and for appropriate temporary relief.

NEW SECTION, Sec. 11. Actions by or on behalf of the commission shall be under chapter 34.04 RCW, or rules adopted under chapter 34.04 RCW. The right of judicial review under chapter 34.04 RCW is applicable to all these actions and rules.

NEW SECTION, Sec. 12. Collective bargaining agreements, or any provision of collective bargaining agreements, entered into between an employer institution of higher education and an exclusive bargaining representative under this chapter are not subject to chapter 28B.19 RCW.

NEW SECTION, Sec. 13. (1) Whenever a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same or a substantially similar bargaining unit, the effective date of the collective bargaining agreement may be the day after the termination date of the previous collective bargaining agreement, and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with the effective date as established by this subsection.

(2) Any collective bargaining agreement may provide for all benefits, including wage and salary increases, to accrue beginning with the effective dates of any individual employee contracts covering employees in the bargaining unit for the same or related period.

(3) Any collective bargaining agreement may provide for the increase of any wages, salaries, and other benefits during the term of such agreement or the term of any individual employee contracts covering employees in the bargaining unit, if the employer receives, by increased appropriation, additional moneys for such purposes.

NEW SECTION, Sec. 14. (1) The commission, through the executive director, may offer its mediation services in any labor dispute involving an employer and an exclusive bargaining

representative, upon the request of one or more of the parties to the dispute, when the dispute threatens to cause a substantial disruption to the public welfare.

(2) A person designated as a mediator in a labor dispute under this section shall meet with the representatives of the parties, either jointly or separately, and shall take other steps as he or she deems appropriate to persuade the parties to resolve their differences. A mediator shall not have power of compulsion.

The services of the mediator, including any per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this section shall be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute at their own expense some other mediator or mediation procedure.

(3) If an employer and an exclusive bargaining representative are unable to reach an agreement in mediation, either party, by written notice to the other party and to the commission, may request that the matters in dispute be submitted to a fact-finder for recommendations. If the executive director, upon the recommendation of the mediator, finds that the parties remain at an impasse after a reasonable period of negotiations, the executive director shall initiate fact-finding proceedings.

(a) The executive director shall provide the parties with a list of five persons qualified to serve as the neutral fact-finder. The parties shall without delay attempt to agree upon a fact-finder from the list provided by the commission or to agree upon some other person as a fact-finder. Upon the failure of the parties to agree upon a fact-finder within seven days after the issuance of the list, the commission shall, upon the request of either party, appoint a fact-finder. The commission shall not appoint as fact-finder the same person who acted as mediator in the dispute.

(b) The fact-finder shall promptly establish a date, time, and place to meet with the representatives of the parties and shall provide reasonable notice of the meeting to the parties to the dispute. The requirements of chapter 34.04 RCW shall not apply to fact-finding proceedings. The fact-finder shall make inquiries and investigations, hold hearings, and take such other steps as he or she deems appropriate. The fact-finder may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence.

(c) The fact-finder shall, within thirty days following the conclusion of the hearing, make written findings of fact and written recommendations to the parties as to how their dispute should be resolved. A copy shall be delivered or mailed to each of the parties to the dispute. A copy shall be filed with the commission. The findings and recommendations of the fact-finder are advisory only.

(d) The findings and recommendations of the fact-finder shall be held in confidence among the fact-finder, the employer, the exclusive bargaining representative, and the commission for seven calendar days following their issuance, to permit the employer and the exclusive bargaining representative to study the recommendations. No later than seven calendar days following the issuance of the recommendations of the fact-finder, each party shall notify the commission and the other party whether it accepts or rejects, in whole or in part, the recommendations of the fact-finder. If the parties remain in disagreement following the expiration of the seven-day period, the findings and recommendations of the fact-finder may be made public.

(e) The fees and expenses of the fact-finder shall be paid by the parties to the dispute, in equal amounts. All other costs of the proceeding shall be paid by the party incurring those costs. Nothing in this section prohibits an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, some other impasse procedure or from agreeing to some other allocation of the costs of fact-finding between them.

NEW SECTION. Sec. 15. An employer and an exclusive bargaining representative who enter into a collective bargaining agreement may include in the agreement procedures for binding arbitration of the disputes arising about the interpretation or application of the agreement.

NEW SECTION. Sec. 16. Except as otherwise expressly provided in this chapter, nothing in this chapter shall be construed to annul, modify, or preclude the renewal or continuation of any lawful agreement entered into before the effective date of this act between an employer and an employee organization covering wages, hours, and terms and conditions of employment. Where there is a conflict between any collective bargaining agreement and any resolution, rule, policy, or regulation of the employer or its agents, the terms of the collective bargaining agreement shall prevail.

NEW SECTION. Sec. 17. Except as otherwise expressly provided in this chapter, nothing contained in this chapter shall be construed to deny or otherwise abridge any rights, privileges, or benefits granted by law to employees.

NEW SECTION. Sec. 18. Nothing in this chapter shall be construed to interfere with the responsibilities and rights of the employer as specified by federal and state law, including the employer's responsibilities to students, the public, and other constituent elements of the institution: PROVIDED, That nothing contained in this chapter shall permit or grant any employer the right to lock out its employees in connection with a labor dispute.

NEW SECTION. Sec. 19. All agreements reached pursuant to this chapter shall contain the following clause: Implementation of any compensation adjustments, including salaries and fringe benefits provided for in this agreement which is funded by general funds of the state of Washington shall be consistent with legislative appropriation and with any subsequent modification thereto.

Sec. 20. Section 4, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.020 are each amended to read as follows:

(1) It shall be the duty of the commission, in order to prevent or minimize interruptions growing out of labor disputes, to assist employers and employees to settle such disputes through mediation and fact-finding.

(2) The commission, through the director, may proffer its services in any labor dispute involving a political subdivision, municipal corporation, or ~~((the community college system))~~ institutions of higher education of the state, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial disruption to the public welfare.

(3) If the director is not able to bring the parties to agreement by mediation within a reasonable time, he shall seek to induce the parties to voluntarily seek other means of settling the dispute without resort to strike or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the director shall not be deemed a violation of any duty or obligation imposed by this chapter.

(4) Final adjustment by a method agreed upon by the parties is declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective bargaining agreement. The commission is directed to make its mediation and fact-finding services available in the settlement of such grievance disputes only as a last resort.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010;
- (2) Section 2, chapter 196, Laws of 1971 ex. sess., section 1, chapter 205, Laws of 1973 1st ex. sess., section 12, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.020;
- (3) Section 3, chapter 196, Laws of 1971 ex. sess., section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030;
- (4) Section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035;
- (5) Section 4, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.050;
- (6) Section 5, chapter 196, Laws of 1971 ex. sess., section 3, chapter 205, Laws of 1973 1st ex. sess., section 13, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.060;
- (7) Section 6, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.070;
- (8) Section 7, chapter 196, Laws of 1971 ex. sess., section 5, chapter 205, Laws of 1973 1st ex. sess., section 14, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.080;
- (9) Section 8, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.090;
- (10) Section 9, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.100; and
- (11) Section 6, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200.

NEW SECTION. Sec. 22. Sections 1 through 19 of this act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This act shall take effect October 1, 1987. The commission may immediately take such steps as are necessary to insure that this act is implemented on its effective date."

MOTIONS

On motion of Senator McDermott, further consideration of Engrossed Substitute House Bill No. 32 was deferred.

At 9:38 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:26 a.m. by President Cherberg.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Wojahn, the appointment of Bette Reinhart as a member of the Corrections Standards Board was confirmed.

APPOINTMENT OF BETTE REINHART

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Newhouse, Thompson - 2.

Excused: Senators Peterson, Stratton - 2.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 32 and the pending Committee on Ways and Means amendment, deferred earlier today.

MOTION

Senator Cantu moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 1, line 30, after "size" insert "or the distribution of salary increases based on merit evaluations or intended to address critical market disparities"

Debate ensued.

Senator Cantu demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Cantu to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Cantu failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, Zimmerman - 19.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn - 29.

Excused: Senator Stratton - 1.

MOTION

Senator Saling moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 12, line 25, strike "valid ballots cast" and insert "employees eligible to cast a ballot"

Debate ensued.

Senator Saling demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Saling to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Saling failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 19; nays, 28; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, Zimmerman - 19.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Wojahn - 28.

Absent: Senator Williams - 1.

Excused: Senator Stratton - 1.

MOTION

Senator Vognild moved that the following amendment by Senators Vognild and McDonald to the Committee on Ways and Means amendment be adopted:

On page 12, line 18, strike all of subsection "(g)" through line 32 and insert the following:

"(g) Where only one employee organization has qualified under (c) or (e) of this subsection, the representation election ballot shall contain a choice for that employee organization and a choice for no representation. The representation election shall be determined by the majority of the valid ballots cast.

(h) Where two or more employee organizations have qualified under (c) or (e) of this subsection, the representation election shall consist of two questions contained on the same ballot. The first question shall contain choices for and against organization of the bargaining unit under this chapter. The second question, to be counted only if the results of the first question indicate that organization of the bargaining unit has been chosen on a majority of the valid ballots cast, shall contain choices for each of the employee organizations qualifying under (c) or (e) of this subsection. The second question shall be determined by the majority of the valid ballots cast: PROVIDED, That where there are three or more choices on the ballot and none of the choices receives the vote of a majority of the valid ballots cast, a run-off election shall be conducted between the two choices receiving the highest and second highest number of votes."

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Vognild and McDonald to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild carried and the amendment to the committee amendment was adopted by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Warnke - 1.

Excused: Senator Stratton - 1.

MOTION

Senator McDermott moved that the following amendment by Senators McDermott and Patterson to the Committee on Ways and Means amendment be adopted:

On page 25, after line 25, strike the remainder of the amendment and insert the following: NEW SECTION, Sec. 23. PREAMBLE. The legislature finds that higher education is of the utmost importance to the continued social, cultural, and economic well-being of the people of Washington state.

The legislature also finds that salaries for full-time state-funded teaching and research faculty are below faculty salary levels at their peer institutions and that this situation is detrimental to attaining excellence in the education and training of our people.

The legislature recognizes that continued deterioration in faculty salaries will result from the inability to adequately address faculty salary disparities particularly in the retention and recruitment of the most able and meritorious faculty.

The legislature recognizes that efforts to address the problem of competitive faculty salaries will require the commitment of significant state resources for which other important programs will compete.

It is therefore the legislature's intent to reduce faculty salary disparities and achieve more competitive salaries for full-time state-funded teaching and research faculty at Washington state institutions of higher education as funds are available.

The legislature further intends that the salary increases which are provided by this chapter shall be based upon documented disparities in faculty salaries relative to those at peer institutions and be distributed within each institution on the basis of evidence of each faculty member's contribution to the profession, the institution, and the community.

The legislature intends that the salary increases which are provided by this chapter shall not be distributed on an across-the-board basis.

In as much as there is a lack of information concerning the salary disparity between community college faculty and their counterparts in other states, the legislature also intends to

establish an objective measure of competitive salaries for community college faculty. The legislature finds it necessary to conduct a national survey of community college faculty salaries which will be the basis for determining competitive salary levels for community colleges in Washington state.

The legislature further finds that in addition to the critical issue of faculty salaries, there is substantial need for additional funding in the areas of student scholarships, student loans, and enhancement of undergraduate education.

NEW SECTION, Sec. 24. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Washington state institutions of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and all community college districts within the jurisdiction of the state board for community college education.

(2) "Research institutions" means the University of Washington and Washington State University.

(3) "Regional institutions" means Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College.

(4) "Peer institutions" means those institutions most comparable to Washington's public institutions of higher education, including Washington's community college system, as determined by the office of financial management on the basis of similarity in role and mission, undergraduate or graduate education emphasis, research emphasis, program offerings at the doctorate, masters, professional, bachelors, and associate degree levels, and institutional size.

(5) "Peer institution groups" means (a) for the University of Washington: The University of Arizona, the University of California at Berkeley, the University of California at Los Angeles, the University of Illinois, the University of Iowa, the University of Michigan, the University of North Carolina, and the University of Oregon; (b) for Washington State University: The University of California at Davis, the University of California at Santa Barbara, the University of Illinois, Purdue University, Iowa State University, Michigan State University, North Carolina State University, and Oregon State University; and (c) for the regional universities and The Evergreen State College: Northern Arizona University, California State University at Chico, California State University at Hayward, Western Illinois University, Northern Michigan University, Western Carolina University, and Portland State University.

(6) "Faculty salary disparity" means, for each Washington institution of higher education, the extent to which average salaries for its eligible faculty are below the average salaries received by full-time state-funded teaching and research faculty at its designated peer institutions.

(7) "Eligible faculty" means full-time state-funded teaching and research faculty including primary support personnel who are appointed with a faculty title and paid a full-time equivalent salary.

(8) "Merit" means excellence in performance, consistent with the role and mission of each respective institution and its individual colleges, schools, and departments as evidenced by (a) evaluations of teaching effectiveness, (b) contribution to the institution and its students, the profession, and the community, and (c) where applicable, the professional recognition of research and publications.

NEW SECTION, Sec. 25. APPLICATION OF CHAPTER. This chapter applies only to eligible faculty at Washington state institutions of higher education.

This chapter shall not prevent the granting of salary increases, on terms consistent with this chapter, to research faculty supported by moneys other than state funds at Washington institutions of higher education if sufficient moneys exist to support the increases.

This chapter shall not preclude eligible faculty from receiving general salary increases granted by the legislature to state employees through the normal appropriations process, but these general salary increases shall be fully recognized by the office of financial management or the higher education coordinating board, or both, in updating reports of faculty salary disparities at each Washington institution of higher education.

NEW SECTION, Sec. 26. PEER GROUP COMPARISONS. The office of financial management shall annually identify the faculty salary disparities between Washington state's research and regional institutions of higher education and their respective peer institutions. The office of financial management shall report these disparities no later than January 15, 1987, and no later than January 15 of each subsequent year. The office of financial management shall concurrently identify and report the level of appropriation from the higher education improvement account necessary to eliminate the faculty salary disparities.

NEW SECTION, Sec. 27. COMMUNITY COLLEGE SURVEY. The office of financial management, in conjunction with the higher education coordinating board, shall conduct, or designate a recognized consulting firm to conduct, a national survey to determine average salaries for full-time instructional faculty at a representative sample of two-year institutions of higher education in other states. The sample shall be constructed to reflect, to the greatest extent possible, the nature and composition of Washington state's community college system, with particular emphasis given to similarity in (1) degree and program offerings; (2) enrollment levels; (3)

types of communities served; and (4) degree of reliance on state funding. Based on the findings of this survey, the office of financial management shall prepare a report no later than January 15, 1987, and no later than January 15 of each subsequent year, that identifies the faculty salary disparity for Washington state's community college system. The report shall also identify the level of appropriation necessary to eliminate the community college faculty salary disparity.

NEW SECTION. Sec. 28. DISTRIBUTION PLAN REQUIREMENTS FOR FOUR-YEAR INSTITUTIONS.

Each research and regional institution shall submit to the higher education coordinating board by March 15, 1987, and by March 15 of each subsequent year, a plan to distribute, solely on the basis of merit, the moneys provided under this chapter to their eligible faculty. Each plan shall be consistent with the role and mission of the institution and its colleges and schools, provide for the involvement of faculty in assessing merit, and be specific to each college and school within the institution. Evidence which documents faculty salary disparities by college and school and professorial rank shall be prepared to support and accompany each plan. For The Evergreen State College, the faculty disparities shall be identified to major disciplines or departments and by an appropriate proxy for professorial rank.

NEW SECTION. Sec. 29. DISTRIBUTION PLAN REQUIREMENTS FOR COMMUNITY COLLEGES.

The state board for community college education shall submit to the higher education coordinating board by March 15, 1987, and by March 15 of each subsequent year, a plan to distribute, solely on the basis of merit, the moneys provided by this chapter to their eligible faculty. The plan shall be consistent with the role and mission of the community college system and each individual community college, provide for faculty involvement in assessing merit, and be specific to each community college. Evidence which documents faculty salary disparities by college and major instructional department shall be prepared to support and accompany the plan.

Each community college district shall submit a plan to the state board for community college education to distribute the moneys provided by this chapter to their eligible faculty on the basis of documented objective merit procedures developed and adopted by each district with the participation of the district's faculty. Each plan shall be consistent with the role and mission of each community college, provide for faculty involvement in assessing merit, and be specific to major instructional departments within each community college. Evidence which documents faculty salary disparities by major instructional department shall be prepared to support and accompany each plan.

NEW SECTION. Sec. 30. REVIEW AND APPROVAL OF PLANS. The higher education coordinating board shall review the plans submitted by the state board for community college education and each research and regional institution to certify whether each plan meets the requirements and intent of this chapter. By April 15, 1987, and by April 15 of each subsequent year, the higher education coordinating board shall approve only those plans which meet the requirements of this chapter.

If any institution's distribution plan is not submitted to the higher education coordinating board by March 15 of any year, or if the institution's plan has not been approved by the higher education coordinating board by April 15 of that year, the office of financial management shall retain in the higher education improvement account that portion of the appropriated moneys the institution would have otherwise received from the account. By September 15, 1987, and by September 15 of each subsequent year, each institution and the state board for community college education shall report to the higher education coordinating board on how their respective plan was implemented. The report shall specify the salary adjustments received by the eligible faculty of each school and college and be detailed by department and professorial rank within each school and college.

NEW SECTION. Sec. 31. REPORTS ON IMPLEMENTATION. By November 15, 1987, and by November 15 of each subsequent year, the higher education coordinating board shall submit to the ways and means committees of the senate and the house of representatives a report that documents the extent to which the faculty salary adjustments at each Washington state institution of higher education are being implemented in conformance with the plans approved by the higher education coordinating board. The report shall specify the salary adjustments received at each institution and shall provide detail on the distribution of these adjustments by the schools and colleges at each institution, including the distributions to major instructional departments by professorial rank.

NEW SECTION. Sec. 32. HIGHER EDUCATION IMPROVEMENT ACCOUNT. (1) The higher education improvement account is hereby created in the state treasury. The account shall only be used as provided in this chapter.

(2) Moneys in the account shall be subject to legislative appropriation according to the following priorities:

(a) Not less than twenty percent of the moneys in the account shall be used for student scholarships, student loans, and the enhancement of undergraduate education according to the annual plan submitted to the legislature by the board under this chapter.

(b) As much of the moneys in the account as needed that remain after distribution under (a) of this subsection shall be used to fund faculty salaries to bring them as close as funds in the account permit to the average salary of each institution's peer group.

(3) Funding levels attained for the purposes of subsection (2) of this section shall be maintained in succeeding years from the account and not from the general fund.

NEW SECTION. Sec. 33. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Consideration" means all proceeds received, whether in cash, credits, or property, of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services, or other costs, interest, or discount allowed, or any other expense whatsoever, except that deductions are allowed for returned merchandise.

(2) "Department" means the department of revenue.

(3) "Motor vehicle" means all vehicles, engines, machines, or mechanical contrivances which are propelled by internal combustion engines or motors.

(4) "Oil company" means every corporation, association, joint-stock association, partnership, limited partnership, copartnership, natural individual or individuals, and any business conducted by a trustee or trustees wherein evidence of ownership is evidenced by certificate or written instrument, formed for or engaged in the sale or the importation of petroleum products within this state.

(5) "Person" means any oil company subject to tax under this chapter.

(6) "Petroleum products" means any product of the industrial processing of crude oil and its fractionation products manufactured or refined or used for the generation of power used in an internal combustion engine for the generation of power to propel motor vehicles of any kind or character on the public highways. Petroleum products include but are not limited to gasoline, diesel fuel, kerosene, propane, and any other product of crude oil used for such purpose. Petroleum products do not include any product used for residential heating purposes or in the generation of electricity by a public utility or municipality.

(7) "Petroleum revenue" means all consideration derived from the first sale of petroleum products otherwise subject to liquid fuel taxes to wholesale or retail dealers in this state for marketing and distribution or to a direct user. If the consideration derived from the sale to a wholesale dealer includes federal gasoline taxes, the taxes shall not be considered a part of the petroleum revenue. If no consideration is received or if the transaction involves a person owned or controlled by the selling entity or a division within the selling entity and the consideration does not reflect the consideration which would have been received in an arm's length transaction with an unrelated person, then the selling entity shall be deemed to have received from such sale revenue equal to the consideration it would have received in an arm's length transaction with an unrelated person. Receipts from the sale of petroleum products are allocable to this state if the property is delivered or shipped to a purchaser located within this state regardless of the F.O.B. point or other conditions of the sale. The importation of petroleum products into this state upon which this tax has not been imposed or collected shall constitute a sale within this state and the importing purchaser shall be deemed an oil company for the purposes of this chapter. Subsequent exportation of these imported products from the state shall constitute a deduction from taxable revenue.

NEW SECTION. Sec. 34. (1) Every oil company incorporated or organized now or hereafter by or under any law of this state or of any other state or territory or by the United States or any foreign government or dependency, and doing business in this state, shall pay an excise tax of one percent of its petroleum revenues for the privilege of exercising its corporate franchise or of doing business, or of employing capital, or of owning or leasing property in this state in a corporate or organized capacity, or of maintaining an office in this state, or of having employees in this state, for all or any part of any calendar year.

(2) The tax imposed by this chapter is in addition to all other taxes imposed by this chapter or any other statute and shall not be permitted as a deduction in calculating any other tax imposed by the state.

(3) The tax imposed by this chapter automatically preempts any like tax or any tax on the privilege of processing or refining any petroleum product taxable under this chapter or any other refined product of crude oil imposed by any political subdivision of this state. This preemption does not extend to any local or personal or real property tax of general application or to any tax imposed by the state.

(4) The department may require purchasers of petroleum products to provide the selling oil company with documentation in such form and under such terms and conditions as the department may prescribe to substantiate any portion of its purchases which are or will be used for a nontaxable purpose.

(5) If at the time of a sale or importation of petroleum products by an oil company it cannot be reasonably determined whether the products will be used for a taxable purpose, it is presumed that the products are being used for a taxable purpose. The department may provide, in such form and under such terms as it may prescribe, a credit against any tax due and payable for any subsequent month upon submission to the department of such proof as it may require that any products presumed taxable were ultimately used for a nontaxable purpose.

(6) Any purchaser of petroleum products for a nontaxable purpose who provides documentation to an oil company pursuant to subsections (4) and (5) of this section and who subsequently sells or uses those products for a taxable purpose shall be deemed an oil company for the purposes of this chapter.

(7) The department may provide, in any case in which the purchaser is unable to provide documentation that petroleum products are used for a nontaxable purpose, for the payment of a credit based on the average wholesale price of petroleum products determined pursuant to rules adopted by the department.

(8) Any purchaser from an oil company subject to tax under this chapter who intentionally provides an oil company with false or fraudulent proof of the ultimate use of petroleum products, which enables that oil company to obtain a credit or exemption to which it is not entitled, or who directly receives a credit for taxes paid, is liable to pay to the department two hundred percent of the credit so obtained, plus interest at the rate of eighteen percent per annum.

(9) Any purchaser or user of petroleum products may, upon application to and approval by the department, elect to be deemed an oil company for the purposes of this chapter and to pay the taxes imposed by this chapter. Any purchaser or user electing to be taxed as an oil company may acquire petroleum products without the imposition of tax upon the supplier of the petroleum products.

(10) The tax imposed by this chapter shall be collected once on any petroleum products sold or used in this state.

NEW SECTION. Sec. 35. Chapter 82.32 RCW applies to the taxes imposed in this chapter, including RCW 82.32.045 on reports and returns.

NEW SECTION. Sec. 36. (1) The governor, or the governor's authorized representative, is hereby vested with authority to confer with the governor and the authorized representatives of other states with respect to reciprocal collection between this state and such other states of the tax imposed by this chapter.

(2) The governor, or the governor's representative, is authorized to join with such authorities of other states to conduct joint investigations, exchange information, hold joint hearings, and enter into compacts or interstate agreements with such other states to accomplish uniform reciprocal collection between those states who are parties to any compact or interstate agreement and this state of the tax imposed by this chapter.

NEW SECTION. Sec. 37. The department shall administer this chapter and is authorized to make the inquiries, determinations, and assessments of taxes imposed by this chapter.

NEW SECTION. Sec. 38. All taxes, interest, and penalties imposed by this chapter shall be deposited in the higher education improvement account.

NEW SECTION. Sec. 39. APPROPRIATION. The sum of seventy-five thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the higher education improvement account to the office of financial management to conduct the community college survey required in section 27 of this act.

NEW SECTION. Sec. 40. CAPTIONS. Section captions as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 41. LEGISLATIVE DIRECTIVE. (1) Sections 23 through 32 of this act shall constitute a new chapter in Title 28B RCW.

(2) Sections 33 through 38 of this act shall constitute a new chapter in Title 82 RCW.

Renumber the remaining sections consecutively.

NEW SECTION. Sec. 42. EFFECTIVE DATE. This act shall take effect July 1, 1986.*

Debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators McDermott and Patterson to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried and the amendment to the committee amendment was adopted by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Deccio, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, von Reichbauer, Williams, Zimmerman - 36.

Voting nay: Senators Barr, Bottiger, Cantu, Craswell, DeJarnatt, Fleming, Hansen, Moore, Pullen, Vognild, Warnke, Wojahn - 12.

Excused: Senator Stratton - 1.

MOTION

Senator Kiskaddon moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 1, line 25, after "bargaining" insert ", subject to the provisions of chapter 42.30 RCW."

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute House Bill No. 32 was deferred.

SECOND READING

HOUSE BILL NO. 244, by Representatives O'Brien, P. King, Winsley, Hastings, May, Bond, Crane and Fisch

Creating a state medal of merit.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

On page 2, after line 2, insert the following:

"NEW SECTION. Sec. 5. The state medal of merit shall not be awarded to any elected official while in office or to any candidate for an elected office."

Renumber the sections consecutively and correct internal references accordingly.

On motion of Senator Thompson, the rules were suspended, House Bill No. 244, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 244, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 244, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McDonald - 1.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 244, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 614, by Committee on Higher Education (originally sponsored by Representatives Grimm, Prince, Rayburn, Basich, Jacobsen, Miller, Allen, Vander Stoep, Unsoeld, Sommers, McMullen, G. Nelson, K. Wilson, Belcher, D. Nelson, Kremen and Wineberry)

Revising methods for the expenditure of services and activities fees at institutions of higher education.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 80, Laws of 1980 and RCW 28B.15.044 are each amended to read as follows:

It is the intent of the legislature that students will propose (~~initial~~) budgetary recommendations for consideration by the college or university administration and governing board to

the extent that such budget recommendations are intended to be funded by services and activities fees. It is also the intent of the legislature that services and activities fee expenditures for programs devoted to political or economic philosophies shall result in the presentation of a spectrum of ideas.

Sec. 2. Section 2, chapter 80, Laws of 1980 and RCW 28B.15.045 are each amended to read as follows:

The boards of trustees and the boards of regents of the respective institutions of higher education shall adopt guidelines governing the establishment and funding of programs supported by services and activities fees. Such guidelines shall spell out procedures for budgeting and expending services and activities fee revenue. Any such guidelines shall be consistent with the following provisions:

(1) ~~((initial))~~ Responsibility for proposing program priorities and budget levels for that portion of program budgets that derive from services and activities fees shall reside with a services and activities fee committee, on which students shall hold at least a majority of the voting memberships, such student members to be recommended by the student government association or its equivalent. The chairperson of the services and activities fee committee shall be selected by the members of that committee. The governing board shall insure that the services and activities fee committee provides an opportunity for all viewpoints to be heard during its consideration of the funding of student programs and activities.

(2) The services and activities fee committee shall evaluate existing and proposed programs and submit budget recommendations for the expenditure of those services and activities fees with supporting documents to the college or university administration, and shall submit informational copies of such to the governing board.

(3) The college or university administration shall review and publish a written response to the services and activities fee committee recommendations. This response shall outline areas of difference between the committee recommendations and the administration's proposed budget recommendations. This response, with supporting documentation, shall be submitted to the services and activities fee committee and the governing board.

(4) ~~((The college or university administration, at the time it submits its proposed budget recommendations for the expenditure of services and activities fees to the governing board, shall also transmit a copy of the services and activities fee committee recommendations along with any supporting documentation originally provided by the committee and a copy of the administration's response to the committee recommendations.))~~ In the event of a dispute or disputes involving the services and activities fee committee recommendations, the college or university administration shall meet with the services and activities fee committee in a good faith effort to resolve such dispute or disputes prior to submittal of final recommendations to the governing board.

(5) Before adoption of the final budget the governing board shall address areas of difference between ~~((the))~~ any committee recommendations and the administration's budget recommendations presented for adoption by the board. A student representative of the services and activities fee committee shall be given the opportunity to reasonably address the governing board concerning any such differences.

~~((6))~~ (6) Services and activities fees and revenues generated by programs and activities funded by such fees shall be deposited and expended through the office of the chief fiscal officer of the institution.

~~((7))~~ (7) Services and activities fees and revenues generated by programs and activities funded by such fees shall be subject to the applicable policies, regulations, and procedures of the institution and the budget and accounting act, chapter 43.88 RCW.

~~((8))~~ (8) All information pertaining to services and activities fees budgets shall be made available to interested parties.

(9) With the exception of any funds needed for bond covenant obligations, once the budget for expending service and activities fees is approved by the governing board, funds shall not be shifted from funds budgeted for associated students or departmentally related categories until the administration provides written justification to the committee and the governing board, or the governing board gives its express approval, or the recognized student governing organization gives its express approval.

(10) Any service and activities fees collected which exceed initially budgeted amounts are subject to subsections (1), (2), (3), and (9) of this section.

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 614, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 614, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 614, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 614, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1382, by Committee on Ways and Means (originally sponsored by Representatives Rust, Allen, Jacobsen, Nutley, Belcher and Unsoeld)

Revising off-road vehicle funds distribution.

The bill was read the second time.

MOTIONS

Senator Pullen moved that the following amendment by Senators Pullen, Halsan, Craswell, Zimmerman, Owen, Rasmussen, Benitz, Guess, Lee, Barr and Metcalf be adopted:

On page 8, line 10, after "vehicle" and before the period insert ": PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW"

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order that the amendment expands the scope and object of the bill. The bill as introduced is an act relating to distributing money for off road vehicles and has absolutely nothing to do with guns."

Debate ensued.

There being no objection, further consideration of Engrossed Substitute House Bill No. 1382 was deferred.

MOTION

At 11:35 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:57 a.m. by President Cherberg.

MOTION

At 11:57 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

SECOND READING

HOUSE BILL NO. 1518, by Representatives Walk, Schmidt and Gallagher (by request of Department of Licensing)

Repealing the requirement that written summaries of the implied consent law be furnished to drivers.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1518 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1518.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1518, and the bill passed the Senate by the following vote: Yeas, 40; absent, 8; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 40.

Absent: Senators Conner, Fleming, Hansen, McDermott, McDonald, Moore, Owen, Wojahn - 8.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1519, by Representatives Walk, Schmidt and Gallagher (by request of Department of Licensing)

Revising requirements for motorcycle driver training schools.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 1519 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1519.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1519, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Absent: Senator Wojahn - 1.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 32 and the pending amendment by Senator Kiskaddon on page 1, line 25, to the Committee on Ways and Means amendment, deferred earlier today.

Debate ensued.

Senator Zimmerman demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Kiskaddon to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Kiskaddon failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 19; nays, 28; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, Zimmerman - 19.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams - 28.

Absent: Senator Wojahn - 1.

Excused: Senator Stratton - 1.

MOTION

Senator Sellar moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 1, line 30, after "size" insert "or designation of peer institutions"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Sellar to the Committee on Ways and Means amendment.

The motion by Senator Sellar failed and the amendment was not adopted.

MOTION

Senator Cantu moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 1, line 30, after "size," strike all material through "act." on page 2, line 4

Debate ensued.

POINT OF INQUIRY

Senator Cantu: "Senator Warnke, I guess it's not clear in my mind--we've debated this amendment before--why with this amendment you wouldn't have a union out there that would have the ability to go ahead and do what they want to do."

Senator Warnke: "Your amendment coupled with Senator Deccio's amendment is what I said."

Further debate ensued.

Senator Bluechel demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Cantu to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Cantu failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Saling, Sellar, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McManus, Owen, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 27.

Excused: Senator Stratton - 1.

MOTION

Senator Deccio moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 2, line 4, following "act." insert "Nor may an employee of any union or trade association engage in any activity designed to influence the outcome of any election to designate an exclusive bargaining representative. This provision shall not be construed to prohibit employees from distributing information provided by such unions or trade associations."

Debate ensued.

Senator Deccio demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Deccio to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Deccio failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Owen, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Excused: Senator Stratton - 1.

MOTION

Senator Bailey moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 2, line 13, after "education," insert "including the president, vice presidents, deans, and departmental chairpersons, their equivalents and principal assistants and associates."

Debate ensued.

Senator Bailey demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bailey to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Saling, Sellar, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Owen, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 28.

Excused: Senator Stratton - 1.

MOTION

Senator Bailey moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 7, line 2, strike all material after "PROVIDED," through "duties," on line 6 and insert "That strikes by employees are prohibited."

On page 22, line 24, strike all material after "PROVIDED," through "to" on line 26, and insert "That employers may not"

Debate ensued.

Senator Bailey demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Bailey to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed and the amendments to the committee amendment were not adopted by the following vote: Yeas, 22; nays, 25; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn - 25.

Absent: Senator Williams - 1.

Excused: Senator Stratton - 1.

MOTION

Senator Bottiger moved that all the remaining amendments on the desk to the Committee on Ways and Means amendment, with the exception of amendments No. 12 and 12A, be adopted.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Deccio: "Mr. President, does Senator Bottiger's motion allow the makers of the amendments to speak in favor of all the amendments? I think Senator Bottiger has a good motion and I wanted to know if the makers of all the amendments would be able to speak on their amendments in favor of Senator Bottiger's motion?"

REPLY BY THE PRESIDENT

President Cherberg: "You would be entitled to speak under the three minute rule until someone raises the previous question and the previous question carries."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, I suggest to Senator Deccio that they have an old rule around here that if you've got the votes you vote and if you don't have the votes you talk. Senator Bottiger says you have the votes, so unless you have some other reason than wanting the amendment adopted, then why would you want to talk on it? Let's just vote on it."

Further debate ensued.

POINT OF ORDER

Senator Rasmussen: "Mr. President, I think we have a vote pending, but my point of order is it's rather out of order to make a motion such as this and I don't think Senator Bottiger would have done it, except he's on candid camera and he wants to show that he's speeding up. We have always allowed people to present their arguments for the amendments and I would hate to start this procedure at this time, Mr. President. I don't know where you are in the middle of the roll call there, the ayes' were aying and the nays' were naying, but I don't know that anybody counted them."

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, Senator Bottiger's motion does not include the Patterson amendment, does it?"

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I said, 'now remaining on the table with the exception of 12 and 12A.' There are two additional amendments that have been brought up, one by Senator Barr and one by Senator Patterson that were not there when I made the motion, so we will have to vote on those. Now if more amendments keep coming up, then I would suggest Rule 61 might be of interest."

The President declared the question before the Senate to be the motion by Senator Bottiger to adopt the remaining amendments on the desk to the Committee on Ways and Means amendment.

The motion by Senator Bottiger carried and the following amendments were adopted:

Amendment to the Committee on Ways and Means amendment by Senator Guess:

On page 16, beginning on line 30, strike all of Section 12 through page 17, line 2.

Amendment to Committee on Ways and Means amendment by Senator Deccio:

On page 19, line 1, following "mediation," strike everything through and including "proceedings," on line 12, and insert "then the employer may implement all or part of the employer's final offer without approval of the employee organization."

Amendment to Committee on Ways and Means amendment by Senator McCaslin:

On page 20, line 19, after "only" insert ", however, the employer may implement all or any part of the fact-finder's recommendations without approval of the employee organization."

Amendment to Committee on Ways and Means amendment by Senator Metcalf:

On page 21, line 3, strike "may" and insert "shall"

Amendment to Committee on Ways and Means amendment by Senator Zimmerman:

On page 22, beginning on line 29, strike all material through line 4 on page 23, and insert: "NEW SECTION. Sec. 19. All agreements reached pursuant to this chapter shall contain the following clause: Implementation of any salary, compensation, and fringe benefit adjustment provided for in this agreement shall be consistent with legislative authorization and with any subsequent modification thereto."

No employer may grant salary, compensation, and fringe benefit increases from any fund source whatsoever in excess of the amount and or percentage, or in violation of the terms related to such salary and compensation increases, as may be provided for employees as set forth in the state operating appropriations act in effect at the time the compensation is payable."

Amendment to Committee on Ways and Means amendment by Senator Craswell:

On page 25, line 35, strike "1987" and inset "1986"

Amendments to Committee on Ways and Means amendment by Senator Metcalf:

On page 6, line 20, strike all material after "pay" through "representative," on line 25 and insert "a representation fee equivalent only to their pro rata share of the costs of representation by the exclusive bargaining agent."

On page 8, line 14, strike all material after "equivalent" through "representative," on line 18 and insert "only to their pro rata share of the costs of representation by the exclusive bargaining agent."

On page 13, line 37, strike all material after "payment of" through "an" on page 14, line 2 and insert "a representation fee equivalent only to their pro rata share of the costs of representation by the"

On page 14, line 37, strike all material after "tender" through "membership" on page 15, line 2 and insert "a representation fee equivalent only to their pro rata share of the costs of representation by the exclusive bargaining agent"

Amendment to Committee on Ways and Means amendment by Senator McCaslin:

On page 7, line 6, after "duties," insert "In the event of a strike or a refusal to perform duties, which is authorized, supported or overtly encouraged by an employee organization, the employee organization shall be monetarily liable to each student in an amount equal to the daily rate of tuition, for each day in excess of four, which are affected by such action or actions."

Amendment to Committee on Ways and Means amendment by Senator Patterson:

On page 1, line 30, after "size" insert ": PROVIDED, FURTHER. That faculty employees of four-year institutions who choose to establish collective bargaining units shall waive all tenure rights previously acquired."

Amendments to Committee on Ways and Means amendment by Senator Saling:

On page 4, line 1, strike "early in the college or university budget making process"

On page 4, line 6, following "employment," insert "Collective bargaining shall be conducted during the periods outside the normal academic year and shall be completed within a period not to exceed two months in length."

Amendment to Committee on Ways and Means amendment by Senator Deccio:

On page 7, line 6, after "duties," insert "Any public employee covered under this chapter shall not engage in any strike, work slowdown, or work stoppage. Employers may bring a civil action in superior court to enjoin employee organizations from violating this act, to recover the actual damages sustained, together with the costs of suit, including a reasonable attorney's fee, and the court may in its discretion, increase the award of damages to an amount not to exceed three times the actual damages sustained."

Amendments to Committee on Ways and Means amendment by Senator Kiskaddon:

On page 1, line 8, after "employees" insert ", students."

On page 1, line 30, after "size" insert ": PROVIDED FURTHER. That the boards of regents, the boards of trustees, and the exclusive bargaining representatives of the employees, shall mutually agree to the inclusion of a full-time undergraduate student in the collective bargaining process who shall have an equal decision-making role with the other participants."

MOTION

On motion of Senator Newhouse, and there being no objection, the amendment No. 12 that was remaining on the desk, was withdrawn.

MOTION

Senator Saling moved that the following amendment (No. 12A) to the Committee on Ways and Means amendment be adopted:

On page 24, after line 19, insert the following:

"NEW SECTION. Sec. 21. There is appropriated to the State Board for Community College Education from the general fund for the biennium ending June 30, 1987, the sum of two million one hundred thirty-four thousand dollars or so much thereof as is necessary to carry out the purposes of this act by the various community colleges of the state."

Renumber the remaining sections accordingly.

The President declared the question before the Senate to be adoption of the amendment by Senator Saling to the Committee on Ways and Means amendment.

The motion by Senator Saling failed and the amendment to the Committee on Ways and Means amendment was not adopted on a rising vote.

MOTION

Senator Patterson moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and adopted:

On page 1 of the amendment, line 21, strike "boards of regents and"

On page 1 of the amendment, line 31, strike "boards of regents and"

On page 5 of the amendment, line 27, strike "state universities"

On page 5 of the amendment, line 30, after "College" insert "and does not include the University of Washington and Washington State University"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Patterson to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Patterson carried and the amendments to the committee amendment were adopted by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 23.

Excused: Senator Stratton - 1.

MOTION

Senator McDonald moved that Engrossed Substitute House Bill No. 32 be referred to the Committee on Education.

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator McDonald to refer Engrossed Substitute House Bill No. 32 to the Committee on Education.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed, the President voting 'nay,' by the following vote: Yeas, 24; nays, 24; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 24.

Excused: Senator Stratton - 1.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The motion by Senator McDermott carried and the Committee on Ways and Means amendment, as amended, was adopted.

MOTIONS

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 5 of the title, after "28B.52.200;" strike the remainder of the title and insert "adding new chapters to Title 28B RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; making an appropriation; and providing an effective date."

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 32, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hansen: "Senator McDermott--yes, Jim, you were successful in taking Washington State and the University of Washington, which is in your district, out. Had they not come out, would you be supporting the bill?"

Senator McDermott: "I like the bill the way it is now."

Senator Hansen: "Oh, yes, I don't blame you any, I have community colleges and I have four-year colleges in my area and I do believe they should have the right to bargain. When the two research--so called research colleges--came out, and you know as well as I do, that the other four-year universities have research in each and every one.

"I'm sorry I lost Jim. He is too busy."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 32, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 32, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Peterson, Pullen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Zimmerman - 22.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, Engrossed Substitute House Bill No. 32, as amended by the Senate, was ordered immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Engrossed Substitute House Bill No. 1355.

SECOND READING

ENGGROSSED SUBSTITUTE HOUSE BILL NO. 1355, by Committee on Agriculture (originally sponsored by Representatives Madsen, R. King, Vekich, P. King, Baugher, Isaacson, Todd, C. Smith and K. Wilson)

Authorizing a Washington-bred horse marketing program.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the following Committee on Agriculture amendment was adopted:

On page 2, after line 29, insert the following:

NEW SECTION, Sec. 3. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of feed consumed by livestock at a public livestock market.

NEW SECTION, Sec. 4. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of feed consumed by livestock at a public livestock market.

Sec. 5. Section 33, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 104, Laws of 1985 and RCW 82.08.0293 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products including livestock sold for personal consumption, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this subsection shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

(2) Subsection (1) of this section notwithstanding, the retail sale of food products is subject to sales tax under RCW 82.08.020 if the food products are sold through a vending machine, and in this case the selling price for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

This subsection does not apply to hot prepared food products, other than food products which are heated after they have been dispensed from the vending machine.

For tax collected under this subsection, the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

Sec. 6. Section 34, chapter 35, Laws of 1982 1st ex. sess. as amended by section 2, chapter 104, Laws of 1985 and RCW 82.12.0293 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products including livestock sold for personal consumption, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute House Bill No. 1355, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1355, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1355, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Guess, Kiskaddon - 2.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1355, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1363, by Committee on Transportation (originally sponsored by Representatives Crane, Walk, J. Williams, K. Wilson, Zellinsky, Valle, May, Fisher, Schmidt, Leonard, Haugen, Miller, Walker, Cole, Todd, Long, Holland, Isaacson, Schoon, Betrozoff, Chandler, Patrick, Ebersole, Lux, Rust, Nutley, Brough, Jacobsen, S. Wilson, P. King, Winsley, Belcher, Van Luven and Unsoeld)

Preventing escape of debris from vehicles.

The bill was read the second time.

MOTIONS

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Hayner was adopted:

On page 1, line 19, after "thereon" insert "by subsection (3) of the 1986 act"

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1363, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Bottiger, when you are defining free board does this mean that the free board is only at the edges of the truck or what about the center? Can the load be piled higher in the center so it's above the level of the sides even though they still have six inches clear on the edges?"

Senator Bottiger: "I'd have to yield to Senator Peterson. I don't sit on that committee. I understand what free board is, but I can't answer your question."

REMARKS BY SENATOR PETERSON

Senator Peterson: "The answer to your question is a load could be higher. The six inches of a free board is maintained so as that load settles it's indicated, at least in the statistics that we received from the State Patrol and the trucking industry, that six inches of free board--if a truck left a gravel pit--even though the gravel is piled higher than the truck--the six inches of free board would be ample to allow for settling and spillage."

Senator Bluechel: "Senator Peterson, that's one of the problems and the key with the issue is, it bounces off the middle of the truck, especially where some of the trucks are piled say six or eight inches above the sides even at the middle point. How is it determined that it will level out, so that it wouldn't come over? That's the real question that I think this whole debate and the whole problem that has been around for a long time."

Senator Peterson: "I don't know what scientific means that's been developed to establish that six inch free board, but it was at least alleged in committee, for the most part, that it would take care of the problem as long as they maintain that much free board."

POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, is it your intent by your amendment that subsection (2) only applies to loads as defined in subsection (3)?"

Senator Bottiger: "That's correct. I think the issue came up of what would this do to say a farm crop. If you would put a canvas over a load of carrots, they would tend to cook and since carrots don't bounce and watermelons don't bounce, the committee kept its consideration to sand, gravel and rock."

POINT OF INQUIRY

Senator Bauer: "Senator Bottiger, I understand also in the bill that it requires that all under carriages--wheels, tires and body frames be free of any mud or debris before they enter a paved road. What happens to the farmer who was bringing his semi-truck out of the field away from the farm and there is no water hoses or no ability to wash that under carriage and he's pushing it out of the field with a bulldozer because of the muddy weather? Now, is he going to be fined when he moves that semi out onto the paved road?"

Senator Bottiger: "Senator, could you refer your question to someone that was even on the committee?"

REMARKS BY SENATOR PETERSON

Senator Peterson: "The bill is not construed to be that tight, Senator Bauer. The same question came up--where the reason that language was--the sand and gravel operations where the trucks are leaving with an excessive amount, but it is not intended to penalize the farmer for leaving the field with mud in between the tires and this type of thing, so it's not to be construed, by testimony before the committee, and it's not to be construed by the Senate, to be that type. We had the State Patrol and the sheriffs and they would work with the committee in determining and the ultimate effect was 'no.'"

Senator Bauer: "So you're saying the intent of the legislation is that they are not going to penalize the farm vehicle for putting mud on the road in coming out of a field?"

Senator Peterson: "They don't intend to issue citations for that type of a violation. That wouldn't be construed--they don't--in other words--we're not asking someone to be there with a fire truck with every load that leaves the operation."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1363, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1363, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; absent, 1; excused, 1.

Voting yeas: Senators Bailey, Bender, Bluechel, Boltiger, Cantu, Conner, Deccio, DeJamatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nays: Senators Barr, Bauer, Benitz, Craswell, Metcalf, Newhouse - 6.

Absent: Senator Fleming - 1.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1363, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT RESOLUTION NO. 55, by Representatives Peery, Taylor, Ebersole, Cole, Schoon and May

Specifying the time period for levies for renovation and construction of school facilities.

The resolution was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 13, after "support the" strike "renovation or construction" and insert "construction, modernization or remodelling"

On motion of Senator Gaspard, the rules were suspended, House Joint Resolution No. 55, as amended by the Senate, was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Gaspard, if a school district approves one of these six-year levies for capital purposes and the money begins to come in, is the school district obligated to immediately begin spending the money or may the school district allow the money to accrue for a time prior to spending it on the capital project?"

Senator Gaspard: "Senator Pullen, I don't know how to answer that question, because I don't think its addressed in either the constitutional amendment before us or in the implementing statute but common sense, I think, will prevail when they go to the voters and ask for a levy proposal and the voters see that that money is not being spent for the purpose it was purported to be spent for. Obviously, they are not going to have the support of the community."

Senator Pullen: "Well, what would happen to the interest on the money if the school district were to allow the funds to accrue? In other words, who gets the interest and is the interest dedicated to the capital project or could the interest be used for other expenditures?"

Senator Gaspard: "I believe, Senator Pullen, that that doesn't address that either, but that will be up to the local school district to make that determination whether they wish to apply it to the capital project or use it for any other purpose the local school district desires it to go to."

EDITOR'S NOTE: (See clarification remarks by Senator Gaspard before House Joint Resolution No. 55 on final passage)

POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, let's assume that this has passed and the local school district wants to put a six-year levy on and they'll identify it for the

specific project. Is it possible for them in the next year to put another six-year levy on? I scanned the bill and I can't see any prohibition against it. The reason I asked that question--the people at the local level frequently will vote as they did this last time--27 million for parks, next year they forget they voted on that and another issue comes up and the following year another one and the bond issues are running for thirty years while the levies are running for six years."

Senator Gaspard: "Senator Rasmussen, in looking at the constitutional amendment and the implementing legislation which is the next bill before us, it doesn't specify or prohibit a school district from doing that, but again using common sense that a school board would ask the public to have a levy before them and to ask the public to have a supportive levy passed, which takes over sixty percent of the voters in that district, it wouldn't be wise or prudent policy for them to come back in a year again and ask for a six-year levy. Those local decisions are best, I think, left to the local people who are elected school board directors in each district."

Further debate ensued.

CLARIFICATION OF REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, just to clarify the question offered by Senator Pullen on the interest from the capital project. In going beyond what the statute is before us here, but looking at what the statute is currently, that those funds that are raised locally for capital construction projects, that interest has to stay for that capital construction."

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, could Senator Gaspard's comments that he just made be entered in the record, because that contradicts the answer to the question I asked previously?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Pullen."

The President declared the question before the Senate to be the roll call on final passage of House Joint Resolution No. 55, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Joint Resolution No. 55, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Benitz, Guess, Pullen, Rasmussen - 4.

Excused: Senator Stratton - 1.

HOUSE JOINT RESOLUTION NO. 55, as amended by the Senate, having received the constitutional majority, was declared passed.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3018,
 SUBSTITUTE SENATE BILL NO. 3160,
 SENATE BILL NO. 3336,
 SENATE BILL NO. 4446,
 SENATE BILL NO. 4450,
 SUBSTITUTE SENATE BILL NO. 4455,
 SENATE BILL NO. 4470,
 SENATE BILL NO. 4479,
 SENATE BILL NO. 4490,
 SUBSTITUTE SENATE BILL NO. 4491,
 SENATE BILL NO. 4529,
 SENATE BILL NO. 4556,
 SENATE BILL NO. 4569,
 SUBSTITUTE SENATE BILL NO. 4627,

SENATE BILL NO. 4645,
 SENATE BILL NO. 4647,
 SENATE BILL NO. 4678,
 SUBSTITUTE SENATE BILL NO. 4797,
 SENATE BILL NO. 4894,
 SUBSTITUTE SENATE BILL NO. 4923.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1624, by Committee on Education (originally sponsored by Representatives Peery, Ebersole, Taylor, Cole, Appelwick, P. King, Basich, Brough, Schoon and May)

Authorizing school levies to be for a period in excess of one year.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 13, after "district", insert "including but not limited to levies to support the construction, modernization or remodeling of school facilities and levies for the maintenance and operation of schools."

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 1624, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1624, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1624, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Melcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Benitz, Pullen, Rasmussen - 3.

Absent: Senator Deccio - 1.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1624, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1726, by Committee on Judiciary (originally sponsored by Representatives Locke, Tilly, Armstrong, Barrett, Belcher, Dellwo, Wang, Silver, Unsoeld, P. King and Winsley) (by request of Secretary of State)

Revising regulation of charitable solicitations.

The bill was read the second time.

MOTIONS

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.010 are each amended to read as follows:

The purpose of this chapter is to ~~((protect the general public and public charity in the state of Washington; to require full public disclosure of facts))~~ provide citizens of the state of Washington with information relating to persons and organizations who solicit funds from the public for public charitable purposes ~~((the purposes for which such funds are solicited, and their actual uses; and))~~ in order to prevent (1) deceptive and dishonest ~~((statements and conduct in the solicitation of))~~ practices in the conduct of soliciting funds for or in the name of charity; and (2) improper use of contributions intended for charitable purposes.

Sec. 2, Section 2, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 265, Laws of 1983 and RCW 19.09.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) A "bona fide officer or employee" of a charitable organization is one (a) whose conduct is subject to direct control by such organization ((and)); (b) who does not act in the manner of an independent contractor in his or her relation with the organization; and (c) whose compensation is not computed on funds raised or to be raised.

(2) "Charitable organization" means ((-)(a) Any benevolent, philanthropic, patriotic, eleemosynary, education, social, recreation, fraternal organization, or any other person having or purporting to have a charitable nature, and (b) which solicits or solicits and collects contributions for any charitable purpose. "Charitable" shall have its common-law meaning unless the context in which it is used clearly requires a narrower or a broader meaning)) any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable activity. "Charitable" (a) is not limited to its common law meaning unless the context clearly requires a narrower meaning; (b) does not include religious or political activities; and (c) includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, or health causes.

(3) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

(4) "Contribution" means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights less the reasonable purchase price to the charitable organization of any such tangible merchandise, rights, or services resold by the organization, and not merely that portion of the purchase price to be applied to a charitable purpose.

((4) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.))

(5) "Cost of solicitation" means and includes all direct and indirect costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation ((for a direct gift or conducting a sale or benefit affair;)), Cost of solicitation ((shall)) does not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund raising activities.

(6) (("Direct gift" shall mean and include an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.

((7)) "Entity" means an individual, organization, group, association, partnership, corporation, agency or unit of state government, or any combination thereof.

(7) "General public" or "public" means any individual located in Washington state without a membership or other official relationship with a charitable organization before a solicitation by the charitable organization.

(8) "Independent fund raiser" or "independent fund-raising entity" means any entity that for compensation or other consideration, plans, conducts, manages, or administers any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable or religious purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations. However, a nonprofit fund raiser or bona fide officer or other employee of a charitable organization shall not be deemed an independent fund raiser.

(9) "Membership" means that for the payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor, or other direct benefit, in addition to the right to vote, elect officers, or hold office. The term "membership" ((shall)) does not include those persons who are granted a membership upon making a contribution as the result of solicitation.

((10)) (10) "Nonprofit fund raiser" means an entity registered as a nonprofit corporation under Title 24 RCW, or any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code, that solicits and receives contributions exceeding five thousand dollars in any accounting year on behalf of a charitable or religious organization other than the nonprofit corporation.

(11) "Other employee" of a charitable organization means any person (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of any independent contractor in his or her relation with the organization; and (c) who is not engaged in the business of or held out to persons in this state as independently engaged in the business of soliciting contributions for charitable or religious purposes.

(12) "Parent organization" means that part of a charitable organization (~~(which)~~) that coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more chapters, branches, or affiliates of such organization in the state of Washington.

~~((9) "Person" means an individual, organization, group, association, partnership, corporation, or any combination thereof.~~

~~(10) "Professional fund raiser" means any person who, for compensation or other consideration, plans, conducts, manages, or advises concerning any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable purpose, or who engages in the business of or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations: PROVIDED, That the following persons shall not be deemed professional fund raisers: (a) Any bona fide officer or employee of a charitable organization which maintains a permanent establishment in the state of Washington; whose salary or other compensation is not computed on funds raised or to be raised; (b) a clergyman of a religious corporation exempt under the provisions of RCW 19.09.030;~~

~~(11) A "professional solicitor" means any person other than a professional fund raiser who is employed or retained for compensation by any person or charitable organization to solicit contributions for charitable purposes from persons in this state, but shall not include any bona fide officer or employee of a registered charitable organization;~~

~~(12) "Sale and benefit affair" shall mean and include, but not be limited to, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater, or variety show which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith: PROVIDED, That bingo activities, raffles, and amusement games conducted pursuant to the provisions of chapter 9.46 RCW and applicable rules of the Washington state gambling commission are specifically excluded and shall not be deemed a solicitation within the provisions of this chapter.))~~

~~(13) "Political activities" means those activities subject to chapter 42.17 RCW or the Federal Elections Campaign Act of 1971, as amended.~~

~~(14) "Religious activities" means those religious, evangelical, or missionary activities under the direction of a religious organization duly organized and operating in good faith that are entitled to receive a declaration of current tax exempt status for religious purposes from the United States government and the duly organized branches or chapters of those organizations.~~

~~(15) "Secretary" means the secretary of state.~~

~~((14)) (16) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:~~

~~(a) Any appeal is made for any charitable purpose; or~~

~~(b) The name of any charitable organization is used as an inducement for consummating the sale; or~~

~~(c) Any statement is made ((which)) that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.~~

~~The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.~~

~~Bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission are specifically excluded and shall not be deemed a solicitation under this chapter.~~

~~Sec. 3, Section 4, chapter 265, Laws of 1983 and RCW 19.09.065 are each amended to read as follows:~~

~~(1) All charitable organizations, independent fund raisers, and nonprofit fund raisers, as defined in RCW 19.09.020(~~unless exempt under RCW 19.09.030~~), shall register with the secretary.~~

~~(2) Failure to register as required by this chapter is a violation of this chapter.~~

~~(3) Information provided to the secretary pursuant to this chapter shall be a public record.~~

~~(4) Registration shall not be considered or be represented as an endorsement by the secretary or the state of Washington.~~

~~Sec. 4, Section 5, chapter 265, Laws of 1983 and RCW 19.09.075 are each amended to read as follows:~~

~~An application for registration as a charitable organization shall ((contain)) be submitted in the form prescribed by the secretary, containing, but not limited to, the following:~~

~~(1) The name, address, and telephone number of the charitable organization;~~

~~(2) The name(s) under which the organization will solicit contributions;~~

~~(3) The name, address, and telephone number of the ((president and treasurer, or comparable)) officers(;) of the organization;~~

(4) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(5) The purpose of the ((solicitations)) organization;

((5)) (6) (a) Whether the organization is exempt from federal income tax; and

(b) Whether the financial affairs of the organization are audited by an independent entity and, if so, the name and address of the entity;

(7) A solicitation ((history)) report of the organization for the preceding accounting year including:

(a) The number and types of solicitations ((campaigns over the past three years)) conducted;

(b) The total ((amount of money applied to the costs of the solicitations over the past three years):

(c) The total amount of money dispersed for charitable purposes over the past three years;

(d) The number of solicitation campaigns reported under subsection (5)(a) of this section for which the organization used a professional fund raiser; and

((6)) dollar value of support received from solicitations and from all other sources received on behalf of the charitable purpose of the charitable organization;

(c) The total amount of money applied to charitable purposes, fund raising costs, and other expenses;

(d) The name, address, and telephone number of any independent fund raiser used by the organization; and

(8) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305.

The requirements of subsection ~~((s (5)(b)))~~ (7) (b) and (c) of this section may be satisfied by the submission of ~~((an independent certified audit))~~ such federal tax forms as may be approved by rule of the secretary.

The application shall be ~~((submitted with a fifteen-dollar filing fee and shall be))~~ signed by the president, treasurer, or comparable officer of the organization and be submitted with a nonrefundable, ten-dollar filing fee. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

NEW SECTION, Sec. 5. A new section is added to chapter 19.09 RCW to read as follows:

The application requirements of RCW 19.09.075 do not apply to the following:

(1) Any charitable organization raising less than five thousand dollars in any accounting year when all the activities of the organization, including all fund raising activities, are carried on by persons who are unpaid for their services and no part of the charitable organization's assets or income inures to the benefit of or is paid to any officer or member of the organization;

(2) Any charitable organization located outside of the state of Washington if the organization files the following with the secretary:

(a) The registration documents required under the charitable solicitation laws of the state in which the charitable organization is located;

(b) The registration required under the charitable solicitation laws of the state of California and the state of New York; and

(c) Such federal income tax forms as may be required by rule of the secretary.

NEW SECTION, Sec. 6. A new section is added to chapter 19.09 RCW to read as follows:

An application for registration as a nonprofit fund raiser shall be submitted in the form prescribed by the secretary and shall contain the following:

(1) The name, address, and telephone number of the organization;

(2) The name(s), address(es), and the telephone number(s) of the officers of the organization;

(3) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(4) Whether the financial affairs of the organization are audited by an independent entity, and, if so, the name and address of the entity; and

(5) A solicitation report of the organization for the preceding accounting year, including:

(a) The number and types of fund raising activities conducted on behalf of charitable organizations;

(b) The names of charitable organizations on whose behalf fund raising activities were conducted;

(c) The total value of contributions received on behalf of charitable organizations; and

(d) The amount of money disbursed to charitable organizations for charitable purposes.

The application shall be signed by the president, treasurer, or comparable officer of the organization and be submitted with a nonrefundable, ten dollar filing fee. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

Sec. 7. Section 15, chapter 265, Laws of 1983 and RCW 19.09.079 are each amended to read as follows:

An application for registration as ~~((a professional))~~ an independent fund raiser shall ~~((contain))~~ be submitted in the form prescribed by the secretary, containing, but not limited to, the following:

(1) The name, address, and telephone number of the ~~((professional fund raiser))~~ independent fund-raising entity;

(2) ~~((A solicitation history of the professional fund raiser for the past three years including:~~

~~(a) Number of solicitation campaigns;~~

~~(b) Names of charitable organizations for whom fund raising has been performed; and~~

~~(c) A list of the states in which fund raising has been performed; and~~

~~((3)) The name(s), address(es), and telephone number(s) of the owner(s) and principal officer(s) of the independent fund-raising entity;~~

(3) The name, address, and telephone number of the individual responsible for the activities of the independent fund-raising entity in Washington;

(4) A list of states and Canadian provinces in which fund raising has been performed;

(5) The names of the three officers or employees receiving the greatest amount of compensation from the independent fund-raising entity;

(6) Whether the financial affairs of the independent fund raiser are audited by an independent entity, and, if so, the name and address of the entity;

(7) A solicitation report of the independent fund-raising entity for the preceding accounting year, including:

~~(a) The number and types of fund raising services conducted;~~

~~(b) The names of charitable organizations required to register under RCW 19.09.065 for whom fund raising services have been performed;~~

~~(c) The total value of contributions received on behalf of charitable organizations required to register under RCW 19.09.065 by the independent fund raiser, affiliate of the independent fund raiser, or any entity retained by the independent fund raiser; and~~

~~(d) The amount of money disbursed to charitable organizations for charitable purposes, net of fund raising costs paid by the charitable organization as stipulated in any agreement between charitable organizations and the independent fund raiser;~~

(8) The name, address, and telephone number of any independent fund raiser that was retained in the conduct of providing fund raising services; and

(9) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305.

The application shall be signed by an officer or owner of the independent fund raiser and shall be submitted with a ~~((fifteen-dollar))~~ nonrefundable, fifty-dollar filing fee ~~((and shall be signed by the professional fund-raiser))~~. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

Sec. 8. Section 8, chapter 265, Laws of 1983 and RCW 19.09.085 are each amended to read as follows:

(1) Registration under this chapter shall be effective for ~~((two years))~~ one year, or the end of the organization's accounting year, whichever comes first.

(2) ~~((Persons and charitable organizations))~~ Reregistration required under RCW 19.09.075 and section 6 of this act shall be received by the secretary no later than the fifteenth day of the fifth month after the organization's accounting period ends.

(3) Reregistration required under RCW 19.09.079 shall be received by the secretary no later than the fifteenth day of the third month after the organization's accounting period ends.

(4) Entities required to register under this chapter shall file a notice of change of information within thirty days of any change in the information contained in RCW 19.09.075 (1) through ~~((4))~~ (6), 19.09.079 (1) through (6), or section 6 (1) through (4) of this act.

~~((3))~~ (5) The secretary may notify ~~((persons and charitable organizations))~~ entities registered under this chapter of the need to reregister upon the expiration of their current registration. The notification shall be by mail, sent at least sixty days prior to the expiration of their current registration.

Sec. 9. Section 6, chapter 265, Laws of 1983 and RCW 19.09.095 are each amended to read as follows:

~~((if any chapter, branch, affiliate, or area division of))~~ A charitable organization that is supervised and controlled by a superior or parent organization ((which) that is incorporated, qualified to do business, or is doing business within this state((such chapter, branch, affiliate, or area division)) shall not be required to register under RCW 19.09.065 if the superior or parent organization files an application, on behalf of its subsidiary, in addition to or as a part of its own application. If an application has been filed by a superior or parent organization, on behalf of the subsidiary organization, the superior or parent organization ((need not include the financial statement information as part of its financial report for any chapter, branch, or affiliate which solicits and collects less than five hundred dollars during its fiscal year, providing all such fund raising is done by persons who are unpaid for such services. For those chapters, branches, or affiliates which solicit, collect, or expend between five hundred dollars and five thousand dollars during their fiscal year, the superior or parent organization shall report such financial information either separately or in consolidated form. For those chapters,

~~branches, or affiliates which solicit, collect, or expend in excess of five thousand dollars during their fiscal year, the superior or parent organization shall set forth such financial information separately, in addition to including such information in consolidated form)) shall (1) report financial information either separately or in consolidated form for its subsidiary organization(s), and (2) identify the subsidiary organization(s) on whose behalf the application is being submitted, indicating which such organization(s), if any, collected or expended five thousand dollars or more during their fiscal year.~~

NEW SECTION, Sec. 10. A new section is added to chapter 19.09 RCW to read as follows:

Before contracting for any fund raising service or activity, the charitable organization and independent fund raiser shall complete a registration form. The registration shall be filed by the charitable organization with the secretary, in the form prescribed by the secretary, within five working days of the execution of the contract containing, but not limited to the following information:

- (1) The name and registration number of the independent fund raiser;
- (2) The name of the surety or sureties issuing the bond required by RCW 19.09.190, the aggregate amount of such bond or bonds, the bond number(s), original effective date(s), and termination date(s);
- (3) The name and registration number of the charitable organization;
- (4) The name of the representative of the independent fund raiser who will be responsible for the conduct of the fund raising;
- (5) The type(s) of service(s) to be provided by the independent fund raiser;
- (6) The dates such service(s) will begin and end;
- (7) The terms of the agreement between the charitable organization and independent fund raiser relating to:
 - (a) Amount or percentages of amounts to inure to the charitable organization;
 - (b) Limitations placed on the maximum amount to be raised by the fund raiser, if the amount to inure to the charitable organization is not stated as a percentage of the amount raised;
 - (c) Costs of fund raising that will be the responsibility of the charitable organization, regardless of whether paid as a direct expense, deducted from the amounts disbursed, or otherwise;
 - (d) The manner in which contributions received directly by the charitable organization, not the result of services provided by the independent fund raiser, will be identified and used in computing the fee owed to the independent fund raiser; and
 - (8) The names of any entity to which more than ten percent of the total anticipated fund raising cost is to be paid, and whether any principal officer or owner of the independent fund raiser or relative by blood or marriage thereof is an owner or officer of any such entity.

The registration form shall be submitted with a nonrefundable, five-dollar filing fee and shall be signed by an owner or principal officer of the independent fund raiser and the president, treasurer, or comparable officer of the charitable organization.

Sec. 11, Section 10, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 265, Laws of 1983 and RCW 19.09.100 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

- (1) Each person or organization soliciting charitable contributions shall disclose orally or in writing to each person or organization solicited:
 - (a) The name of the individual making the solicitation;
 - (b) The name of the charitable organization;
 - (c) The purpose of the solicitation, and the name of the organization that will receive the funds contributed; and
 - (d) ~~((Upon request, the estimated percentage of the money collected which will be applied to the cost of the solicitation or to the charitable purpose;~~
- ~~(2)) Whether the charitable organization is or is not properly registered under this chapter, and if registered, that information relating to its financial affairs is available by contacting the office of the secretary of state, giving the secretary's toll-free telephone number, if available.~~
- (2) Each person or organization soliciting charitable contributions shall conspicuously disclose in writing to each person or organization solicited:
 - (a) If the solicitation is conducted by a charitable organization, the percentage relationship between (i) the total amount of money applied to charitable purposes; and (ii) the dollar value of support received from solicitations and from all other sources received on behalf of the charitable purpose of the organization, as contained in the organization's most recent solicitation report filed in accordance with RCW 19.09.075(7);
 - (b) If the solicitation is conducted by an independent or nonprofit fund raiser, the percentage relationship between (i) the amount of money disbursed to charitable organizations for charitable purposes; and (ii) the total value of contributions received on behalf of charitable organizations by the independent or nonprofit fund raiser, as contained in the fund raiser's most recent solicitation report filed in accordance with RCW 19.09.079(7) or section 6 of this act.
- (3) Each person or organization soliciting charitable contributions by telephone shall make the disclosures required by RCW 19.09.100(2) (a) or (b) in writing within five days of the receipt

of any contribution. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in RCW 19.09.100(1)(d), and 19.09.100 (2) (a) or (b), whichever is applicable.

(4) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if the person soliciting is employed, contracted, or paid by an independent fund raiser.

(5) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government.

(6) A charitable organization shall comply with all local governmental regulations ((which) that apply to soliciting for or on behalf of charitable organizations(;;).

((3)) (7) The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure((-and)).

((4)) (8) Solicitations shall not be conducted by a charitable organization or independent fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years ((and) or has been subject to any permanent injunction or administrative order or judgment(;;)) under ((the provisions of) RCW 19.86.080 or 19.86.090, involving a violation or violations of ((the provisions of) RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

Failure to comply with subsections (1) through ((4)) (8) of this section is a violation of this chapter.

Sec. 12. Section 20, chapter 13, Laws of 1973 1st ex. sess. as amended by section 9, chapter 227, Laws of 1982 and RCW 19.09.200 are each amended to read as follows:

Charitable organizations and ((professional)) independent fund raisers shall maintain accurate, current, and readily available books and records at their usual business locations until at least three years ((shall)) have elapsed following the effective period to which they relate.

All contracts between ((professional)) independent fund raisers and charitable organizations shall be in writing, and true and correct copies of such contracts or records thereof shall be kept on file in the various offices of the charitable organization ((and/or professional)) and the independent fund raiser for a three-year period ((as provided in this section)). Such records and contracts shall be available for inspection and examination by the attorney general or by the county prosecuting attorney. A copy of such contract or record shall be submitted by the charitable organization or ((professional)) independent fund raiser, within ten days, following receipt of a written demand therefor from the attorney general or county prosecutor.

Sec. 13. Section 21, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 265, Laws of 1983 and RCW 19.09.210 are each amended to read as follows:

Upon the request of the attorney general or the county prosecutor, a charitable organization shall submit a financial statement containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to ((professional)) independent fund raisers ((and solicitors)).

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

Sec. 14. Section 23, chapter 13, Laws of 1973 1st ex. sess. as amended by section 11, chapter 227, Laws of 1982 and RCW 19.09.230 are each amended to read as follows:

No charitable organization, ((professional)) independent fund raiser, or ((professional solicitor shall)) other entity may knowingly use the name of any other person for the purpose of soliciting contributions from persons in this state without the written consent of such other person((-PROVIDED, That)). Such consent may be deemed to have been given by anyone who is a

director, trustee, other officer, employee, agent, ~~((professional))~~ or independent fund raiser ~~(-or professional solicitor)~~ of the charitable organization.

A person may be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, advertisement, brochure, or correspondence of the charitable organization or person or if such name is listed or represented to any one who has contributed to, sponsored, or endorsed the charitable organization or person, or its or his activities.

Sec. 15. Section 24, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.240 are each amended to read as follows:

No charitable organization, ~~((professional))~~ independent fund raiser, or other person soliciting contributions for or on behalf of a charitable organization ~~((shall))~~ may use a name, symbol, or statement so closely related or similar to that used by another charitable organization or governmental agency that the use thereof would tend to confuse or mislead the public.

Sec. 16. Section 19, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 16, chapter 265, Laws of 1983 and RCW 19.09.190 are each amended to read as follows:

~~Every ((person employed or retained as a professional fund raiser by or for a charitable organization)) independent fund raiser who (1) directly or indirectly receives contributions from the public on behalf of any charitable organization; or (2) is compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any other similar method; or (3) incurs or is authorized to incur expenses on behalf of the charitable organization; or (4) has not been registered with the secretary as an independent fund raiser for the preceding accounting year shall execute a surety bond as principal ~~((in the amount of five thousand dollars))~~ with one or more sureties whose liability in the aggregate as such sureties will ~~((at least equal the said sum))~~ equal at least fifteen thousand dollars. The secretary may, by rule, provide for the reduction and reinstatement of the bond required by this section.~~

~~The issuer of the surety bond shall be licensed to do business in this state, and shall promptly notify the secretary when claims or payments are made against the bond. The bond shall be filed with the secretary in the form prescribed by the secretary. The bond shall run to the state and to any person who may have a cause of action against the obligor of said bond for any malfeasance ~~((or))~~, misfeasance, or deceptive practice in the conduct of such solicitation.~~

NEW SECTION. Sec. 17. A new section is added to chapter 19.09 RCW to read as follows:

(1) Any charitable organization, nonprofit fund raiser, or independent fund raiser who, after notification by the secretary, fails to properly register under this chapter by the end of the first business day following the issuance of the notice, is liable for a late filing fee of five dollars per day from the date of the notice until the registration is properly completed and filed. The late filing fee is in addition to any other filing fee provided by this chapter.

(2) The secretary shall notify the attorney general of any entity liable for late filing fees under subsection (1) of this section.

Sec. 18. Section 14, chapter 222, Laws of 1977 ex. sess. as last amended by section 11, chapter 265, Laws of 1983 and RCW 19.09.275 are each amended to read as follows:

Any person who wilfully and knowingly violates any provision of this chapter or who wilfully and knowingly gives false or incorrect information to the secretary, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report is verified is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

Any person who ~~((wilfully and knowingly))~~ violates any provisions of this chapter or who ~~((shall wilfully and knowingly))~~ gives false or incorrect information to the secretary, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report is verified, ~~((shall be deemed))~~ is guilty of a misdemeanor ~~((as provided in))~~ punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 13, Laws of 1973 1st ex. sess., section 2, chapter 106, Laws of 1974 ex. sess., section 2, chapter 222, Laws of 1977 ex. sess., section 2, chapter 265, Laws of 1983 and RCW 19.09.030;

(2) Section 3, chapter 265, Laws of 1983 and RCW 19.09.045;

(3) Section 5, chapter 13, Laws of 1973 1st ex. sess., section 13, chapter 265, Laws of 1983 and RCW 19.09.050; and

(4) Section 14, chapter 265, Laws of 1983 and RCW 19.09.069.

NEW SECTION. Sec. 20. To carry out this act, the sum of twelve thousand dollars, or so much thereof as may be necessary, is appropriated to the secretary of state from the general fund for the biennium ending June 30, 1987.

NEW SECTION. Sec. 21. This act shall take effect on January 1, 1987.*

Senator Goltz moved that the following amendment by Senators Goltz, McDermott and Patterson to the Committee on Judiciary amendment be adopted:

On page 4, line 23, after "hereof," insert "Entity does not include state public institutions of higher education."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Goltz, McDermott and Patterson to the Committee on Judiciary amendment.

The motion by Senator Goltz failed and the amendment to the committee amendment was not adopted on a rising vote.

MOTION

Senator Pullen moved that the following amendment by Senators Pullen and Zimmerman to the Committee on Judiciary amendment be adopted:

On page 5, line 36, after "exceeding" strike "five" and insert "twenty-five"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen and Zimmerman to the Committee on Judiciary amendment.

The motion by Senator Pullen failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the Committee on Judiciary amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1726, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Talmadge, again, going back to page 4, the definition of entity, would the Washington State Legislature soliciting private sector contributions for the NCSL convention last summer have to comply with this law?"

Senator Talmadge: "Senator, I think I would suggest to you that an organization that is presently subject to public disclosure or the federal election commission disclosure process, would be immune from the provisions of the bill. If it were a purpose that is not subject to the disclosure provisions of RCW 42.17 or the disclosure provisions in federal law for a political purpose, then I would have to say 'yes' it probably would be."

Senator Goltz: "Would the Washington State Expo '86 Commission, which is also soliciting money from the private sector to complete our effort up in Vancouver, British Columbia, have to register under this law?"

Senator Talmadge: "My answer is for the same reason, probably 'yes,' unless it is covered by RCW 42.17 or the federal election commission process."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1726, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1726, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Wojahn - 34.

Voting nay: Senators Benitz, Bluechel, Craswell, Goltz, Johnson, Kiskaddon, McDermott, Owen, Patterson, Peterson, Pullen, Sellar, Williams, Zimmerman - 14.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1726, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1899, by Representatives Prince, Lux, Chandler, C. Smith, Vekich, Jacobsen and Nealey

Providing for the establishment of a state land bank.

The bill was read the second time.

MOTIONS

Senator Hansen moved that the following Committee on Agriculture amendment be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The director of general administration, by rule, shall provide for the establishment, incorporation, operation, and regulation of a borrower-owned corporate entity to be known as the Washington land bank. The Washington land bank shall be patterned after the federal land banks organized under the Farm Credit Act of 1971, as amended, within state constitutional limits. The Washington land bank shall be organized by eligible borrowers and shall be designed to accomplish the objective of furnishing sound, adequate, and constructive long-term credit to farmer and rancher borrowers in the state of Washington. For purposes of this chapter, "farmer and rancher" includes producers of privately cultured aquatic products.

NEW SECTION. Sec. 2. The Washington land bank shall be a body corporate and, subject to regulation as provided by rules promulgated by the director of general administration, shall have the power to:

- (1) Adopt and use a corporate seal.
 - (2) Have succession until dissolved under this chapter or rules promulgated pursuant to section 1 of this act.
 - (3) Make contracts.
 - (4) Sue and be sued.
 - (5) Acquire, hold, dispose, and otherwise exercise all the usual incidents of ownership of real and personal property necessary or convenient to its business.
 - (6) Make and participate in loans, make commitments for credit, accept advance payments, and provide services and other assistance as authorized in this chapter, and charge fees therefor.
 - (7) Operate under the direction of its board of directors.
 - (8) Elect by its board of directors a president, any vice-president, a secretary, and a treasurer, and provide for such other officers, employees, and agents as may be necessary, define their duties, and require surety bonds or make other provision against losses occasioned by employees.
 - (9) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers, employees, and agents are elected or provided for; its property acquired, held, and transferred; its loans and appraisals made; its general business conducted; and the privileges granted it by law exercised and enjoyed.
 - (10) Borrow money and issue notes, bonds, debentures, or other obligations of such character, terms, conditions, and rates of interest as may be determined.
 - (11) Participate with one or more other lenders, including federal land banks existing under the Farm Credit Act of 1971, as amended, in loans that the corporation is authorized to make under this chapter.
 - (12) Deposit its securities and its current funds with any member bank of the federal reserve system or any insured state nonmember bank as defined in section 2 of the Federal Deposit Insurance Act and pay fees therefor and receive interest thereon as may be agreed.
 - (13) Buy and sell obligations of or insured by the United States or of any agency thereof, and, as may be authorized by its board of directors and by rule promulgated pursuant to section 1 of this act, (a) sell to other lenders interests in loans, (b) buy from other lenders interests in loans which the corporation could make directly under this chapter, and (c) make other investments.
 - (14) Conduct studies and make and adopt standards for lending.
 - (15) Amend and modify loan contracts, documents, and payment schedules, and release, subordinate, or substitute security for any of them.
 - (16) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry on the business of the corporation.
- NEW SECTION.** Sec. 3. The voting stock of the Washington land bank shall be held only by borrowers who are farmers or ranchers, which stock shall not be transferred, pledged, or hypothecated except to other eligible borrowers. The rules promulgated by the director pursuant to section 1 of this act shall provide for the amount, par value, classes, voting, dividends, and other attributes of the stock of the corporation.

NEW SECTION. Sec. 4. The Washington land bank is authorized to make or participate with other lenders in long-term real estate mortgage loans in rural areas to eligible borrowers, and to make continuing commitments to make such loans under specified circumstances, for a term of not less than five nor more than forty years.

NEW SECTION. Sec. 5. Loans made by the Washington land bank shall bear interest at a rate or rates, and on such terms and conditions, as may be determined by the board of directors of the bank from time to time, in accordance with rules promulgated pursuant to section 1 of this act. In setting rates and charges, it shall be the objective to provide the credit needed by eligible borrowers at the lowest reasonable cost on a sound business basis, taking into account the cost of money to the corporation, necessary reserves and expenses of the corporation, and providing services to stockholders and members. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan, in accordance with the rate or rates currently being charged by the corporation.

NEW SECTION. Sec. 6. The services authorized in this chapter may be made available to persons who are or become stockholders or members in the Washington land bank and are (1) bona fide farmers or ranchers, or (2) persons furnishing to farmers and ranchers farm-related services directly related to their on-farm operating needs.

NEW SECTION. Sec. 7. Loans originated by the Washington land bank or in which it participates with another lender, including principal and all accrued interest the payment of which has been deferred pursuant to section 8 of this act, shall not exceed sixty-five percent of the appraised value of the real estate security, and shall be secured by first liens on interests in real estate of such classes as may be provided by rule promulgated pursuant to section 1 of this act. The value of security shall be determined by appraisal under appraisal standards prescribed by such rules. Additional security may be required to supplement real estate security.

NEW SECTION. Sec. 8. A borrower may elect, during the first five years of a loan originated by the Washington land bank or in which it participates with another lender, to defer payment of all or any portion of the principal or interest due from the borrower to the corporation, unless the deferral of such payment would cause the principal and accrued interest on such loan to exceed sixty-five percent of the original appraised value or the current appraised value, whichever is less. Upon such election, the payment schedule related to such loan shall be recomputed and modified to provide for repayment of the principal amount of the loan plus accrued but unpaid interest and all interest which shall accrue during the period of deferral and thereafter over a term equal to the original term of the loan, commencing as of the date of such deferral.

NEW SECTION. Sec. 9. Loans made by the Washington land bank shall be made on the basis of long-term profitability rather than short-term cash flow.

NEW SECTION. Sec. 10. The Washington land bank may, in accordance with rules adopted pursuant to section 1 of this act, cause loans to be originated or serviced by other entities, including cooperative associations organized under chapter 24.32 RCW, and may pay or charge a fee therefor.

NEW SECTION. Sec. 11. Loans made by the Washington land bank to farmers and ranchers may be for any agricultural and other credit need of the borrower, including financing for basic processing and marketing directly related to the applicant's operations and those of other eligible farmers and ranchers. The borrower's operations shall supply at least twenty percent, or such larger percentage that is required by the board of directors of the corporation or by rule promulgated pursuant to section 1 of this act, of total processing or marketing for which financing is extended.

Loans to persons furnishing farm-related services to farmers and ranchers directly related to their on-farm operating needs may be made for the necessary capital structures and equipment and initial working capital for such services. The banks may own and lease, or lease with option to purchase, to persons eligible for assistance under this chapter, facilities needed in the operations of such persons.

NEW SECTION. Sec. 12. The provisions of the general corporation laws of this state, and all powers and rights thereunder, shall apply to the corporation organized under this chapter, except where such provisions are in conflict with or inconsistent with the express provisions of this chapter or rules adopted pursuant to section 1 of this act.

NEW SECTION. Sec. 13. Bonds and other evidences of indebtedness issued pursuant to this chapter shall not be obligations of the state of Washington and shall be obligations only of the Washington land bank established pursuant to this chapter. Funds of the Washington land bank shall not be or constitute public moneys or funds of the state of Washington but shall at all times be kept segregated and set apart from other funds.

NEW SECTION. Sec. 14. There is hereby created the land bank advisory committee to advise the department of general administration in the development of rules and procedures under section 1 of this act which apply to the establishment of the Washington land bank. The committee shall be composed of nine members: One member from each caucus appointed by the president of the senate; one member from each caucus appointed by the speaker of the house of representatives; the director of agriculture or his or her designee; one member

knowledgeable in agricultural financing appointed by the director of general administration; two members representing agricultural producers appointed by the director of agriculture; and the director of general administration, or his or her designee. The director of general administration or designee shall act as chairman.

The advisory committee shall meet at the call of the director of general administration, but shall not meet less than four times. The advisory committee shall provide a report on the status of implementation of the Washington land bank to the legislature by January 1, 1987.

Sec. 15. Section 30.04.020, chapter 33, Laws of 1955 as last amended by section 2, chapter 42, Laws of 1983 and RCW 30.04.020 are each amended to read as follows:

The name of every bank shall contain the word "bank" and the name of every trust company shall contain the word "trust," or the word "bank." Except as provided in RCW 33.08.030, no person except:

- (1) A national bank;
- (2) A bank or trust company authorized by the laws of this state;
- (3) A corporation established under section 1 of this 1986 act;
- (4) A foreign corporation authorized by this title so to do, shall.

(a) Use as a part of his or its name or other business designation or in any manner as if connected with his or its business or place of business any of the following words or the plural thereof, to wit: "bank," "banking," "banker," "trust."

(b) Use any sign at or about his or its place of business or use or circulate any advertisement, letterhead, billhead, note, receipt, certificate, blank, form, or any written or printed or part written and part printed paper, instrument or article whatsoever, directly or indirectly indicating that the business of such person is that of a bank or trust company.

This section shall not prevent a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the National Housing Act from using the words "mortgage banker" or "mortgage banking" in the conduct of its business, but only if both words are used together in either of the forms which appear in quotations in this sentence.

Every person who, and every director and officer of every corporation which, to the knowledge of such director or officer violates any provision of this section shall be guilty of a gross misdemeanor.

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

NEW SECTION. Sec. 17. Sections 1 through 13 of this act shall constitute a new chapter in Title 31 RCW."

On motion of Senator Hansen, the following amendments by Senators Hansen and Barr to the Committee on Agriculture amendment were considered simultaneously and adopted:

On page 5 of the amendment, line 26, strike "(1)"

On page 5 of the amendment, line 26, after "ranchers" strike all material through "needs" on line 30

On page 7 of the amendment, line 13, after "organized" strike "under chapter 24.32 RCW" and insert "specifically for the purposes of this chapter"

On page 7 of the amendment, line 19, after "agricultural" strike "and other credit"

On page 7 of the amendment, line 20, after "borrower" strike all material through "services" on page 8, line 4

On page 8 of the amendment, line 4, after "The" strike "banks" and insert "bank"

On page 9 of the amendment, line 21, after "designee," strike "The director of general administration or designee shall act as chairman."

On page 9 of the amendment, line 25, after "of the" strike "director of general administration" and insert "chair elected by the committee"

The President declared the question before the Senate to be adoption of the Committee on Agriculture amendment, as amended.

The motion by Senator Hansen carried and the Committee on Agriculture amendment, as amended, was adopted.

MOTIONS

On motion of Senator Hansen, the following title amendment was adopted:

On page 1, line 1 of the title, after "bank;" strike the remainder of the title and insert "amending RCW 30.04.020; adding a new chapter to Title 31 RCW; and creating a new section."

On motion of Senator Hansen, the rules were suspended, House Bill No. 1899, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, my question is, I have a clipping here out of the newspaper--'Farm Credit System turns in a whopping \$269,000,000.085 loss,' then they go on to say that thirty-seven banks and there are several banks in the state of Washington, but the farm credit system can borrow on the federal treasury, which they are doing. How do you foresee a local state land bank being able to do business when many farmers already owe up to their tractor hubs on the present farm credit? I just don't understand how you can borrow money when you already owe more than you can pay."

Senator Hansen: "You just answered your own question, Senator Rasmussen. You said they borrowed more than they can pay, but they haven't used the equity of their land. Now if they own that land free title, they can borrow up to sixty-five percent of that land's true evaluation to help this cash flow that they're in right now. The thing that has put us in this position is a lot of federal government regulation of chastising other countries when they wanted to get at them for human rights and things like this. We cut the export of our products off. We lost that market through that maneuver. At the present time, we have a strong dollar. At the present time, Canada's dollar is a third less than ours, so we're catching thirty loads of cattle a week coming into the state of Washington to slaughter and they're being paid at our American higher dollar which gives them a third more than the dollar they would have gotten in Canada, so the price of cattle dropped immediately four cents a pound, which caused this catastrophe that was related to here--a cattleman in my area who lost his shirt--and he did lose his shirt. But the farmer that has an equity in his ground--there are a lot of those farms that are a hundred years old that have been in the family--they have a big equity in the farm and their cash flow is miserable right now, because of elements beyond their control. Now this set up will give people who have an equity in their place the ability to borrow on their equity and hold that cash flow so they can operate."

Senator Rasmussen: "Thank you. Just one brief question. When you take a crop loan, don't they put a lien on the land?"

Senator Hansen: "No. When they take a crop loan, they take a crop loan."

Senator Rasmussen: "Only a lien on the crop?"

Senator Hansen: "On the crop and the equipment."

Senator Rasmussen: "I hope you are successful. I don't know if it will work."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1899, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1899, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1899, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1388, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick, Ebersole, West, Scott, Basich, Gallagher, Vekich, Madsen, Hargrove, R. King, Fisch, Day, Cole, Fisher, Sayan, Winsley and Schoon)

Regulating fire protection agencies in annexation and consolidation actions.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 35.10 RCW to read as follows:

Upon the consolidation of two or more cities or code cities, any employee of the fire department of the former city or cities who (1) was at the time of consolidation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the fire department of the consolidated city or code city, as the case may be, (2) will, as a direct consequence of consolidation, be separated from the employ of the former city, code city or town, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the fire department of the consolidated city, as provided in this section and sections 2 and 3 of this act.

For purposes of this section and sections 2 and 3 of this act, employee means an individual whose employment has been terminated because of a consolidation of two or more cities, code cities or towns.

NEW SECTION. Sec. 2. A new section is added to chapter 35.10 RCW to read as follows:

(1) An eligible employee may transfer into the civil service system of the consolidated city or code city by filing a written request with the civil service commission of the consolidated city. Upon receipt of such request by the civil service commission the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees in the position filled, and (d) in all other matters, such as retirement, sick leave, and vacation, have, within the city or code city civil service system, all the rights, benefits, and privileges to which he or she would have been entitled as a member of the consolidated city fire department from the beginning of his or her employment with the former city or code city fire department: PROVIDED, That for purposes of layoffs by the consolidated city or code city, only the time of service accrued with the consolidated city or code city shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the consolidating fire agencies and consolidated agencies and the consolidating and consolidated fire agencies. A record of the employee's service with the former city or code city fire department shall be transmitted to the applicable civil service commission and shall be credited to such employee as a part of the period of employment in the consolidated city fire department. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the consolidated city or code city fire department as the department determines are needed to provide services. These needed employees shall be taken in order of greatest seniority from any of the seniority lists of the consolidating city or code city and the remaining employees who transfer as provided in this section and sections 1 and 3 of this act shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the fire department when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the city, code city or town shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the consolidating fire agencies and consolidated fire agency and the consolidating and consolidated fire agencies.

(3) The consolidated city or code city shall retain the right to select the fire chief and assistant fire chiefs regardless of seniority.

NEW SECTION. Sec. 3. A new section is added to chapter 35.10 RCW to read as follows:

If, as a result of consolidation of two or more cities, or code cities, any employee is laid off who is eligible to transfer to the city fire department pursuant to this section and sections 1 and 2 of this act, the city fire department shall notify the employee of the right to so transfer and the employee shall have ninety days to transfer employment to the consolidating city, or code city fire department.

NEW SECTION. Sec. 4. A new section is added to chapter 35.10 RCW to read as follows:

Upon the annexation of two or more cities or code cities, any employee of the fire department of the former city or cities who (1) was at the time of annexation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the fire department of the annexed city or code city, as the case may be, (2) will, as a direct consequence of annexation, be separated from the employ of the former city, code city or town, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the fire department of the annexing city, as provided in this section and sections 5 and 6 of this act.

For purposes of this section and sections 5 and 6 of this act, employee means an individual whose employment has been terminated because of annexation by a city, code city or town.

NEW SECTION, Sec. 5. A new section is added to chapter 35.10 RCW to read as follows:

(1) An eligible employee may transfer into the civil service system of the annexing city, code city or town by filing a written request with the city, code city or town civil service commission. Upon receipt of such request by the civil service commission the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees in the position filled, and (d) in all other matters, such as retirement, sick leave, and vacation, have, within the city, code city or town civil service system, all the rights, benefits, and privileges to which he or she would have been entitled as a member of the annexed city, code city or town fire department from the beginning of his or her employment with the former city or code city fire department: PROVIDED, That for purposes of layoffs by the annexing city or code city, only the time of service accrued with the annexing city or code city shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. A record of the employee's service with the former city or code city fire department shall be transmitted to the applicable civil service commission which shall be credited to such employee as a part of the period of employment in the annexed city, code city or town fire department. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the annexing city, code city or town fire department as the department determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and sections 4 and 6 of this act shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the city, code city or town fire department when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the city, code city or town shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies.

NEW SECTION, Sec. 6. A new section is added to chapter 35.10 RCW to read as follows:

If, as a result of annexation of two or more cities, or code cities any employee is laid off who is eligible to transfer to the city, code city or town fire department under this section and sections 4 and 5 of this act the fire department shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the annexing city or code city fire department.

NEW SECTION, Sec. 7. A new section is added to chapter 35.13 RCW to read as follows:

If any portion of a fire protection district is annexed to or incorporated into a city, code city or town, any employee of the fire protection district who (1) was at the time of such annexation or incorporation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the city, code city or town fire department (2) will, as a direct consequence of annexation or incorporation, be separated from the employ of the fire protection district, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the civil service system of the city, code city or town fire department as provided for in this section and sections 8 and 9 of this act.

For purposes of this section and sections 8 and 9 of this act, employee means an individual whose employment with a fire protection district has been terminated because the fire protection district was annexed by a city, code city or town for purposes of fire protection.

NEW SECTION, Sec. 8. A new section is added to chapter 35.13 RCW to read as follows:

(1) An eligible employee may transfer into the civil service system of the city, code city or town fire department by filing a written request with the city, code city or town civil service commission and by giving written notice thereof to the board of commissioners of the fire protection district. Upon receipt of such request by the civil service commission the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees of the city, code city or town fire department in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees of the city, code city or town fire department in the position filled, and (d) in all other matters, such as retirement, sick leave, and vacation, have, within the city, code city or town civil service system, all the rights, benefits, and privileges to which he or she would have been entitled as a member of the city, code city or town fire department from the beginning of employment with the fire protection district: PROVIDED, That for purposes of layoffs by the annexing fire agency, only the time of service accrued with the annexing agency shall apply unless an agreement is reached between the

collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. The board of commissioners of the fire protection district shall, upon receipt of such notice, transmit to any applicable civil service commission a record of the employee's service with the fire protection district which shall be credited to such employee as a part of the period of employment in the city, code city or town fire department. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the city, code city or town fire department as the department determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and sections 7 and 9 of this act shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the city, code city or town fire department when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the city, code city or town shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies.

NEW SECTION. Sec. 9. A new section is added to chapter 35.13 RCW to read as follows:

If any portion of a fire protection district is annexed to or incorporated into a city, code city or town, and as a result any employee is laid off who is eligible to transfer to the city, code city or town fire department under this section and sections 7 and 8 of this act the fire protection district shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the city, code city or town fire department.

NEW SECTION. Sec. 10. A new section is added to chapter 52.04 RCW to read as follows:

When any city, code city or town is annexed to a fire protection district under RCW 52.04-.061 and 52.04.071, any employee of the fire department of such city, code city or town who (1) was at the time of annexation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the fire protection district (2) will, as a direct consequence of annexation, be separated from the employ of the city, code city or town, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer his employment to the fire protection district as provided in this section and sections 11 and 12 of this act.

For purposes of this section and sections 11 and 12 of this act, employee means an individual whose employment with a city, code city or town has been terminated because the city, code city or town was annexed by a fire protection district for purposes of fire protection.

NEW SECTION. Sec. 11. A new section is added to chapter 52.04 RCW to read as follows:

(1) An eligible employee may transfer into the fire protection district civil service system, if any, or if none, then may request transfer of employment under this section by filing a written request with the board of fire commissioners of the fire protection district and by giving written notice to the legislative authority of the city, code city or town. Upon receipt of such request by the board of fire commissioners the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees of the fire protection district in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees of the fire protection district in the position filled, and (d) in all other matters, such as retirement, vacation, and sick leave, have all the rights, benefits, and privileges to which he or she would have been entitled as an employee of the fire protection district from the beginning of employment with the city, code city or town fire department: PROVIDED, That for purposes of layoffs by the annexing fire agency, only the time of service accrued with the annexing agency shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. The city, code city or town shall, upon receipt of such notice, transmit to the board of fire commissioners a record of the employee's service with the city, code city or town which shall be credited to such employee as a part of the period of employment in the fire protection district. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the fire protection district as the district determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and sections 10 and 12 of this act shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the fire protection district when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the fire protection district shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer

period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies.

NEW SECTION, Sec. 12. A new section is added to chapter 52.04 RCW to read as follows:

When a city, code city or town is annexed to a fire protection district and as a result any employee is laid off who is eligible to transfer to the fire protection district pursuant to this section and sections 10 and 11 of this act, the city, code city or town shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the fire protection district.

NEW SECTION, Sec. 13. A new section is added to chapter 52.06 RCW to read as follows:

When any portion of a fire protection district merges with another fire protection district, any employee of the merging district who (1) was at the time of merger employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the merger district (2) will, as a direct consequence of the merger, be separated from the employ of the merging district, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the merger district as provided in this section and sections 14 and 15 of this act.

For purposes of this section and sections 14 and 15 of this act, employee means an individual whose employment with a fire protection district has been terminated because the fire protection district merged with another fire protection district for purposes of fire protection.

NEW SECTION, Sec. 14. A new section is added to chapter 52.06 RCW to read as follows:

(1) An eligible employee may transfer into the merger district by filing a written request with the board of fire commissioners of the merger district and by giving written notice to the board of fire commissioners of the merging district. Upon receipt of such request by the board of the merger district the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees of the merger district in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees of the merger district in the position filled, and (d) in all other matters, such as retirement, vacation, and sick leave, have, all the rights, benefits, and privileges to which he or she would have been entitled to as an employee of the merger district from the beginning of employment with the merging district: PROVIDED, That for purposes of layoffs by the merger fire agency, only the time of service accrued with the merger agency shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the merging and merger fire agencies and the merging and merger fire agencies. The board of the merging district shall, upon receipt of such notice, transmit to the board of the merger district a record of the employee's service with the merging district which shall be credited to such employee as a part of the period of employment in the merger district. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the merger district as the merger district determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and sections 13 and 15 of this act shall head the list for employment in order of their seniority, to the end that they shall be the first to be reemployed in the merger district when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the fire protection district shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the merging and merged fire agencies and the merging and merged fire agencies.

NEW SECTION, Sec. 15. A new section is added to chapter 52.06 RCW to read as follows:

If, as a result of merging of districts any employee is laid off who is eligible to transfer to the merger district under this section and sections 13 and 14 of this act, the merging district shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the merger district.

NEW SECTION, Sec. 16. Sections 1 through 3 of this act shall take effect July 1, 1987. The appropriate committees of the senate and house of representatives shall conduct a study of the transfer rights of employees during the consolidation of cities and code cities and make recommendations to the legislature at the start of the 1987 legislative session.

NEW SECTION, Sec. 17. Sections 4 through 15 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 4 of the title after "RCW;" insert "providing an effective date:"

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1388, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Thompson: "Senator Warnke, it is my understanding, as originally introduced, this legislation had an intended retroactive effect, but that the effect has been amended out by this action."

Senator Warnke: "That's true, Senator Thompson. We took out all references to retroactivity in this bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1388, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1388, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; absent, 2; excused, 1.

Voting yea: Senators Bauer, Bender, Benitz, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Johnson, Kreidler, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 32.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Newhouse, Patterson, Sellar, Zimmerman - 14.

Absent: Senators Deccio, Goltz - 2.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1388, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1802, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick, R. King, Lux, Fisch, Fisher, Cole, Winsley, Sutherland, Holland, Jacobsen and Todd) (by request of Department of Employment Security)

Deleting provisions on marginal labor force attachment.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 1802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1802.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1802 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Barr - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator McDonald was excused.

SECOND READING

HOUSE BILL NO. 1868, by Representatives Belcher, Betrozoff, Locke, Lux, Smitherman, J. Williams, B. Williams, P. King, Rayburn, Baugher, Unsoeld and Winsley (by request of 1989 Washington Centennial Commission)

Prohibiting unauthorized use of official logos of the 1989 Washington centennial.

The bill was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended, House Bill No. 1868 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Kreidler, when you say the logo will not be slapped on various products that would be cheapened, less meaningful than might be the case, are we talking about perhaps cheaper and even less meaningful than what we might expect from the Centennial Commission in terms of its licensing of these products with the commission logo on them?"

Senator Kreidler: "It would depend always on how much they are willing to pay for that privilege--whatever the market will bear in other words."

Senator Talmadge: "Or the good taste of the citizens of Washington State will tolerate?"

Senator Kreidler: "Something to that affect I might assume would be the case."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1868.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1868 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators McDonald, Stratton - 2.

HOUSE BILL NO. 1868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 573, by Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, Wang, G. Nelson, Baugher and West)

Revising provisions relating to claims arising from improvements upon real property.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Newhouse be adopted:

On page 2, after line 22, insert the following:

*NEW SECTION. Sec. 4. A new section is added to chapter 60.04 RCW to read as follows:

Any owner of real property subject to a recorded claim of lien under RCW 60.04.060, or the contractor or subcontractor who disputes the correctness or validity of the claim of lien may record, either before or after the commencement of an action to enforce the claim of lien, in the office of the county recorder or auditor in the county where the claim of lien was recorded.

a bond issued by an insurance company authorized to issue surety bonds in the state, that is acceptable to the lien claimant and contains a description of the claim of lien and real property involved, and in an amount equal to the greater of five thousand dollars or two and one-half times the amount of the claim of lien if it is twenty thousand dollars or less, and in an amount equal to the greater of thirty thousand dollars or two times the amount of claim of lien if it is in excess of twenty thousand dollars. If the claim of lien affects more than one parcel of real property and is segregated to each parcel, the bond may be segregated the same as in the claim of lien. A separate bond shall be required for each claim of lien. The condition of the bond shall be to guarantee the payment of the judgment entered in any action to recover the amount claimed in a claim of lien, or on the claim asserted in the claim of lien. The effect of recording a bond shall be to release the real property described in the claim of lien from the lien and any action brought to recover the amount claimed. Unless otherwise prohibited by law, if no action is filed to recover on a claim of lien within the time specified in RCW 60.04.100 the surety shall be discharged from liability under the bond. If such an action is timely filed, then on payment of any judgment entered in the action or on payment of the full amount of the bond to the holder of the judgment, whichever is less, the surety shall be discharged from liability under the bond.

NEW SECTION. Sec. 5. A new section is added to chapter 60.28 RCW to read as follows:

Every person, firm, or corporation furnishing materials, supplies, or equipment to be used in the construction, performance, carrying on, prosecution, or doing of any work for the state, or any county, city, town, district, municipality, or other public body, shall give to the contractor of the work a notice in writing, which notice shall cover the material, supplies, or equipment furnished or leased during the sixty days preceding the giving of such notice as well as all subsequent materials, supplies, or equipment furnished or leased, stating in substance and effect that such person, firm, or corporation is and/or has furnished materials and supplies, or equipment for use thereon, with the name of the subcontractor ordering the same, and that a lien against the retained percentage may be claimed for all materials and supplies, or equipment furnished by such person, firm, or corporation for use thereon, which notice shall be given by (1) mailing the same by registered or certified mail in an envelope addressed to the contractor, or (2) by serving the same personally upon the contractor or the contractor's representative and obtaining evidence of such service in the form of a receipt or other acknowledgement signed by the contractor or the contractor's representative, and no suit or action shall be maintained in any court against the retained percentage to recover for such material, supplies, or equipment or any part thereof unless the provisions of this section have been complied with."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Newhouse.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

In line 2 of the title, after "property;" strike "and" and after "4.16.300" insert "; adding a new section to chapter 60.04 RCW; and adding a new section to chapter 60.28 RCW"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 573, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 573, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 573, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognlind, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators McDonald, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 573, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Wojahn was excused.

SECOND READING

HOUSE BILL NO. 1499, by Representatives Zellinsky, Patrick, Armstrong, Hargrove and Tanner

Revising provisions relating to alcohol breath testing.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 9, after line 15, insert the following:

"Sec. 7. Section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 3, chapter 267, Laws of 1985 and by section 9, chapter 303, Laws of 1985 and RCW 10.31.100 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (5) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or use or possession of liquor by a minor, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.02.025 shall have the authority to arrest the person.

(6) Except as specifically provided in subsections (2), (3), and (4) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(7) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) if the police officer acts in good faith and without malice."

Senator Halsan moved that the following amendment by Senators Halsan and Talmadge be adopted:

On page 9, after line 15, insert the following:

***NEW SECTION, Sec. 7.** A new section is added to chapter 10.05 RCW to read as follows:

As a condition of granting deferred prosecution, the court may order the petitioner to drive only a motor vehicle equipped with an approved alcohol-sensing ignition interlock device. "Approved alcohol-sensing ignition interlock device" means equipment, approved by the commission on equipment, designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage.

The court may establish a specific setting at which the alcohol-sensing ignition interlock device will prevent the motor vehicle from being started.

NEW SECTION, Sec. 8. A new section is added to chapter 46.20 RCW to read as follows:

The department shall attach or imprint a notation on the driver's license of any person restricted under section 7 of this act stating that the person may operate only a motor vehicle equipped with an alcohol-sensing ignition interlock device.

NEW SECTION, Sec. 9. A new section is added to chapter 46.20 RCW to read as follows:

A person who knowingly assists another person who is restricted to the use of an alcohol-sensing ignition interlock device to start and operate that vehicle in violation of a condition of a deferred prosecution program is guilty of a gross misdemeanor.

The deferred prosecution program shall be revoked for any person restricted to the use of an alcohol-sensing ignition interlock device as a condition of a deferred prosecution program who requests another person to start a vehicle equipped with an alcohol-sensing ignition interlock device.

The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an alcohol-sensing ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the deferred prosecution program does not operate the vehicle.

Sec. 10. Section 12, chapter 10, Laws of 1982 as last amended by section 7, chapter 302, Laws of 1985 and by section 2, chapter 353, Laws of 1985 and by section 28, chapter 377, Laws of 1985 and RCW 46.63.020 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.028 relating to registration of motor vehicles by residents;

(7) RCW 46.16.160 relating to vehicle trip permits;

(8) RCW 46.20.021 relating to driving without a valid driver's license;

(9) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(10) RCW 46.20.342 relating to driving with a suspended or revoked license;

(11) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(12) RCW 46.20.416 relating to driving while in a suspended or revoked status;

(13) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(14) Section 9 of this act relating to assisting another person to start a vehicle equipped with an alcohol-sensing ignition interlock device;

(15) Chapter 46.29 RCW relating to financial responsibility;

~~((+5))~~ (16) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((+6))~~ (17) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((+7))~~ (18) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((+8))~~ (19) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((+9))~~ (20) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((+0))~~ (21) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

- ~~((21))~~ (22) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
- ~~((22))~~ (23) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- ~~((23))~~ (24) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- ~~((24))~~ (25) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- ~~((25))~~ (26) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- ~~((26))~~ (27) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- ~~((27))~~ (28) RCW 46.61.500 relating to reckless driving;
- ~~((28))~~ (29) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- ~~((29))~~ (30) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- ~~((30))~~ (31) RCW 46.61.522 relating to vehicular assault;
- ~~((31))~~ (32) RCW 46.61.525 relating to negligent driving;
- ~~((32))~~ (33) RCW 46.61.530 relating to racing of vehicles on highways;
- ~~((33))~~ (34) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- ~~((34))~~ (35) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- ~~((35))~~ (36) RCW 46.64.020 relating to nonappearance after a written promise;
- ~~((36))~~ (37) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- ~~((37))~~ (38) Chapter 46.65 RCW relating to habitual traffic offenders;
- ~~((38))~~ (39) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- ~~((39))~~ (40) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- ~~((40))~~ (41) Chapter 46.80 RCW relating to motor vehicle wreckers;
- ~~((41))~~ (42) Chapter 46.82 RCW relating to driver's training schools."

Debate ensued.

POINT OF INQUIRY

Senator Benitz: "Senator Halsan, I believe I heard you say that a five-year old's breath probably would not do it. At what age would a juvenile or other person's breath--if it's that technical I'm scared to death of it--but at what age would they be able to start it?"

Senator Halsan: "Well, as I mentioned, the device requires what is called alveolar air, which is a deep lung air on a very strong breath. It basically requires an adult to do it."

POINT OF INQUIRY

Senator Goltz: "Senator Halsan, if a person could buy a can of fresh breath, which had sort of a lip attachment to it, and you pressed an aerosol trigger could you get that thing to work?"

Senator Halsan: "I believe I've been asked to yield to a question which I would accept--the people that manufacture these devices--there are two companies that do it at the present time with five more coming on line, they would not do it. A balloon wouldn't do it. Compressed air in a can wouldn't do it. It takes a deep lung air breath just like a breathalizer if you've ever blown into one."

The President declared the question before the Senate to be adoption of the amendment by Senators Halsan and Talmadge.

The motion by Senator Halsan carried and the amendment was adopted.

MOTIONS

On motion of Senator Talmadge the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title strike "and"

On page 1, line 2 of the title, after "88.02.---" insert "and reenacting and amending RCW 10.31.100"

On page 1, line 2 of the title, after "and 88.02..." insert "; reenacting and amending RCW 46.63.020; adding a new section to chapter 10.05 RCW; adding new sections to chapter 46.20 RCW; and prescribing penalties"

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1499, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1499, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1499, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Absent: Senators Hansen, Hayner - 2.

Excused: Senators McDonald, Stratton, Wojahn - 3.

HOUSE BILL NO. 1499, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senators Cantu and Guess were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1540, by Committee on Environmental Affairs (originally sponsored by Representatives Nutley, Allen and Bristow)

Regulating the effective date of solid waste functional standards.

The bill was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 1540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Kreidler, do the updated minimal functional standards for solid waste referred to in this bill violate any provision of Initiative 62?"

Senator Kreidler: "No, Senator Talmadge, the updated standards were not directly imposed by the Legislature, but by administrative rule by the Department of Ecology. The authority for the rules comes from the Solid Waste Management Act of 1969. It was enacted more than ten years before Initiative 62."

POINT OF INQUIRY

Senator Barr: "Senator Kreidler, is this only a study bill?"

Senator Kreidler: "Yes, Senator, it is solely a study bill of the minimal functional standards--current practices that are taking place in counties with landfills and then coming back with some recommendations for the Legislature."

Senator Barr: "In describing the bill, you used some pretty big figures and it sounded pretty positive of what it was going to cost local government--in the hundreds of millions of dollars--and I didn't want that to be interpreted as being anything in the record--that this is strictly a study bill."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1540.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1540 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen,

Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Excused: Senators Cantu, Guess, McDonald, Stratton, Wojahn - 5.

SUBSTITUTE HOUSE BILL NO. 1540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1643, by Representatives D. Nelson, Allen, Rust, Brough and Lux

Providing for used oil recycling.

The bill was read the second time.

MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 19.114 RCW to read as follows:

The department of ecology shall establish a comprehensive list of used oil collection facilities in the state. If the department determines that there are an inadequate number of facilities to serve any city or county, the department shall require that city or county to address oil recycling in the local hazardous waste plan required by RCW 70.105.220."

Senator Rinehart moved that the following amendment be adopted:

On page 1, after line 19 of the amendment, insert the following:

NEW SECTION, Sec. 1. The department of ecology shall study used oil collection containers sold in this state and intended for use by individual consumers. The department shall:

- (1) Assess their positive and negative impact on oil recycling or disposal practices, including possible effects on landfills;
- (2) Study the potential for recycling of the oil contained in the containers; and
- (3) Study the ultimate disposal of the used absorbent material and container.

The department of ecology shall consult with the solid waste advisory committee and report to the appropriate standing committees of the legislature by January 1, 1987. The report shall include recommendations for legislation."

POINT OF ORDER

Senator Kiskaddon: "Mr. President, I think we adopted the striking amendment by Senator Kreidler and this is an amendment to the striking amendment as I understand it, so I don't see how we would be able to handle that at this point."

REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken, Senator Kiskaddon. It will be possible by reconsidering the vote by which the striking amendment was adopted."

MOTION FOR RECONSIDERATION

Senator Rinehart, having voted on the prevailing side, moved to reconsider the vote by which the striking amendment by the Committee on Parks and Ecology amendment to House Bill No. 1643 was adopted.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Rinehart, out where Tub Hansen and I live, a used oil collection container is an oil drum. Do you have some definition of what you're going to study that is a little bit more clearer than this?"

Senator Rinehart: "The intention is not to limit it and certainly not to interfere with any individual business person's consideration. Senator Bottiger, does this have anything to do with your rototiller?"

The President declared the question before the Senate to be the motion by Senator Rinehart to reconsider the vote by which the amendment by the Parks and Ecology committee to House Bill No. 1643 was adopted.

The motion by Senator Rinehart failed.

MOTIONS

On motion of Senator Kreidler, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "recycling;" strike the remainder of the title and insert "and adding a new section to chapter 19.114 RCW."

On motion of Senator Gaspard, the rules were suspended, House Bill No. 1643, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1643, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1643, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogndil, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Voting nay: Senator Barr - 1.

Excused: Senators Cantu, Guess, Stratton, Wojahn - 4.

SUBSTITUTE HOUSE BILL NO. 1643, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senator Craswell was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1972, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives P. King and Long)

Authorizing entities to self-insure for property damage and casualty insurance.

The bill was read the second time.

MOTION

Senator Moore moved that the following Committee on Financial Institutions amendment not be adopted:

On page 2, after line 7, strike all material down to and including "commissioner." on line 13 and insert the following:

"Sec. 2. Section .01.05, chapter 79, Laws of 1947 as last amended by section 9, chapter 277, Laws of 1985 and RCW 48.01.050 are each amended to read as follows:

"Insurer" as used in this code includes every person engaged in the business of making contracts of insurance, other than a fraternal benefit society. A reciprocal or interinsurance exchange is an "insurer" as used in this code. Two or more hospitals, as defined in RCW 70.39.020(3), which join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against liability claims, including medical liability, through a contributing trust fund shall not be deemed an "insurer" under this code. Two or more local governmental entities, as defined in RCW 48.62.020, which pursuant to RCW 48.62-.040, 48.62.035, or any other provision of law join together and organize to form an organization for the purpose of jointly self-insuring or self-funding shall not be deemed an "insurer" under this code. Two or more fraternal benefit societies subject to chapter 24.20 RCW which join together and organize to form an organization for the purposes of self-insuring shall not be deemed an "insurer" under this code. Two or more cooperatives operated as cooperatives under chapters 23.86, 24.06, and 24.32 RCW, or Title 23A RCW, which join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring their directors and officers against liability claims through a contributing trust fund shall not be deemed an "insurer" under this code."

The President declared the question before the Senate to be the motion by Senator Moore to not adopt the Committee on Financial Institutions amendment.

The motion by Senator Moore carried and the committee amendment was not adopted.

MOTION

Senator Moore moved that the following amendment be adopted:

On page 2, after line 7, strike all material down to and including "commissioner." on line 13 and insert the following:

"Sec. 2. Section .01.05, chapter 79, Laws of 1947 as last amended by section 9, chapter 277, Laws of 1985 and RCW 48.01.050 are each amended to read as follows:

"Insurer" as used in this code includes every person engaged in the business of making contracts of insurance, other than a fraternal benefit society. A reciprocal or interinsurance exchange is an "insurer" as used in this code. Two or more hospitals, as defined in RCW 70.39.020(3), which join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against liability claims, including medical liability, through a contributing trust fund shall not be deemed an "insurer" under this code. Two or more local governmental entities, as defined in RCW 48.62.020, which pursuant to RCW 48.62-.040, 48.62.035, or any other provision of law join together and organize to form an organization for the purpose of jointly self-insuring or self-funding shall not be deemed an "insurer" under this code. Two or more fraternal benefit societies subject to chapter 24.20 RCW which join together and organize to form an organization for the purposes of self-insuring for damage to property and against liability claims shall not be deemed an "insurer" under this code. Two or more cooperatives operated as cooperatives under chapters 23.86, 24.06, and 24.32 RCW, or Title 23A RCW, which join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring their directors and officers against liability claims through a contributing trust fund shall not be deemed an "insurer" under this code.

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "I have a couple questions, Senator Moore, about this fraternal language. Would this allow, for instance, the Elks, the Moose and the Odd Fellows all to get in the same pooling agreement as far as insurance is concerned?"

Senator Moore: "If, on line 10, where it speaks to two or more cooperatives operated as cooperatives under chapter so and so, I think that probably covers it."

Senator Newhouse: "No, I'm looking on line 3 and 4 when you talk about fraternal benefit societies. Would that include college fraternities and sororities? Could they do this under this chapter?"

Senator Moore: "Anything that is listed as a fraternal organization would be included."

The President declared the question before the Senate to be adoption of the amendment by Senator Moore.

The motion by Senator Moore carried and the amendment was adopted.

MOTIONS

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, after "48.62.040" strike the remainder of the title and insert "and 48.01.050."

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1972, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McDonald: "Senator Moore, will they have to have the same funds--I search for the words--the funds in order to make sure that they are not going to default on a loss?"

Senator Moore: "They will be under the Insurance Commissioner, subject to all the regulations."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1972, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1972, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Voglind, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Guess, - 1.

Excused: Senators Cantu, Craswell, Stratton - 3.

SUBSTITUTE HOUSE BILL NO. 1972, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1986, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Isaacson, Lux, Hankins, Winsley, May, Lewis, Jacobsen and Schoon)

Including adopted children within the definition "child of the insured" for insurance purposes.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 48.01 RCW to read as follows:

A child of an insured, subscriber, or enrollee shall be considered a dependent child for insurance purposes under this title: (1) Upon being physically placed with the insured, subscriber, or enrollee for the purposes of adoption under the laws of the state in which the insured, subscriber, or enrollee resides; and (2) upon assumption by the insured, subscriber, or enrollee of the financial responsibility for the medical expenses of the child.

Eligibility for coverage of an adopted child is governed by applicable contract, policy, or agreement provisions with respect to dependent children, including any established underwriting guidelines.

NEW SECTION. Sec. 2. A new section is added to chapter 48.20 RCW to read as follows:

(1) Any disability insurance contract providing hospital and medical expenses and health care services, delivered or issued for delivery in this state, which provides coverage for dependent children, as defined in the contract of the insured, shall cover adoptive children placed with the insured on the same basis as other dependents, as provided in section 1 of this act.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of placement.

NEW SECTION. Sec. 3. A new section is added to chapter 48.21 RCW to read as follows:

(1) Any group disability insurance contract, except a blanket disability insurance contract, providing hospital and medical expenses and health care services, delivered or issued for delivery in this state, which provides coverage for dependent children, as defined in the contract of the insured, shall cover adoptive children placed with the insured on the same basis as other dependents, as provided in section 1 of this act.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of placement.

NEW SECTION. Sec. 4. A new section is added to chapter 48.44 RCW to read as follows:

(1) Any health care service contract under this chapter delivered or issued for delivery in this state, which provides coverage for dependent children, as defined in the contract of the subscriber, shall cover adoptive children placed with the subscriber on the same basis as other dependents, as provided in section 1 of this act.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the health care services contractor. The notification period shall be no less than sixty days from the date of placement.

NEW SECTION. Sec. 5. A new section is added to chapter 48.46 RCW to read as follows:

(1) Any health maintenance agreement under this chapter which provides coverage for dependent children, as defined in the agreement of the enrolled participant, shall cover adoptive children placed with the enrolled participant on the same basis as other dependents, as provided in section 1 of this act.

(2) If payment of an additional premium is required to provide coverage for a child, the agreement may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the health maintenance organization. The notification period shall be no less than sixty days from the date of placement.

NEW SECTION. Sec. 6. This act shall take effect January 1, 1987, and shall apply to all contracts or agreements issued, renewed, or delivered on or after January 1, 1987.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 1986, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1986, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1986, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Guess, Rasmussen - 2.

Excused: Senators Cantu, Craswell, Stratton - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1986, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2080, by Committee on Financial Institutions and Insurance (originally sponsored by Representative Lux)

Authorizing a joint underwriting association to provide insurance for day care providers.

The bill was read the second time.

MOTIONS

On motion of Senator Bottiger, the following amendments were considered simultaneously and adopted:

On page 1, line 15, after "services" insert "by requiring the commissioner to assist in the establishment of a market assistance plan for providing liability insurance for day care services or"

On page 1, line 22, after "means" strike all material through "chapter" on line 23 and insert "an involuntary mechanism requiring property casualty insurers doing business in Washington to provide day care insurance to licensees on either an assigned risk basis or through a joint underwriting pool providing limits of at least one hundred thousand dollars underwritten to standards promulgated under chapter 74.15 RCW"

On page 2, after line 2, insert the following:

"(4) Market assistance plan means a voluntary mechanism by insurers writing liability insurance in Washington in either the admitted or nonadmitted market to provide day care insurance to a licensee in a minimum amount of one hundred thousand dollars underwritten to standards promulgated under chapter 74.15 RCW."

On page 2, line 3, after "Sec. 3." strike all material through "chapter." on line 6 and insert "(1) The commissioner shall direct all insurers writing property casualty insurance in Washington in either the admitted market or the nonadmitted market to form and put into operation with the commissioner's assistance and supervision a market assistance plan for day care insurance for licensees underwritten to standards promulgated under chapter 74.15 RCW.

(2) The commissioner may, after hearing and upon finding that day care insurance is not available to a substantial number of licensees, establish an association for day care insurance for licensees in a minimum amount of one hundred thousand dollars."

On page 2, line 17, after "occurrence," strike all material through "losses." on line 22 and insert "The commissioner shall approve rates filed by the association that are not excessive, inadequate, and unfairly discriminatory."

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2080, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Moore, does this bill put a cap on the price for insurance that could be offered to day care operators?"

Senator Moore: "I think that probably was addressed, at least partially, through Senator Bottiger's amendment. It has to be offered roughly on the same basis as the State Insurance Commission requires under normal circumstances."

Senator Bluechel: "One more question. Will this provide affordable insurance for day care operators or is the price still going to be so high that it can't be purchased by a very small day care operator?"

Senator Moore: "That will be determined, I can tell you and I think we all know, it will be determined by the market place to a very large extent. My guess is that it will raise the cost of insurance and per child it could be several dollars per month--the exact amount I cannot guess."

POINT OF INQUIRY

Senator Deccio: "Senator Bottiger, I really haven't had a chance to look at this amendment that's already passed and we are on final passage--line 22, 'The commissioner may, after hearing upon finding that day care insurance is not available to a substantial number of licensees establish an association for day care insurance.' Are you talking about a JUA, a joint underwriting authority? Is that what you're referring to here?"

Senator Bottiger: "Senator, I have to ask you to tell me which line 22?"

Senator Deccio: "On the amendment--2080, your amendment."

Senator Bottiger: "O.K. If you look just above that in the section right above it where this is a MAPS. First, there's a MAPS and if the MAPS doesn't work, there's a JUA. This is the plan that we talked about in committee."

"The question was raised under the MAPS. They offer a policy that is extremely expensive not in premium but in compliance--the one on one and so that's where we asked it to be rewritten. You will notice on line 19, its got to be underwritten--the standards promulgated under Chapter 74.15--which is the requirement for day care centers."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 2080, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 2080, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wozahn, Zimmerman - 44.

Absent: Senators Guess, Halsan - 2.

Excused: Senators Cantu, Craswell, Stratton - 3.

SUBSTITUTE HOUSE BILL NO. 2080, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1593, by Committee on Social and Health Services (originally sponsored by Representatives Day, Smitherman, Lewis, Winsley, R. King, J. King, Patrick, Wang, Bond and Chandler)

Requiring health care facilities to establish rules for granting staff membership and profession privileges.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 21, after "membership" insert "or professional privileges"

Senator Warnke moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Within one hundred eighty days of the effective date of this section, the governing body of every hospital licensed under chapter 70.41 RCW shall set standards and procedures to be applied by the hospital and its medical staff in considering and acting upon applications for staff membership or professional privileges.

NEW SECTION, Sec. 2. The governing body of any hospital, except any hospital which employs its medical staff, in considering and acting upon applications for staff membership or professional privileges within the scope of the applicants' respective licenses, shall not discriminate against a qualified person solely on the basis of whether such person is licensed under chapters 18.71, 18.57, or 18.22 RCW.

NEW SECTION, Sec. 3. Any person may apply to superior court for a preliminary or permanent injunction restraining a violation of section 1 or 2 of this act. This action is an additional remedy not dependent on the adequacy of the remedy at law. Nothing in this chapter shall require a hospital to grant staff membership or professional privileges until a final determination is made upon the merits by the hospital governing body.

NEW SECTION, Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION, Sec. 5. The legislature recognizes that there is an increasing interest by the citizens of this state in physical fitness and that in response to such interest a wide variety of health and conditioning services are available. Therefore, the legislature declares that it is a matter of public interest that the citizens of this state be assured of reasonable protection when contracting for health and conditioning services.

NEW SECTION, Sec. 6. (1) As used in this chapter, unless the context clearly requires otherwise:

(a) "Contract for health and conditioning services" means: A contract which provides as one of its primary purposes services or facilities which assist the purchaser to improve physical condition or appearance through physical fitness programs, body building, exercising, reducing, weight loss, figure development, or any other similar activity;

(b) "Initiation or membership fee" means a fee paid either in a lump sum or installments on a one-time basis when a person first joins a health and conditioning facility for the privilege of belonging to such facility;

(c) "Use fees" means fees paid on a regular periodic basis for use of a health club. This does not preclude prepayment of use fees at the buyer's option;

(d) "Health club" or "club" means any individual, partnership, corporation, or other legal entity offering contracts for health and conditioning services to the public.

(2) A "contract for health and conditioning services" does not include:

(a) Professional services within the scope of the person's license rendered or furnished by a person licensed under Title 18 RCW;

(b) Instruction at public common schools, public institutions of higher education, private schools approved under RCW 28A.02.201, and private institutions of higher education;

(c) Instruction, training, or assistance relating to diet or control of eating habits not involving physical fitness programs, body building, exercising, figure development, or any other similar activity; or

(d) Recreational or social programs offered by organizations listed in subsection (3) of this section, which either involve no physical exercise or exercise only incidental to the program.

(3) Except for the purposes of sections 7, 12, and 13 of this act, a "contract for health and conditioning services" does not include: (a) Services rendered by bona fide nonprofit organizations which have been granted tax exempt status by the internal revenue service, including, but not limited to, the Young Men's Christian Association, the Young Women's Christian Association, or other similar organizations, whose functions as health studios are only incidental to their overall functions and purposes; or (b) services rendered by bona fide nonprofit corporations organized under chapter 24.03 RCW which have members and whose members have

meaningful voting rights to elect and remove a board of directors which is responsible for the operation of the health club and corporation.

NEW SECTION. Sec. 7. Contracts for health and conditioning services shall be in writing and are subject to this chapter. A copy of the written contract shall be given to the customer when the customer signs the contract.

NEW SECTION. Sec. 8. Contracts for health and conditioning services between the same buyer and the same seller which have overlapping terms are deemed to be one contract for the purpose of this chapter.

NEW SECTION. Sec. 9. If a contract exceeds three years, the buyer shall sign or initial the provision which establishes the duration of the contract.

Contracts may not be sold, advertised, or measured by the lifetime of the buyer.

NEW SECTION. Sec. 10. A contract for health and conditioning services may be sold prior to opening of the facility. Such contract shall provide that:

(1) Agreed upon services will begin within twelve months from the date the contract is signed unless the buyer signs an extension; and

(2) A five-day period for cancellation of the contract shall begin to run from the day the facility opens for use of the buyer and the seller begins to provide the agreed upon services.

NEW SECTION. Sec. 11. (1) Except as provided in subsection (2) of this section, all moneys paid to the seller by the buyer prior to the opening of the facility shall promptly be deposited by the seller in a trust account, maintained by the seller for the purpose of holding such moneys for the buyer, in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington. The seller shall within seven days of the first deposit notify the office of the attorney general, in writing, of the name, address, and location of the depository and any subsequent change thereof. Unless otherwise agreed in writing, the seller is entitled to receipt of interest paid on such trust account moneys. The seller shall provide the buyer with a written receipt for the moneys and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If prior to the opening of the facility the status of the seller is transferred to another, any sums in the trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor, and the successor shall promptly notify the buyer and the office of the attorney general of the transfer and of the name, address, and location of the new depository. The buyer's claim to any moneys paid under this section is prior to that of any creditor of the seller, including a trustee in bankruptcy or receiver, even if such moneys are commingled. After receipt of the notice of cancellation of the agreement or if the seller fails to open the facility and provide the agreed upon services within twelve months of the signing of the contract, the seller shall within ten days give a full refund to the buyer. The moneys on deposit shall revert to the seller on the day the facility opens.

(2) Subsection (1) of this section does not apply to any sellers who, prior to any reopening sales, have provided a bond guaranteeing performance of all contracts for health and conditioning services sold prior to the opening of the facility. The bond shall be drawn upon a surety in an amount acceptable to the office of the attorney general, running to the state of Washington. An action on the bond may be brought by the office of the attorney general or by any buyer of a contract for health and conditioning services sold prior to the opening of the facility.

NEW SECTION. Sec. 12. (1) The contract for health and conditioning services shall contain:

(a) The name and address of the health and conditioning facilities operator;

(b) The date the buyer signed the contract;

(c) The current fees to be paid by the buyer and, if such fees are subject to periodic adjustment, such fact shall be disclosed;

(d) The services to be provided under the contract; and

(e) The duration of the contract.

(2) Unless the health and conditioning facilities operator has complied with subsection (1) of this section, the buyer may cancel the contract for health and conditioning services at any time.

NEW SECTION. Sec. 13. Contracts for health and conditioning services shall contain clauses which notify buyers of the following rights:

(1) The buyer has the right to cancel the contract at any time prior to midnight of the third calendar day after the date the contract is signed by the buyer. Cancellation under this subsection entitles the buyer to a refund of all moneys paid and relieves the buyer from any future obligations under the contract without penalty.

(2) If by reason of death or total disability the person agreeing to receive services is unable to receive services that have been contracted for, the person or person's estate may cancel the contract.

(a) For total disability, a written confirmation of total disability shall be submitted by the person's treating physician. The health and conditioning facility may require the person to be examined by a physician of their choice if requested within sixty days after a written confirmation is submitted by the treating physician. If the two physicians disagree, they shall choose a third physician to examine the person, each party bearing half the fee. The third physician's

opinion shall be binding on all parties. Total disability is a condition incurred after the person signs the contract which precludes the person from physically using the facilities for the remaining term of the contract.

(b) For death, a certified copy of the death certificate shall be sufficient evidence to cancel the contract.

(3) If the health and conditioning facilities are permanently closed and comparable facilities owned and operated by the seller are not made available within a ten-mile radius of the closed facility, the person agreeing to receive health and conditioning services may cancel the contract.

(4) If a contract for health and conditioning services extends for more than one year or requires payment of an initiation or membership fee, the buyer has the right to cancel the contract for any reason upon thirty days' written notice to the seller.

(5) Upon cancellation under subsection (2), (3), or (4) of this section, the buyer is entitled to a refund and relief from future obligations for payments of one-time only initiation and membership fees and monthly use fees as follows:

(a) The buyer is entitled to a refund of the unused portion of any prepaid monthly use fees and relief from future obligations to pay use fees concerning use after the date of cancellation;

(b) If a contract includes a one-time only initiation or membership fee and the buyer cancels under subsection (2) of this section, the buyer is entitled to a pro rata refund of such fee less a predetermined fee not to exceed one-half of the initial initiation or membership fee;

(c) If the contract includes a one-time only initiation or membership fee and the buyer cancels under subsection (3) of this section, the buyer is entitled to a pro rata refund of such fee;

(d) If the contract includes a one-time only initiation or membership fee and the buyer cancels under subsection (4) of this section, the buyer is entitled to a pro rata refund of such fee and relief from future obligations for payment under the contract unless the contract clearly states that the initiation or membership fee is nonrefundable, or states what percentage of the fee is refundable, and the clause is separately signed by the buyer;

(e) To calculate the amount of the refund and relief from future obligations for payment under the contract, the fee shall be apportioned into an equal installment amount by dividing the total fee by the number of months of use contracted for by the buyer. The buyer is entitled to relief from the obligation for payment and a refund of any moneys paid in excess of the number of months of use prior to the date of cancellation multiplied by the equal installment amount; and

(f) All refunds shall be made within thirty days of receipt of the notice of cancellation by the health and conditioning facilities operator. Notice of cancellation shall be provided to the seller by mailing or delivering a signed and dated notice, or sending a telegram which states that the buyer is canceling the contract, or words of similar effect. The seller may require the buyer to return the original copy of the contract, or any membership card, or any other materials which evidence membership in the club.

(6) For any period in which a person is precluded from physically using the facilities due to a temporary total disability, the obligation of that person to pay any monthly use fees will be suspended. For a temporary total disability, a written confirmation shall be submitted by the person's treating physician. The health and conditioning facility may require, if requested within sixty days after a written confirmation is submitted by the treating physician, the person to be examined by a physician of their choice. If the two physicians disagree, they shall choose a third physician to examine the person, each party bearing half the fee. The third physician's opinion shall be binding on all parties.

NEW SECTION. Sec. 14. The provisions of this chapter are not exclusive and do not relieve the parties from compliance with all other applicable federal, state, and local laws and rules.

NEW SECTION. Sec. 15. Any contract for health and conditioning services which does not comply with the applicable provisions of this chapter or in which the buyer waives any provision of this chapter is void and unenforceable as contrary to public policy.

NEW SECTION. Sec. 16. It shall be unlawful to sell or offer for sale any contract for health and conditioning services entered into in reliance upon any false, fraudulent, or misleading information or representations.

NEW SECTION. Sec. 17. A seller who has not furnished a bond under section 11 of this act and who receives money from a buyer under a contract for services from health and conditioning facilities sold prior to the opening of the facility and the provision of the agreed upon services and who fails to deposit such moneys in a trust account maintained by the seller for the purpose of holding such funds for the buyer in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington within three business days of receipt excluding Saturday, Sunday and holidays shall be guilty of a class C felony as defined in chapter 9A.20 RCW.

NEW SECTION. Sec. 18. A violation of this chapter, for purposes of the consumer protection act, chapter 19.86 RCW, constitutes an unfair or deceptive act or practice.

NEW SECTION. Sec. 19. The provisions of this chapter shall not apply to any contracts for health and conditioning services entered into before the effective date of this act.

NEW SECTION, Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 21. Sections 5 through 19 of this act shall constitute a new chapter in Title 19 RCW."

Debate ensued.

Senator Vognild moved that the following amendment to the amendment by Senator Warnke be adopted:

On page 2 of the amendment, after line 8, insert the following:

NEW SECTION, Sec. 4. The department of social and health services shall not require a certificate of need for the commencement of obstetrical services by an existing hospital as defined in RCW 70.41.020."

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, when is the question of the scope and object of the Warnke amendment in order?"

REPLY BY THE PRESIDENT

President Cherberg: "The amendment hasn't been discussed, Senator."
Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, if we adopt the Vognild amendment to the Warnke amendment, there may be a question as to the scope and object of this, would it be out of order at that time?"

REPLY BY THE PRESIDENT

President Cherberg: "The point can be raised at that point."

PARLIAMENTARY INQUIRY

Senator Kiskaddon: "If we have Senator Vognild's amendment and we only put it on the striking amendment and then do something with the striking amendment that was defeated, then my impression of the rules would say that Senator Vognild's amendment would not be in front of us to add to the original bill. So, I would like to suggest that the process that is appropriate might be to do this amendment to the original bill and then take up the striking amendment at which time it could be added."

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1593 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1349, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher and P. King)

Altering procedures regarding the administration of elections.

The bill was read the second time.

MOTION

Senator Thompson moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 29.01 RCW to read as follows:

"Election board" means a group of election officers serving one precinct or groups of precincts in a polling place.

Sec. 2. Section 3, chapter 107, Laws of 1980 and RCW 29.04.040 are each amended to read as follows:

(1) No paper ballot precinct (~~shall~~) may contain more than three hundred voters. The county legislative authority may divide, alter, or combine precincts so that, whenever practicable, over-populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth.

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored(~~PROVIDED, HOWEVER,~~

~~That~~). Except as permitted under subsection (5) of this section, no precinct boundaries ((shall)) may be changed during the period starting ((as of) on) the thirtieth day prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters(~~(-PROVIDED, That)~~), but there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

(4) On petition of twenty-five or more voters resident more than ten miles from any place of election, the county legislative authority shall establish a separate voting precinct therefor.

(5) The county auditor shall temporarily adjust precinct boundaries when a city annexes county territory to the city. The adjustment shall be made as soon as possible after the approval of the annexation. The temporary adjustment shall be limited to the minimum changes necessary to accommodate the addition of the territory to the city and shall remain in effect only until precinct boundary modifications reflecting the annexation are adopted by the county legislative authority.

The county legislative authority may establish by ordinance a limitation on the maximum number of registered voters in each precinct within its jurisdiction. The limitation may be different for precincts based upon the method of voting used for such precincts and the number may be less than the number established by law, but in no case may the number exceed that authorized by law.

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the (~~(same))~~ precincts. The county auditor shall thereupon designate the voting place for each such precinct.

Sec. 3. Section 29.04.055, chapter 9, Laws of 1965 as last amended by section 5, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.055 are each amended to read as follows:

At any election, general or special, or at any primary, the (~~(election authority))~~ county auditor may combine, unite, or divide precincts and may combine or unite election boards for the purpose of holding such election(~~(-PROVIDED, That in the event such election shall be held upon the day of any state primary or state general election held in an even-numbered year this section shall not apply))~~).

Sec. 4. Section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065 are each amended to read as follows:

In addition to other information required by this chapter, each applicant for registration shall establish his identity, unless personally known by the registration officer, by producing at least one of the following items:

(1) A social security card containing the applicant's signature. Whenever the social security record is so used, the registration officer shall enter the applicant's social security number upon the appropriate registration forms;

(2) A driver's license which contains the signature and/or a photograph of the applicant;

(3) A valid Washington state identicaid;

(4) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;

(5) An identification card issued by the United States, any state or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military I.D. cards), and which contain the signature and/or the photograph of the applicant.

In addition, whenever the registration officer has a doubt as to whether the applicant is of legal voting age, such officer (~~(may))~~ shall require the applicant to produce a record (~~(which))~~ that establishes the applicant's date of birth.

Failure to produce such identification ~~except when necessary to establish the applicant's date of birth~~ at the time of registration as set forth in this section shall not deter the act of registration: PROVIDED, That registration officials shall indicate on the registration form by checking either "identification produced" or "identification not produced".

NEW SECTION, Sec. 5. A new section is added to chapter 29.07 RCW to read as follows:

The county auditor shall have custody of the voter registration records for each county and shall maintain those records in accordance with this section.

(1) The original voter registration form, as established by RCW 29.07.070, shall be filed alphabetically without regard to precinct and shall not be available for public inspection and copying.

(2) An automated file of all registered voters shall be maintained pursuant to RCW 29.07-.220, which shall be the source of the precinct lists of registered voters used at the polls on election day. Lists of registered voters produced from the automated file are public records and are thus available for inspection and copying. Information on any individual voter is exempt from public inspection and copying whenever, in the opinion of the county auditor, the release of such information would result in an unreasonable invasion of personal privacy or interfere with any vital governmental function. If a person is denied public inspection and copying of the automated file, the justification for the denial shall be explained fully in writing.

Sec. 6. Section 29.13.020, chapter 9, Laws of 1965 as last amended by section 2, chapter 3, Laws of 1980 and RCW 29.13.020 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

((+)) (a) Elections for the recall of any elective public officer((:));

((2)) (b) Public utility districts((:)) or district elections (~~whereat~~) at which the ownership of property within (~~said~~) those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto((:));

((3)) (c) Consolidation proposals as provided for in RCW 28A.57.180 and nonhigh capital fund aid proposals as provided for in chapter 28A.56 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election in such city, town, or district, and for the purpose of such special election he may combine, unite, or divide precincts. A special election called by such governing body shall be held on one of the following dates as decided by the governing body:

(a) The first Tuesday after the first Monday in February;

(b) The second Tuesday in March, except that if a state-wide political party caucus by a major political party is scheduled on the second Tuesday, then a special election may not be held on such date but may be held on the third Tuesday in March(~~(- PROVIDED HOWEVER, That in any county holding an election on the second Tuesday in March of 1980 pursuant to a home rule charter adopted under Article XI, section 4 of the state Constitution, any city, town, or district where any portion of the registered voters of that city, town, or district reside within that charter county may hold special elections on the second Tuesday in March of 1980))~~);

(c) The first Tuesday after the first Monday in April;

(d) The third Tuesday in May;

(e) The day of the primary election as specified by RCW 29.13.070; or

(f) The first Tuesday after the first Monday in November.

In addition to (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a school or junior taxing district to pass a special levy or bond issue for the first time or from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in (e) and (f) of this subsection. Such special election shall be conducted and notice thereof given in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

NEW SECTION. Sec. 7. A new section is added to chapter 29.13 RCW to read as follows:

For any reimbursement of election costs under RCW 29.13.047, the secretary of state shall pay interest at an annual rate equal to two percentage points in excess of the discount rate on ninety-day commercial paper in effect at the federal reserve bank in San Francisco on the fifteenth day of the month immediately preceding the payment for any period of time in excess of thirty days after the receipt of a properly executed and documented voucher for such expenses and the entry of an allotment from specifically appropriated funds for this purpose under RCW 43.88.111. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29.13.047.

Sec. 8. Section 2, chapter 142, Laws of 1984 and RCW 29.18.025 are each amended to read as follows:

Except where otherwise provided by state law, declarations of candidacy for the following offices shall be filed during regular business hours with the secretary of state or the county auditor no earlier than the (~~test~~) fourth Monday in July and no later than the following Friday in the year in which the office is scheduled to be voted upon:

(1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and

(2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election.

Sec. 9. Section 29.21.060, chapter 9, Laws of 1965 as last amended by section 31, chapter 361, Laws of 1977 ex. sess. and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the county auditor not earlier than the (~~test~~) fourth Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices subject to the provisions of RCW 29.21.010(~~(-as now or hereafter amended:))~~) shall file their declarations of candidacy with the county auditor of the

county not earlier than the ~~(last)~~ fourth Monday of July nor later than the next succeeding Friday in the year such regular district elections are held: PROVIDED, That this chapter shall not change the method of nomination for first district officers at the formation of any district.

Any candidate for city, town, or district offices may withdraw his declaration at any time ~~((to and including the first Wednesday after))~~ before the Friday following the last day allowed for filing declarations of candidacy.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030 through 29.18.100 ~~(-PROVIDED; That), but no filing fee ((shall)) may be charged ((in the event that))~~ if the office sought is without a fixed annual salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, the purpose of this section being to establish a uniform five-day period throughout the state of Washington for filing declarations of candidacy.

Sec. 10. Section 29.30.010, chapter 9, Laws of 1965 as amended by section 51, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.010 are each amended to read as follows:

Every primary paper ballot shall be uniform in color and size, shall be white and printed in black ink. Each ballot shall be identified at the top with the words, "Primary Election Ballot," and below that, the county in which the ballot is to be used, the date of the primary, and the instruction: "To vote for a person mark a cross in the first square at the right of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write in the name of the candidate, and the party affiliation if for a partisan office, in the space provided." Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names following are candidates, and to the extreme right of the same line the words, "Vote for," then the words "One," "Two," or a spelled number designating how many persons under that head are to be voted for. Below this shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with a square to the right. Each position with the names running for that office, shall be separated from the following one by a bold line. All primary paper ballots shall be sequentially numbered, but done in such a way to permit removal of such numbers ~~((by precinct election workers))~~ without revealing the identity of any individual voter. There shall be no printing upon the back of the ballots nor any mark thereon to distinguish them.

Sec. 11. Section 60, chapter 361, Laws of 1977 ex. sess. as amended by section 1, chapter 121, Laws of 1982 and RCW 29.30.081 are each amended to read as follows:

(1) On the top of each general election paper ballot there shall be printed instructions directing the voters how to mark the ballot, including write-in votes. Next after the instructions and before the offices shall be placed the questions of adopting constitutional amendments and any other state measure authorized by law to be submitted to the voters of such election.

(2) The candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first below the office heading, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state. The candidates for nonpartisan offices shall be listed in the manner otherwise provided by law. There shall be blank spaces for writing in the name of any candidate, if desired, on the ballot.

(3) There shall be a at the right of the name of each nominee so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot.

(4) Under the designation of the office there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, the names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single square to the right in which the voter indicates his choice.

(6) All paper ballots for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers ~~((by precinct election workers))~~ without leaving any identifying marks on the ballot. There shall be no printing on the back of the paper ballots nor any mark thereon to distinguish them.

Sec. 12. Section 33, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.310 are each amended to read as follows:

All ballot pages for primary, general, or special elections in counties using voting devices shall be uniform in color and size, shall be white, and shall be printed in black ink. The first page shall be identified at the top with the name of the election, the county in which the ballot page is to be used, and the date of the election. On the front of the first ballot page or prominently displayed on each voting device to be used at a primary, general, or special election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure. Beginning at the top of the left hand column, at the

left of the line shall appear the name of the position for which the names to the immediate right are candidates, and below the name of the office or position the words, "Vote for", then the words "One", "Two", or a spelled number designating how many persons under that head are to be voted for. Immediately to the right of the name of the office or position shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with an arrow or other notation at the right edge of the ballot page indicating where the voter is to punch or otherwise mark his ballot for that candidate. Each position with the names running for that office, shall be separated from the following one by a bold line. All ballot cards for primary elections shall be sequentially numbered, but done in such a way to permit removal of such numbers (~~(by precinct election workers)~~) without leaving any identifying marks on the ballot. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards in the same precinct.

Sec. 13. Section 67, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.125 are each amended to read as follows:

(1) On the front of the first ballot page or prominently displayed on each voting device to be used at a general election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure, including write-in votes. After the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) All nominations of any party or group of petitioners shall be indicated by the title of such party or petitioners as designated by them in their certificate of nomination or petition, following the name of such candidate, and the name of each nominee shall be placed beside the designation of the office for which he has been nominated.

(3) There shall be an arrow or other notation at the right edge of the ballot page opposite the name of each candidate indicating where the voter is to punch or otherwise mark his ballot card for that candidate.

(4) Under the designation of the office, if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single arrow or other notation to the right.

(6) All ballot cards for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers (~~(by precinct election workers)~~) without leaving any identifying marks on the ballot. There shall be no printing on the back of the ballot cards nor any mark thereon to distinguish an individual voter's ballot card from other ballot cards from the same precinct.

Sec. 14. Section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 273, Laws of 1985 and RCW 29.36.010 are each amended to read as follows:

Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter.

(1) Except as provided in subsections (2) and (3) of this section and RCW 29.36.013, a registered voter desiring to cast an absentee ballot must apply in writing to his or her county auditor no earlier than forty-five days nor later than the day before any election or primary.

(2) An application honored for a primary ballot shall also be honored as an application for a ballot for the following general election if the voter so indicates on his or her application.

(3) A voter admitted to a hospital no earlier than five days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee ballot on the day of the primary or election if a signed statement from the hospital administrator, or designee, verifying the voter's date of admission and status as a patient in the hospital on the day of the primary or election is attached to the absentee ballot application.

(4) ~~(Such applications must contain the voter's signature and may be made in person, by mail, or messenger.)~~ The application must be signed by the voter, and except as provided under chapter 29.39 RCW, an application for an absentee ballot ~~(shall not be approved)~~ is not valid unless the voter's signature ~~(upon)~~ on the application ~~(compares favorably with the)~~ is substantially the same as that voter's signature (upon) on his or her registration record.

(5) An application for an absentee ballot shall be delivered to the county auditor of the county in which the voter is registered either in person, by mail, or by messenger. An absentee ballot application from a registered voter within this state shall be sent directly to the auditor of the county in which the voter is registered. An absentee ballot application from a registered voter who is temporarily outside this state may be sent either to the appropriate county auditor or to the secretary of state, who shall promptly forward the application to the appropriate county auditor. No person, organization, or association may distribute absentee ballot applications within this state that contains any return address other than that of a county auditor.

Sec. 15. Section 29.51.110, chapter 9, Laws of 1965 as amended by section 43, chapter 202, Laws of 1971 ex. sess. and RCW 29.51.110 are each amended to read as follows:

Upon delivery of each ballot after being marked and folded by a voter, the inspector (~~in an audible tone shall repeat the name of the voter and the number of the ballot. The election clerks having in charge the registration cards and poll books or precinct lists of registered voters, if they find that the number marked opposite the voter's name thereon corresponds with the number of the ballot handed to the inspector, shall mark the word "voted" or check a spot so designated opposite the name of such voter and one of the clerks shall call back in an audible tone the name of the voter and the number of his ballot. The inspector~~) shall ~~((then))~~ separate the slip containing the number of the ballot from the ballot and shall deposit the ballot in the ballot box. ~~((The numbers removed from the ballots shall be destroyed immediately.))~~ The inspector shall, however, permit any voter expressing a desire to separate his or her own slip or to deposit his or her own ballot, or both, to do so. Any voter detaching or separating the number slip must return that slip to the inspector.

Sec. 16. Section 28A.57.322, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.322 are each amended to read as follows:

Every person elected or appointed to the office of school director, before entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of his office according to the best of his ability. In case any official has a written appointment or commission, his oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the ~~((officer with whom declarations of candidacy for such positions are filed))~~ county auditor.

Sec. 17. Section 35.23.190, chapter 7, Laws of 1965 and RCW 35.23.190 are each amended to read as follows:

Before entering upon his duties and within ten days after receiving notice of his election or appointment every officer of the city shall qualify by taking the oath of office and by filing such bond duly approved as may be required of him. The oath of office shall be filed with the county auditor. If no notice of election or appointment was received, the officer must qualify on or before the date fixed for the assumption by him of the duties of the office to which he was elected or appointed. The city council shall fix the amount of all official bonds and may designate what officers shall be required to give bonds in addition to those required to do so by statute.

The clerk, treasurer, city attorney, chief of police, police judge and street commissioner shall each execute an official bond in such penal sum as the city council by ordinance may determine, conditioned for the faithful performance of their duties, including in the same bond the duties of all offices of which he is the ex officio incumbent.

All official bonds shall be approved by the city council and when so approved shall be filed with the city clerk except the city clerk's which shall be filed with the mayor. No city officer shall be eligible as a surety upon any bond running to the city as obligee.

The city council may require a new or additional bond of any officer whenever it deems it expedient.

Sec. 18. Section 35.24.080, chapter 7, Laws of 1965 and RCW 35.24.080 are each amended to read as follows:

In a city of the third class, the treasurer, city attorney, clerk, police judge, chief of police, and such other officers as the council may require shall each, before entering upon the duties of his office, take an oath of office and execute and file with the clerk an official bond in such penal sum as the council shall determine, conditioned for the faithful performance of his duties and otherwise conditioned as may be provided by ordinance. The oath of office shall be filed with the county auditor.

Sec. 19. Section 35.27.120, chapter 7, Laws of 1965 and RCW 35.27.120 are each amended to read as follows:

Every officer of a town before entering upon the duties of his office shall take and file with the ~~((town clerk))~~ county auditor his oath of office. The clerk, treasurer, and marshal before entering upon their respective duties shall also each execute a bond approved by the council in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his duties including in the same bond the duties of all offices of which he is made ex officio incumbent.

All bonds, when approved, shall be filed with the town clerk, except the bonds of the clerk which shall be filed with the mayor.

Sec. 20. Section 35A.12.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.080 are each amended to read as follows:

Any officer before entering upon the performance of his duties may be required to take an oath or affirmation as prescribed by charter or by ordinance for the faithful performance of his duties. The oath or affirmation shall be filed with the county auditor. The clerk, treasurer, if any, chief of police, and such other officers or employees as may be designated by ordinance or by

charter shall be required to furnish annually an official bond conditioned on the honest and faithful performance of their official duties. The terms and penalty of official bonds and the surety therefor shall be prescribed by ordinance or charter and the bond shall be approved by the chief administrative officer of the city. The premiums on such bonds shall be paid by the city. When the furnishing of an official bond is required of an officer or employee, compliance with such provisions shall be an essential part of qualification for office.

Sec. 21. Section 35A.29.110, chapter 119, Laws of 1967 ex. sess. as last amended by section 30, chapter 18, Laws of 1979 ex. sess. and RCW 35A.29.110 are each amended to read as follows:

A candidate for office in a code city shall file a declaration of candidacy substantially in the form set forth in RCW 29.18.030 insofar as such form is applicable to nonpartisan offices. Declarations of candidacy for offices of code cities to be voted upon at any municipal general election shall be filed with the county auditor not earlier than the ~~((last))~~ fourth Monday of July nor later than the next succeeding Friday in the year such general election is to be held (~~(; PROVIDED, That)),~~ However, if the first election of all officers upon reorganization as a non-charter code city under a plan of government newly adopted in the manner provided in RCW 35A.02.020, 35A.02.030, 35A.02.080, or 35A.06.030 (~~(; as now or hereafter amended;))~~ is an election as provided in RCW 35A.02.050 (~~(as now or hereafter amended)),~~ such declarations of candidacy shall be filed with the county auditor not more than fifty nor less than forty-six days prior to the primary election provided for in RCW 35A.02.050 (~~(as amended)).~~ Any candidate may withdraw his declaration at any time (~~(but not later than five days after))~~ before the Friday following the last day allowed for filing declarations of candidacy. Nominating petitions for charter commissioners and for any other office for which nominating petitions may be required shall be filed with the county auditor not more than sixty nor less than forty-six days prior to the date of the election, and may be withdrawn at any time, but not later than five days after the last day allowed for filing such petitions.

Sec. 22. Section 29, chapter 34, Laws of 1939 as amended by section 34, chapter 230, Laws of 1984 and RCW 52.14.070 are each amended to read as follows:

Before beginning the duties of office, each fire commissioner shall take and subscribe the official oath for the faithful discharge of the duties of office as required by RCW 29.01.135, which oath shall be filed in the office of the ~~((clerk of the superior court in))~~ auditor of the county in which the district is situated.

Sec. 23. Section 10, chapter 265, Laws of 1959 and RCW 54.12.100 are each amended to read as follows:

Each commissioner before he enters upon the duties of his office shall take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to the best of his ability. This oath, or affirmation, shall be administered and certified by an officer of the county in which the district is situated, who is authorized to administer oaths, without charge therefor. The oath or affirmation shall be filed with the county auditor.

Sec. 24. Section 18, chapter 6, Laws of 1947 and RCW 68.16.180 are each amended to read as follows:

Each cemetery commissioner, before assuming the duties of his office, shall take and subscribe an official oath to faithfully discharge the duties of his office, which oath shall be filed in the office of the county ~~((clerk))~~ auditor.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

(1) Section 29.07.150, chapter 9, Laws of 1965, section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150;

(2) Section 29.51.090, chapter 9, Laws of 1965 and RCW 29.51.090; and

(3) Section 95, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.180.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Senator Pullen: "Mr. President, I would like to raise the point of order that the committee amendment expands the scope and object of the bill. Using the honorable chairman of the Governmental Operations Committee's own words, he said that we extracted all these provisions from another bill. That in itself is saying he is expanding the scope and object of this measure. Another item that I would draw your attention to is that the original bill is a relatively small bill consisting of only a limited number of sections. It consists of only eighteen sections. The new bill is a humongous bill in length that adds almost double that. I would also draw the President's attention to title amendments on page 28 and 29 of the bill that extends for many, many lines. Clearly new subjects have been added to this, and therefore, I would contend that it does expand the scope and object of the original bill."

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1349 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1593 and the pending striking amendment by Senator Warnke and the amendment by Senator Vognild to the Warnke amendment on page 2, line 8, deferred earlier today.

MOTIONS

On motion of Senator Vognild, and there being no objection, the amendment to the Warnke amendment was withdrawn.

On motion of Senator Warnke, and there being no objection, the amendment was withdrawn.

MOTIONS

On motion of Senator Vognild, the following amendment was adopted:
On page 1, line 1, after "facilities;" insert "creating a new section"

Senator Warnke moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Within one hundred eighty days of the effective date of this section, the governing body of every hospital licensed under chapter 70.41 RCW shall set standards and procedures to be applied by the hospital and its medical staff in considering and acting upon applications for staff membership or professional privileges.

NEW SECTION. Sec. 2. The governing body of any hospital, except any hospital which employs its medical staff, in considering and acting upon applications for staff membership or professional privileges within the scope of the applicants' respective licenses, shall not discriminate against a qualified person solely on the basis of whether such person is licensed under chapters 18.71, 18.57, or 18.22 RCW.

NEW SECTION. Sec. 3. Any person may apply to superior court for a preliminary or permanent injunction restraining a violation of section 1 or 2 of this act. This action is an additional remedy not dependent on the adequacy of the remedy at law. Nothing in this chapter shall require a hospital to grant staff membership or professional privileges until a final determination is made upon the merits by the hospital governing body.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 5. The legislature recognizes that there is an increasing interest by the citizens of this state in physical fitness and that in response to such interest a wide variety of health and conditioning services are available. Therefore, the legislature declares that it is a matter of public interest that the citizens of this state be assured of reasonable protection when contracting for health and conditioning services.

NEW SECTION. Sec. 6. (1) As used in this chapter, unless the context clearly requires otherwise:

(a) "Contract for health and conditioning services" means: A contract which provides as one of its primary purposes services or facilities which assist the purchaser to improve physical condition or appearance through physical fitness programs, body building, exercising, reducing weight loss, figure development, or any other similar activity;

(b) "Initiation or membership fee" means a fee paid either in a lump sum or installments on a one-time basis when a person first joins a health and conditioning facility for the privilege of belonging to such facility;

(c) "Use fees" means fees paid on a regular periodic basis for use of a health club. This does not preclude prepayment of use fees at the buyer's option;

(d) "Health club" or "club" means any individual, partnership, corporation, or other legal entity offering contracts for health and conditioning services to the public.

(2) A "contract for health and conditioning services" does not include:

(a) Professional services within the scope of the person's license rendered or furnished by a person licensed under Title 18 RCW;

(b) Instruction at public common schools, public institutions of higher education, private schools approved under RCW 28A.02.201, and private institutions of higher education;

(c) Instruction, training, or assistance relating to diet or control of eating habits not involving physical fitness programs, body building, exercising, figure development, or any other similar activity; or

(d) Recreational or social programs offered by organizations listed in subsection (3) of this section, which either involve no physical exercise or exercise only incidental to the program.

(3) Except for the purposes of sections 7, 12, and 13 of this act, a "contract for health and conditioning services" does not include: (a) Services rendered by bona fide nonprofit organizations which have been granted tax exempt status by the internal revenue service, including, but not limited to, the Young Men's Christian Association, the Young Women's Christian Association, or other similar organizations, whose functions as health studios are only incidental to their overall functions and purposes; or (b) services rendered by bona fide nonprofit corporations organized under chapter 24.03 RCW which have members and whose members have meaningful voting rights to elect and remove a board of directors which is responsible for the operation of the health club and corporation.

NEW SECTION. Sec. 7. Contracts for health and conditioning services shall be in writing and are subject to this chapter. A copy of the written contract shall be given to the customer when the customer signs the contract.

NEW SECTION. Sec. 8. Contracts for health and conditioning services between the same buyer and the same seller which have overlapping terms are deemed to be one contract for the purpose of this chapter.

NEW SECTION. Sec. 9. If a contract exceeds three years, the buyer shall sign or initial the provision which establishes the duration of the contract.

Contracts may not be sold, advertised, or measured by the lifetime of the buyer.

NEW SECTION. Sec. 10. A contract for health and conditioning services may be sold prior to opening of the facility. Such contract shall provide that:

(1) Agreed upon services will begin within twelve months from the date the contract is signed unless the buyer signs an extension; and

(2) A five-day period for cancellation of the contract shall begin to run from the day the facility opens for use of the buyer and the seller begins to provide the agreed upon services.

NEW SECTION. Sec. 11. (1) Except as provided in subsection (2) of this section, all moneys paid to the seller by the buyer prior to the opening of the facility shall promptly be deposited by the seller in a trust account, maintained by the seller for the purpose of holding such moneys for the buyer, in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington. The seller shall within seven days of the first deposit notify the office of the attorney general, in writing, of the name, address, and location of the depository and any subsequent change thereof. Unless otherwise agreed in writing, the seller is entitled to receipt of interest paid on such trust account moneys. The seller shall provide the buyer with a written receipt for the moneys and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If prior to the opening of the facility the status of the seller is transferred to another, any sums in the trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor, and the successor shall promptly notify the buyer and the office of the attorney general of the transfer and of the name, address, and location of the new depository. The buyer's claim to any moneys paid under this section is prior to that of any creditor of the seller, including a trustee in bankruptcy or receiver, even if such moneys are commingled. After receipt of the notice of cancellation of the agreement or if the seller fails to open the facility and provide the agreed upon services within twelve months of the signing of the contract, the seller shall within ten days give a full refund to the buyer. The moneys on deposit shall revert to the seller on the day the facility opens.

(2) Subsection (1) of this section does not apply to any sellers who, prior to any preopening sales, have provided a bond guaranteeing performance of all contracts for health and conditioning services sold prior to the opening of the facility. The bond shall be drawn upon a surety in an amount acceptable to the office of the attorney general, running to the state of Washington. An action on the bond may be brought by the office of the attorney general or by any buyer of a contract for health and conditioning services sold prior to the opening of the facility.

NEW SECTION. Sec. 12. (1) The contract for health and conditioning services shall contain:

(a) The name and address of the health and conditioning facilities operator;

(b) The date the buyer signed the contract;

(c) The current fees to be paid by the buyer and, if such fees are subject to periodic adjustment, such fact shall be disclosed;

(d) The services to be provided under the contract; and

(e) The duration of the contract.

(2) Unless the health and conditioning facilities operator has complied with subsection (1) of this section, the buyer may cancel the contract for health and conditioning services at any time.

NEW SECTION. Sec. 13. Contracts for health and conditioning services shall contain clauses which notify buyers of the following rights:

(1) The buyer has the right to cancel the contract at any time prior to midnight of the third calendar day after the date the contract is signed by the buyer. Cancellation under this subsection entitles the buyer to a refund of all moneys paid and relieves the buyer from any future obligations under the contract without penalty.

(2) If by reason of death or total disability the person agreeing to receive services is unable to receive services that have been contracted for, the person or person's estate may cancel the contract.

(a) For total disability, a written confirmation of total disability shall be submitted by the person's treating physician. The health and conditioning facility may require the person to be examined by a physician of their choice if requested within sixty days after a written confirmation is submitted by the treating physician. If the two physicians disagree, they shall choose a third physician to examine the person, each party bearing half the fee. The third physician's opinion shall be binding on all parties. Total disability is a condition incurred after the person signs the contract which precludes the person from physically using the facilities for the remaining term of the contract.

(b) For death, a certified copy of the death certificate shall be sufficient evidence to cancel the contract.

(3) If the health and conditioning facilities are permanently closed and comparable facilities owned and operated by the seller are not made available within a ten-mile radius of the closed facility, the person agreeing to receive health and conditioning services may cancel the contract.

(4) If a contract for health and conditioning services extends for more than one year or requires payment of an initiation or membership fee, the buyer has the right to cancel the contract for any reason upon thirty days' written notice to the seller.

(5) Upon cancellation under subsection (2), (3), or (4) of this section, the buyer is entitled to a refund and relief from future obligations for payments of one-time only initiation and membership fees and monthly use fees as follows:

(a) The buyer is entitled to a refund of the unused portion of any prepaid monthly use fees and relief from future obligations to pay use fees concerning use after the date of cancellation;

(b) If a contract includes a one-time only initiation or membership fee and the buyer cancels under subsection (2) of this section, the buyer is entitled to a pro rata refund of such fee less a predetermined fee not to exceed one-half of the initial initiation or membership fee;

(c) If the contract includes a one-time only initiation or membership fee and the buyer cancels under subsection (3) of this section, the buyer is entitled to a pro rata refund of such fee;

(d) If the contract includes a one-time only initiation or membership fee and the buyer cancels under subsection (4) of this section, the buyer is entitled to a pro rata refund of such fee and relief from future obligations for payment under the contract unless the contract clearly states that the initiation or membership fee is nonrefundable, or states what percentage of the fee is refundable, and the clause is separately signed by the buyer;

(e) To calculate the amount of the refund and relief from future obligations for payment under the contract, the fee shall be apportioned into an equal installment amount by dividing the total fee by the number of months of use contracted for by the buyer. The buyer is entitled to relief from the obligation for payment and a refund of any moneys paid in excess of the number of months of use prior to the date of cancellation multiplied by the equal installment amount; and

(f) All refunds shall be made within thirty days of receipt of the notice of cancellation by the health and conditioning facilities operator. Notice of cancellation shall be provided to the seller by mailing or delivering a signed and dated notice, or sending a telegram which states that the buyer is canceling the contract, or words of similar effect. The seller may require the buyer to return the original copy of the contract, or any membership card, or any other materials which evidence membership in the club.

(6) For any period in which a person is precluded from physically using the facilities due to a temporary total disability, the obligation of that person to pay any monthly use fees will be suspended. For a temporary total disability, a written confirmation shall be submitted by the person's treating physician. The health and conditioning facility may require, if requested within sixty days after a written confirmation is submitted by the treating physician, the person to be examined by a physician of their choice. If the two physicians disagree, they shall choose a third physician to examine the person, each party bearing half the fee. The third physician's opinion shall be binding on all parties.

NEW SECTION. Sec. 14. The provisions of this chapter are not exclusive and do not relieve the parties from compliance with all other applicable federal, state, and local laws and rules.

NEW SECTION. Sec. 15. Any contract for health and conditioning services which does not comply with the applicable provisions of this chapter or in which the buyer waives any provision of this chapter is void and unenforceable as contrary to public policy.

NEW SECTION. Sec. 16. It shall be unlawful to sell or offer for sale any contract for health and conditioning services entered into in reliance upon any false, fraudulent, or misleading information or representations.

NEW SECTION. Sec. 17. A seller who has not furnished a bond under section 11 of this act and who receives money from a buyer under a contract for services from health and conditioning facilities sold prior to the opening of the facility and the provision of the agreed upon services and who fails to deposit such moneys in a trust account maintained by the seller for the purpose of holding such funds for the buyer in a bank, savings and loan association,

mutual savings bank, or licensed escrow agent located in Washington within three business days of receipt excluding Saturday, Sunday and holidays shall be guilty of a class C felony as defined in chapter 9A.20 RCW.

NEW SECTION, Sec. 18. A violation of this chapter, for purposes of the consumer protection act, chapter 19.86 RCW, constitutes an unfair or deceptive act or practice.

NEW SECTION, Sec. 19. The provisions of this chapter shall not apply to any contracts for health and conditioning services entered into before the effective date of this act.

NEW SECTION, Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 21. Sections 5 through 19 of this act shall constitute a new chapter in Title 19 RCW."

Senator Vognild moved that the following amendment to the Warnke amendment be adopted:

On page 2 of the amendment, after line 8, insert the following:

NEW SECTION, Sec. 4. The department of social and health services shall not require a certificate of need for the commencement of obstetrical services by an existing hospital as defined in RCW 70.41.020."

POINT OF ORDER

Senator Bluechel: "Mr. President, is it permissible in procedure to raise the issue of scope and object on the original Warnke amendment before the Vognild amendment is adopted? If it is so, I will do so."

REPLY BY THE PRESIDENT

President Cherberg: "You could raise the point after we consider the Vognild amendment."

Senator Bluechel: "It is out of order before, is that correct? In other words, I'm asking is it proper at this point to raise the point? Then, may I explain in asking you that question? The amendment may or may not have a bearing upon whether the final result is within scope or without a scope."

PARLIAMENTARY INQUIRY

Senator Newhouse: "I'd like to submit that we should be able to raise the point of order on the Warnke amendment at this point, otherwise additional amendments being submitted may expand the scope and object of the bill and should be raised presently."

REPLY BY THE PRESIDENT

President Cherberg: "If you want to raise it, go ahead."

POINT OF ORDER

Senator Bluechel: "Mr. President, I would raise the point of order of the Warnke amendment. The basic bill deals with hospitals and hospital care. The Warnke amendment primarily deals with fitness clubs and regulates fitness clubs and I would say that this is not within the original scope of the bill."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1593 was deferred.

SECOND READING

HOUSE BILL NO. 1393, by Representatives Sayan, Vekich and Belcher

Adding judicial positions in Mason and Thurston counties and dividing the judicial district.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, beginning on line 16, strike all material down to and including line 24 and insert the following:

NEW SECTION, Sec. 2. (1) Pursuant to RCW 2.08.069, the governor shall appoint a person to fill the judicial position created by section 1 of this act in Mason county. The five judges of the superior court serving in the Thurston/Mason judicial district on the effective date of this act shall be assigned to the new Thurston county judicial district.

(2) This act shall take effect January 1, 1987. The additional judicial position created by section 1 of this act in Mason county shall be effective only if, before January 1, 1987, Thurston and Mason counties, through their duly constituted legislative authorities, document their approval of the additional position and their agreement that they will pay out of county funds, without reimbursement from the state, the expenses resulting from section 1 of this act."

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1393, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1393, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1393, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent, 4; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senator Patterson - 1.

Absent: Senators Bender, Fleming, Hansen, Lee - 4.

Excused: Senators Cantu, Craswell, Stratton - 3.

HOUSE BILL NO. 1393, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1433, by Committee on Ways and Means (originally sponsored by Representatives Tilly, Grimm, Bristow, Hastings, Sayan, B. Williams, Braddock, Long, Holland, Brekke, Silver, G. Nelson, C. Smith, Jacobsen, Bond, Miller, Van Luvan and P. King)

Allowing state agencies to assert claims against state lottery prize winners.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 2, after line 7, insert the following:

NEW SECTION, Sec. 1. This act shall take effect September 1, 1986."

Senator Warnke moved that the following amendment be adopted:

On page 2, after line 7, insert the following:

"Sec. 3. Section 3, chapter 89, Laws of 1980 and RCW 43.51.380 are each amended to read as follows:

Recognizing the fact that the demand for park services is greatest in our urban areas, that parks should be accessible to all Washington citizens, that the urban poor cannot afford to travel to remotely located parks, that few state parks are located in or near urban areas, that a need exists to conserve energy, and that local governments having jurisdiction in urban areas cannot afford the costs of maintaining and operating the extensive park systems needed to service their large populations, the legislature hereby directs the interagency committee for outdoor recreation to place a high priority on the acquisition, development, redevelopment, and renovation of parks ~~((to be))~~ located in or near urban areas ~~((and to))~~ that will be particularly accessible to and used by the populations of those areas. For purposes of RCW 43.51.380 and 43.51.385, "urban areas" mean any incorporated city with a population of five thousand persons or greater or any county ~~((with a population density of two hundred fifty persons per square mile))~~ of the second class or greater. ~~((This section shall be implemented by January 1, 1987.))~~

Sec. 4. Section 6, chapter 5, Laws of 1965 as last amended by section 54, chapter 57, Laws of 1985 and RCW 43.99.060 are each amended to read as follows:

There is created the outdoor recreation account in the state treasury, in which shall be deposited all moneys received from the marine fuel tax refund account pursuant to RCW 43.99.070, the proceeds of the bond issue authorized by chapter 12, Laws of 1963, extraordinary session, all proceeds transferred from the state lottery account pursuant to section 7 of this 1986 act, and any moneys made available to the state of Washington by the federal government for outdoor recreation not specifically designated for another fund or agency. All earnings of investments of balances in the outdoor recreation account shall be credited to the general fund.

Grants, gifts, or other financial assistance awarded or designated for a particular purpose, or proceeds received from public bodies as administrative cost contributions, may be received and, when appropriated by the legislature, may be expended in accordance with the general budget and accounting act.

NEW SECTION. Sec. 5. A new section is added to chapter 43.99 RCW to read as follows:

Moneys transferred to the outdoor recreation account from the state lottery account shall be used solely for the acquisition, development, redevelopment, and renovation of urban area parks as defined in RCW 43.51.380.

Sec. 6. Section 24, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 5, chapter 375, Laws of 1985 and RCW 67.70.240 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for the purpose of making deposits into the outdoor recreation account pursuant to section 7 of this 1986 act; (5) for the purchase and promotion of lottery games and game-related services; and ~~((5))~~ (6) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

NEW SECTION. Sec. 7. A new section is added to chapter 67.70 RCW to read as follows:

The commission may conduct one lottery game each year for the benefit of urban area parks. The commission shall transfer the net proceeds received from the sale of lottery tickets or shares under this game to the outdoor recreation account under RCW 43.99.060."

POINT OF ORDER

Senator McDonald: "Mr. President, I would raise the point of order on the scope and object of this amendment. In looking at the bill, it talks about the awarding of the prizes for state lottery; it talks about debt--if you have a personal debt, then they can go after the lottery winnings to pay off that debt. Senator Warnke's amendment, as he explained quite eloquently, deals with a new lottery authorizing a new game for a park and I think that goes far beyond the scope and object of the original bill."

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1433 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1593 and the pending striking amendment by Senator Warnke and the amendment by Senator Vognild on page 2, line 8, to the amendment by Senator Warnke, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bluechel, the President finds that Substitute House Bill No. 1593 is a measure requiring health care facilities to establish rules for granting staff membership and professional privileges.

"The amendment proposed by Senator Warnke regulates health studio contracts.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Warnke was ruled out of order.

MOTIONS

On motion of Senator Vognild, the following amendment was adopted:

On page 1, after line 23, insert the following:

"NEW SECTION, Sec. 4. The department of social and health services shall not require a certificate of need for the commencement of obstetrical services by an existing hospital as defined in RCW 70.41.020."

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1593, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1593, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1593, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bluechel, Boltiger, Conner, Deccio, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Benitz, DeJarnatt, Newhouse, Pullen - 4.

Absent: Senators Bauer, Bender - 2.

Excused: Senators Cantu, Craswell, Stratton - 3.

SUBSTITUTE HOUSE BILL NO. 1593, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1349 and the pending Committee on Governmental Operation amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Substitute House Bill No. 1349 is an omnibus measure altering procedures regarding the administration of elections.

"The amendment proposed by the Committee on Governmental Operations also pertains to election administration.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by the Committee on Governmental Operations was ruled in order.

MOTION

Senator Pullen moved that the following amendment by Senators Pullen, Lee, Rasmussen, Metcalf, Craswell, Hayner, Johnson and Benitz to the Committee on Governmental Operations amendment be adopted:

On page 6, line 4, after "copying," strike all the material down through "writing," on page 6, line 16.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Lee, Rasmussen, Metcalf, Craswell, Hayner, Johnson and Benitz to the Committee on Governmental Operations amendment.

The motion by Senator Pullen carried and the amendment to the Committee on Governmental Operations amendment was adopted.

MOTION

Senator Pullen moved that the following amendment to the Committee on Governmental Operations amendment be adopted:

On page 19, line 27, strike "~~((compares favorably with the))~~ is substantially the same as that" and insert "compares favorably with the"

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Fleming: "Mr. President, is the three-minute rule in?"

REPLY BY THE PRESIDENT

President Cherberg: "This is the second go around."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen to the Committee on Governmental Operations amendment.

The motion by Senator Pullen failed and the amendment to the Committee on Governmental Operations amendment was not adopted.

MOTION

Senator Pullen moved that the following amendment to the Committee on Governmental Operations amendment be adopted:

On page 20, line 21, after "inspector" strike all the material down through "inspector")) on line 37 and insert "in an audible tone shall repeat the name of the voter and the number of the ballot. The election clerks having in charge the registration cards and poll books or precinct lists of registered voters, if they find that the number marked opposite the voter's name thereon corresponds with the number of the ballot handed to the inspector, shall mark the word "voted" or check a spot so designated opposite the name of such voter and one of the clerks shall call back in an audible tone the name of the voter and the number of his ballot. The inspector"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen to the Committee on Governmental Operations amendment.

The motion by Senator Pullen failed and the amendment to the Committee on Governmental Operations amendment was not adopted.

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment, as amended.

The motion by Senator Thompson carried and the Committee on Governmental Operations amendment, as amended was adopted.

MOTION

On motion of Senator Thompson, the following title amendment was adopted:

In line 1 of the title, after "elections;" strike the remainder of the title and insert "amending RCW 29.04.040, 29.04.055, 29.07.065, 29.13.020, 29.18.025, 29.21.060, 29.30.010, 29.30.081, 29.30.310, 29.34.125, 29.36.010, 29.51.110, 28A.57.322, 35.23.190, 35.24.080, 35.27.120, 35A.12.080, 35A.29.110, 52.14.070, 54.12.100, and 68.16.180; adding a new section to chapter 29.01 RCW; adding a new section to chapter 29.07 RCW; adding a new section to chapter 29.13 RCW; and repealing RCW 29.07.150, 29.51.090, and 29.54.180."

MOTIONS

On motion of Senator Zimmerman, Senator McCaslin was excused.

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1349, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1349, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1349, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJamat, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Craswell, Johnson, McDonald, Metcalf, Pullen, Rasmussen - 7.

Excused: Senators Cantu, McCaslin, Stratton - 3.

SUBSTITUTE HOUSE BILL NO. 1349, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Mr. President. I would point out to the Senators present that we're always quick to criticize cruel and inhumane treatment in some of the foreign countries where they have dictators. I'd like to point out that our staff up here have been glued to their seats for many, many hours. Old leather lungs died from over extending to the capacity. I wouldn't want that to happen to the rest of the staff. I would just point out that whoever is the leader here that a five-minute recess would not hurt any of the staff and would make us look like not slave masters, but humane slave masters."

MOTION

At 7:16 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 7:24 p.m. by President Cherberg.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598, by Committee on Judiciary (originally sponsored by Representatives Valle, Crane, Kremen, Smitherman, P. King, Hargrove, Zellinsky, Bristow, Scott, Todd, Wang, Ebersole, Winsley, Basich, Brough and May)

Revising the sexual offender treatment program.

The bill was read the second time.

MOTIONS

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the sexual offender treatment programs at western and eastern state hospitals, while not proven to be totally effective, may be of some benefit in positively affecting the behavior of certain sexual offenders. Given the significance of the problems of sexual assault and sexual abuse of children, it is therefore appropriate to review and revise these treatment efforts.

At the same time, concerns regarding the lack of adequate security at the existing programs must be satisfactorily addressed. In an effort to promote public safety, it is the intent of the legislature to transfer the responsibility for felony sexual offenders from the department of social and health services to the department of corrections.

Therefore, on and after July 1, 1987, no person convicted of a felony sexual offense may be committed under RCW 9.94A.120(7)(b) to the department of social and health services at eastern state hospital or western state hospital. Any person committed before July 1, 1987, to the department of social and health services under RCW 9.94A.120(7)(b) and still in the custody of the department of social and health services on June 30, 1993, shall be transferred to the custody of the department of corrections. On and after July 1, 1987, any person eligible for evaluation or treatment under RCW 9.94A.120(7)(b) shall be committed to the department of corrections.

NEW SECTION. Sec. 2. (1) In cooperation and consultation with the mental health division of the department of social and health services, the department of corrections shall develop a plan for the administration of a sexual offender treatment program. The plan shall include:

- (a) Criteria to determine amenability to treatment;
- (b) A description of the structure and organization of the program and program options, including staffing requirements;
- (c) The treatment methods and the number and characteristics of offenders proposed to be served;
- (d) The selection of the location or locations of the program within the existing institutions operated by the department of corrections, including identification of alternative sites within the existing institutions operated by the department of corrections;
- (e) An analysis of a proposal to permit selected offenders to participate in the program only during the last two or three years of their term of confinement;
- (f) Program security;
- (g) Program costs;

(h) A description of the mechanisms and procedures to be used to collect valid and reliable data on program completion rates, recidivism rates, and escape rates;

(i) A method for tracking offenders who have been released which method can be used to determine the efficacy of the treatment program;

(j) An analysis and description of other treatment models; and

(k) Negotiations with the exclusive bargaining representative of the employees affected to provide preferential consideration for job retention, including but not limited to interagency transfer or promotion during the period of transition.

(2) Any consultation, information, or other services necessary for the development of the plan, shall upon request by the department of corrections be provided to the department of corrections by the department of social and health services, the legislative budget committee, the office of financial management, the administrator for the courts, and the data processing authority and shall be provided without charge to the department of corrections.

(3) The plan shall be submitted to the legislature by January 1, 1987, and shall take effect on July 1, 1987, unless otherwise directed by law.

Sec. 3. Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine(~~(-make restitution;))~~ and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, (~~(restitution;))~~ a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, or any other felony sexual offenses in this or any other state, the sentencing court on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and

place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, (~~make restitution;~~) accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced before July 1, 1987, to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court (~~for determination as to whether~~). The sentencing court shall commit the offender (~~shall be transferred~~) to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, (b) of this subsection shall cease to have effect.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in RCW 9A.20.020.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

Sec. 4. Section 12, chapter 137, Laws of 1981 as last amended by section 3, chapter ... (SSB 4736), Laws of 1986 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, or any other felony sexual offenses in this or any other state, the sentencing court on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the

court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

~~(b) When an offender is convicted of any felony sexual offense and is sentenced ((before)) on or after July 1, 1987, to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, ((order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.~~

~~If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of his term of confinement)) request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.~~

If the offender ~~((successfully))~~ completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court ~~((may))~~ to convert the balance of confinement to community supervision and ~~((may))~~ to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (b) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced prior to July 1, 1987.

After June 30, 1993, (b) of this subsection shall cease to have effect.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition

was required. (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in RCW 9A.20.020.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

NEW SECTION, Sec. 5. Nothing contained in this act shall be construed to alter any existing collective bargaining unit existing on the effective date of this section or the provisions of any collective bargaining agreement existing on the effective date of this section until such agreement has expired or until any such bargaining unit has been modified by action of the state personnel board as provided by law.

NEW SECTION, Sec. 6. During the remainder of the 1985-1987 biennium, upon authorization of the office of financial management, the department of social and health services shall reimburse the department of corrections as is necessary for the department of corrections to provide custody to those persons determined not to be amenable to treatment or those persons referred to court by the department of social and health services for failure to comply with the conditions of the program and committed to the department of corrections.

NEW SECTION, Sec. 7. Section 8, chapter 443, Laws of 1985 and RCW 9.94A.122 are each repealed.

NEW SECTION, Sec. 8. Section 4 of this act shall take effect July 1, 1987.

NEW SECTION, Sec. 9. Sections 1, 2, 3, 5, 6, and 7 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Talmadge, the following amendment by Senator Moore to the Committee on Judiciary amendment was adopted:

On page 2 of the amendment, line 22, after "program," insert "In developing the plan, the department of corrections may consult with private agencies providing counseling to sex offenders."

On motion of Senator Talmadge, the following amendment to the Committee on Judiciary amendment was adopted:

On page 13 of the the amendment, line 26, strike "(SSB 4736)" and insert "(ESHB 1598)"

MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Halsan and Newhouse to the Committee on Judiciary amendment was adopted:

On page 4 of the Committee Amendment, beginning on line 11, strike all of sections 3 and 4, through "restitution," on page 23, line 6, and insert the following:

"Sec. 3. Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) (~~and~~), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
 - (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
 - (c) Pursue a prescribed, secular course of study or vocational training;
 - (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
 - (e) Report as directed to the court and a community corrections officer; or
 - (f) Pay a fine (~~((make restitution.))~~) and/or accomplish some community service work.
- (6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, (~~((restitution.))~~) a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of (~~((any))~~) a sex offense other than a violation of (~~((chapter 9A.44 RCW or RCW 9A.64.020 except))~~) RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions (~~((of chapter 9A.44 RCW, RCW 9A.64.020.))~~) for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, (~~((make restitution.))~~) accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced before July 1, 1987, to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of

social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court ~~((for determination as to whether))~~. The sentencing court shall commit the offender ((shall be transferred)) to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, (b) of this subsection shall cease to have effect.

(c) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:

(i) Crime-related provisions;

(ii) A requirement that the offender report to a community corrections officer at regular intervals; and

(iii) A requirement to remain within or without stated geographical boundaries.

The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. In no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.

If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be established based on a formula determined by the office of financial management and reestablished each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make

such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW ((9A.20-020)).

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

Sec. 4. Section 12, chapter 137, Laws of 1981 as last amended by section 3, chapter ... (ESHB 1598), Laws of 1986 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay a fine and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the

state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iv) Report as directed to the court and a community corrections officer;

(v) Pay a fine, accomplish some community service work, or any combination thereof; or

(vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced ~~((before))~~ on or after July 1, 1987, to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, ~~((order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual-offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.~~

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of his term of confinement; request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

If the offender ~~((successfully))~~ completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court ((may)) to convert the balance of confinement to community supervision and ~~((may))~~ to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (b) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced prior to July 1, 1987.

After June 30, 1993, (b) of this subsection shall cease to have effect.

(c) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:

(i) Crime-related provisions:

(ii) A requirement that the offender report to a community corrections officer at regular intervals; and

(iii) A requirement to remain within or without stated geographical boundaries.

The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. In no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.

If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be established based on a formula determined by the office of financial management and reestablished each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution."

On motion of Senator Wojahn, the following amendment by Senators Wojahn, Talmadge, Johnson, Granlund and Pullen to the Committee on Judiciary amendment was adopted:

On page 24 of the Committee Amendment, line 13, after "immediately," insert the following:

"NEW SECTION. Sec. 10. A new section is added to chapter 72.01 RCW to read as follows:

(1) For purposes of this section only, "assault" means an unauthorized touching of an employee by a resident, patient, or juvenile offender resulting in physical injury to the employee.

(2) In recognition of the hazardous nature of employment in state institutions, the legislature hereby provides a supplementary program to reimburse institutional care employees of the

departments of social and health services and of veterans affairs for some of their costs attributable to their being the victims of assault by residents, patients, or juvenile offenders. This program shall be limited to the reimbursement provided in this section.

(3) An employee is only entitled to receive the reimbursement provided in this section if the secretary of social and health services or director of veterans affairs, or the secretary's or director's designee, finds that each of the following has occurred:

(a) A resident or patient has assaulted the employee and as a result thereof the employee has sustained demonstrated physical injuries which have required the employee to miss days of work;

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(c) The department of labor and industries has approved the employee's workers' compensation application pursuant to chapter 51.32 RCW.

(4) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(5) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(6) The employee shall not be entitled to the reimbursement provided in subsection (4) of this section for any workday for which the director, secretary or applicable designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(7) The reimbursement shall only be made for absences which the director, secretary or applicable designee, believes are justified.

(8) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(9) While the employee is receiving reimbursement under this section, the employee shall continue to receive service credit under chapter 41.32 or 41.40 RCW, whichever is appropriate, and the respective employee and employer contributions to the retirement system shall also continue to be made, under the appropriate chapter, on the regular compensation the employee would have received had not the disability occurred.

(10) All reimbursement payments required to be made to employees under this section shall be made by the employing department. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(11) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right."

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment, as amended.

The motion by Senator Talmadge carried and the Committee on Judiciary amendment, as amended, was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

In line 1 of the title of the bill, after "9.94A.120:" insert "adding a new section to chapter 72.01 RCW:"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1598, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Talmadge, are the sex offenders in the prisons segregated from the other prisoners or are they all intermixed?"

Senator Talmadge: "My understanding, Senator, is they are presently in the general population of these institutions, although there is nothing in the law that

would prevent the Department of Corrections from segregating those individuals in a certain one or more of the institutions that the Department operates."

Further debate ensued.

PERSONAL PRIVILEGE

Senator Kiskaddon: "Mr. President and Senators, a point of personal privilege. I have the sense that Senator Rasmussen was misinterpreting what I was saying and to the point where he was putting me in with a group of people that he was saying was not really doing something that worked, but what I want you to be really clear about is that the firmness--locking up and all of that--is part of what is appropriate and has to happen, but the difference when you keep someone locked up, you can still talk with them in a respectful way rather than putting them down--and there were several things that I was talking about. I want everyone to be clear that you don't have to be soft on crime to be able to accomplish what I was saying. You can be real tough and at the same time tough, firm and polite."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1598, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1598, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Thompson - 1.

Excused: Senators Cantu, McCaslin, Stratton - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Talmadge, the appointment of Judge F. James Gavin as a member of the Sentencing Guidelines Commission was confirmed.

APPOINTMENT OF JUDGE F. JAMES GAVIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Guess, Thompson - 2.

Excused: Senators Cantu, McCaslin, Stratton - 3.

MOTION

At 7:51 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Thursday, March 6, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 6, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Deccio, Kreidler, McManus, Metcalf, Moore, Peterson, Pullen, Rasmussen, Sellar, Stratton and von Reichbauer.

The Sergeant at Arms Color Guard, consisting of Pages Ben Garza and Mary Wilkerson, presented the Colors. Reverend Arla Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Talmadge, the appointment of Sheriff Felix Ramon a member of the Sentencing Guidelines Commission was confirmed.

APPOINTMENT OF SHERIFF FELIX RAMON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; absent, 13.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Newhouse, Owen, Patterson, Rinehart, Saling, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 36.

Absent: Senators Bauer, Benitz, Deccio, Kreidler, McManus, Metcalf, Moore, Peterson, Pullen, Rasmussen, Sellar, Stratton, von Reichbauer - 13.

MOTIONS

On motion of Senator Bender, Senators Kreidler, Peterson, Rasmussen and Stratton were excused.

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

On motion of Senator Talmadge, the appointment of Michael Jerod Jackson a member of the Judiciary Qualification Commission was confirmed.

APPOINTMENT OF MICHAEL JEROD JACKSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bauer, Newhouse - 2.

Excused: Senators Kreidler, Peterson, Rasmussen, Stratton, von Reichbauer - 5.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1827, by Committee on Ways and Means (originally sponsored by Representatives Valle, Appelwick, Hastings and Lundquist)

Apportioning the value of vessels for property tax purposes.

The bill was read the second time.

MOTION

Senator Moore moved that the following amendment be adopted:

On page 2, after line 31, strike all material down through line 33 and insert the following:

"Sec. 4. Section 9, chapter 7, Laws of 1983 as amended by section 42, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.49.010 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using a vessel upon the waters of this state, except vessels exempt under RCW 82.49.020. The annual amount of the excise tax ~~((is one-half of one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater.))~~ shall be as follows:

(a) For vessels sixteen feet or more in length but less than twenty feet, one dollar and thirty-five cents per foot, or fraction thereof;

(b) For vessels twenty feet or more in length but less than twenty-six feet, two dollars and forty cents per foot, or fraction thereof;

(c) For vessels twenty-six feet or more in length but less than thirty-two feet, three dollars and ten cents per foot, or fraction thereof;

(d) For vessels thirty-two feet or more in length but less than thirty-eight feet, three dollars and thirty-five cents per foot, or fraction thereof; and

(e) For vessels thirty-eight feet or more in length, three dollars and seventy cents per foot, or fraction thereof.

Length is determined by means of a straight line measurement of the overall length from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, and similar fittings or attachments are not included in the measurement.

(2) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. ~~((The excise tax on vessels required to be registered in this state on June 30, 1983, shall be paid by June 30, 1983.))~~

Sec. 5. Section 10, chapter 7, Laws of 1983 and RCW 82.49.030 are each amended to read as follows:

The excise taxes imposed under ~~((this chapter is))~~ RCW 82.49.010 and 82.49.070 are due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until ~~((the tax is))~~ these taxes are paid in full.

The excise taxes collected under ~~((this chapter))~~ RCW 82.49.010 shall be deposited in the general fund. The excise taxes collected under RCW 82.49.070 shall be deposited in the vessel local excise tax account hereby created in the state treasury. Moneys in the vessel local excise tax account may be spent only for distribution to counties imposing the local tax. Distribution to the counties shall occur on a monthly basis, not later than the fifteenth day of the succeeding month after collection.

NEW SECTION. Sec. 6. A new section is added to chapter 82.49 RCW to read as follows:

(1) Any vessel which is not less than forty years old and whose hull is substantially unmodified shall be considered to be a classic vessel for the purposes of this chapter.

(2) Owners of classic vessels as described in subsection (1) of this section may, as an alternative to paying the vessel excise tax imposed in RCW 82.49.010, have the vessel appraised by the county assessor of the county in which the vessel is moored or stored. The appraised value of the vessel shall be reported to the department on a form prescribed by the department and the excise tax due and payable each year shall be paid at the rate of one-half of one percent of the appraised value of the vessel as certified by the county assessor.

(3) The fee for such appraisal shall be twenty-five dollars, payable to the county treasurer for deposit in the county current expense fund.

(4) This section shall apply to vessel registration periods beginning in 1987 and thereafter.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 7, Laws of 1983 and RCW 82.49.040;

(2) Section 12, chapter 7, Laws of 1983 and RCW 82.49.050; and

(3) Section 13, chapter 7, Laws of 1983 and RCW 82.49.060.

NEW SECTION. Sec. 8. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 4 through 7 of this act shall take effect July 1, 1986.

NEW SECTION. Sec. 11. Sections 1 through 3 of this act shall be effective for taxes levied for collection in 1987, and thereafter."

Renumber the sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Granlund: "Senator Moore, on the amendment, those who complied with the law that was passed in 1983--what's the procedure for those now who did not comply with that law and will that now come under a different regulation relative to now going to cost per foot as opposed to cost of value? What is the process going to be?"

Senator Moore: "The process will be established by the Department of Licensing. They will administer it the same as the other one and those people that complied before will come under the heading of good citizens and those that didn't may have been exempted by the Coast Guard regulation or they may not have."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Moore.

The motion by Senator Moore carried and the amendment was adopted.

MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title, after "vessels;" strike the remainder of the title and insert "amending RCW 84.36.080, 84.08.200, 82.49.010, and 82.49.030; adding a new section to chapter 82.49 RCW; adding a new section to chapter 84.40 RCW; creating new sections; recodifying RCW 84.08.200; repealing RCW 82.49.040, 82.49.050, and 82.49.060; and providing an effective date."

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1827, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator McDermott, what is the purpose of the exclusion in Section 2, subsection (1) for vessels operated by a steamboat company as defined by RCW 84.12.200?"

Senator McDermott: "Senator Goltz, that language is intended to exclude vessels which have always had their taxes apportioned under the public utility statute. It is not intended to exclude vessels operating in interstate commerce, such as those operating between ports in Puget Sound and Alaska or Hawaii."

Senator Goltz: "One further question, Senator McDermott. Could you tell me what is meant by 'undergoing repair and alteration' as listed in Section 2, subsection (3)(b)?"

Senator McDermott: "Senator Goltz, that language is intended to include both scheduled and emergency repairs, alterations, and related activities. For example, a vessel may come into port for inspection and repairs on an annual basis, when the vessel might undergo sandblasting and repainting, inspection and repair of shafts, valves, and pipes, electronic equipment and any other repairs that might be necessary. These activities could take place at a commercial facility or at a private one. A vessel might come into port for a special survey or for emergency repairs. A vessel may be altered to enlarge it or to serve another purpose. A vessel will be considered under repair if it is waiting for a needed part or inspection and not at that time undergoing repair. However, a vessel will not be considered

undergoing repair if the vessel is not actually undergoing repair in a reasonable manner and time period."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1827, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1827, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Gaspard, Johnson, Rinehart - 3.

Excused: Senators Stratton, von Reichbauer - 2.

SUBSTITUTE HOUSE BILL NO. 1827, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1399, by Committee on Judiciary (originally sponsored by Representatives Locke, West, Armstrong, P. King, Padden and Van Luven)

Revising sentencing of adult felons.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Judiciary amendments be considered simultaneously and not be adopted:

On page 39, after Section 18 insert a new section as follows:

"Sec. 19. Section 2, chapter 234, Laws of 1984 (uncodified) is amended to read as follows:

(1) The ~~((committee))~~ joint legislative committee on the criminal justice system shall survey and study crime prevention, the causes of crime, and how the administration of the criminal justice system impacts crime.

(2) The committee shall submit its findings and recommendations thereon to the governor, the legislature, and the judicial branch of state government. A final report shall be prepared and submitted by January 1, ~~((1986))~~ 1987, on which date the committee shall cease to exist.

(3) The committee shall conduct a study for the legislature to determine whether the Sentencing Reform Act has addressed the high rate of minority incarceration in Washington. The committee shall determine whether there are significant statistical differences in the arrest, charging, conviction and sentencing of minorities. The committee is also directed to determine the extent to which recommended prosecutor charging and plea bargaining guidelines set forth in the SRA are being followed around the state and whether uniform, mandatory standards should be adopted. The committee shall complete this report for the legislature by January 1, 1987."

Renumber the remaining sections accordingly.

On page 39, after Section 18 insert a new section as follows:

"Sec. 19. Section 2, chapter 335, Laws of 1981 and RCW 43.10.232 are each amended to read as follows:

(1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate crimes and initiate and conduct prosecutions upon the request of or with the concurrence of any of the following:

~~((+))~~(a) The county prosecuting attorney of the jurisdiction in which the offense has occurred;

~~((#))~~(b) The governor of the state of Washington; or

~~((#))~~(c) A majority of the committee charged with the oversight of the organized crime intelligence unit.

(2) Such request or concurrence shall be communicated in writing to the attorney general.

(3) Prior to any prosecution by the attorney general under this section, the attorney general and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorney fees associated with any such prosecution."

Renumber the remaining sections accordingly.

On page 1, after line 7, insert the following:

*Sec. 1. Section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 186, Laws of 1985 and by section 19, chapter 455, Laws of 1985 and RCW 9A.04.080 are each reenacted and amended to read as follows:

Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b), within seven years after their commission; for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission; for bigamy, within three years of the time specified in RCW 9A.64.010; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: PROVIDED, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, six, seven, and ten years respectively; AND FURTHER PROVIDED, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

Sec. 2. Section 9A.64.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.64.010 are each amended to read as follows:

(1) A person is guilty of bigamy if he intentionally marries or purports to marry another person when either person has a living spouse.

(2) In any prosecution under this section, it is a defense that at the time of the subsequent marriage or purported marriage:

(a) The actor reasonably believed that the prior spouse was dead; or

(b) A court had entered a judgment purporting to terminate or annul any prior disqualifying marriage and the actor did not know that such judgment was invalid; or

(c) The actor reasonably believed that he was legally eligible to marry.

(3) The limitation imposed by RCW 9A.04.080 on commencing a prosecution for bigamy shall not begin to run until the death of the prior or subsequent spouse of the actor or until a court enters a judgment terminating or annulling the prior or subsequent marriage.

(4) Bigamy is a class C felony.*

Renumber the remaining sections accordingly.

On page 4, line 16, after "9A.44 RCW" strike "or RCW 9A.64.020" and insert ", RCW 9A.64.020, or RCW 9.68A.090"

The President declared the question before the Senate to be the motion by Senator Talmadge to not adopt the Committee on Judiciary amendments to Substitute House Bill No. 1399.

The motion by Senator Talmadge carried and the committee amendments were not adopted.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Halsan and Newhouse be adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The sentencing guidelines commission shall study robbery of controlled substances and consider whether this type of robbery should be defined as a separate felony or whether additional sentencing enhancements are needed. The commission shall study the sentences for this type of robbery that have been imposed under the sentencing reform act. The commission shall deliver its recommendations to the legislature by January 1, 1987.

Sec. 2. Section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 382, Laws of 1985 and RCW 9A.56.010 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(3) "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any

other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;

(4) "Deception" occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs;

(6) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another; or

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, partner, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, partnership, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his or her own unauthorized use or to the use of any person other than the true owner or person entitled thereto;

(8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) "Stolen" means obtained by theft, robbery, or extortion;

(12) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value, considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars;

(13) "Shopping cart" means a basket mounted on wheels or similar container generally used in a retail establishment by a customer for the purpose of transporting goods of any kind;

(14) "Parking area" means a parking lot or other property provided by retailers for use by a customer for parking an automobile or other vehicle.

Sec. 3. Section 9A.04.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.04.110 are each amended to read as follows:

In this title unless a different meaning plainly is required:

(1) "Acted" includes, where relevant, omitted to act;

(2) "Actor" includes, where relevant, a person failing to act;

(3) "Assault" is:

(a) An act done with intent to cause fear in another of immediate bodily harm or death to that person or another;

(b) The intentional infliction of or attempt to inflict bodily harm upon another; or

(c) An intentional touching which would be offensive to a reasonable person or which creates an unreasonable risk of bodily harm to another;

(4) "Benefit" is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;

((4)) (5) (a) "Bodily injury," ((or)) "physical injury," or "bodily harm" means physical pain or injury, illness, or an impairment of physical condition;

(b) "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;

(c) "Great bodily harm" means bodily injury which creates a probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily part or organ;

((5)) (6) "Building", in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;

((6)) (7) "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or ((serious bodily injury)) substantial bodily harm;

((7)) (8) "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;

((8)) (9) "Government" includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;

((9)) (10) "Governmental function" includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;

((10)) (11) "Indicted" and "indictment" include "informed against" and "information", and "informed against" and "information" include "indicted" and "indictment";

((11)) (12) "Judge" includes every judicial officer authorized alone or with others, to hold or preside over a court;

((12)) (13) "Malice" and "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty;

((13)) (14) "Officer" and "public officer" means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;

((14)) (15) "Omission" means a failure to act;

((15)) (16) "Peace officer" means a duly appointed city, county, or state law enforcement officer;

((16)) (17) "Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;

((17)) (18) "Person", "he", and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;

((18)) (19) "Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;

((19)) (20) "Prison" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;

((20)) (21) "Prisoner" includes any person held in custody under process of law, or under lawful arrest;

((21)) (22) "Property" means anything of value, whether tangible or intangible, real or personal;

((22)) (23) "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;

((23)) (24) "Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;

((24)) (25) "Statute" means the Constitution or an act of the legislature or initiative or referendum of this state;

((25)) (26) "Threat" means to communicate, directly or indirectly the intent:

- (a) To cause bodily injury in the future to the person threatened or to any other person; or
- (b) To cause physical damage to the property of a person other than the actor; or
- (c) To subject the person threatened or any other person to physical confinement or restraint; or
- (d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or
- (e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or
- (f) To reveal any information sought to be concealed by the person threatened; or
- (g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or
- (i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
- (j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships.

((26)) (27) "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

((27)) (28) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

NEW SECTION, Sec. 4. (1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

- (a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or
- (b) Administers to or causes to be taken by another, poison or any other destructive or noxious substance; or
- (c) Assaults another and inflicts great bodily harm.

(2) Assault in the first degree is a class A felony.

NEW SECTION, Sec. 5. (1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

- (a) Intentionally assaults another and thereby inflicts substantial bodily harm; or
- (b) Assaults another with a deadly weapon; or
- (c) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or
- (d) With intent to commit a felony, assaults another.

(2) Assault in the second degree is a class B felony.

NEW SECTION, Sec. 6. (1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

- (a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is operating or is in control of a vehicle owned or operated by the transit company; or

(c) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm.

(2) Assault in the third degree is a class C felony.

NEW SECTION, Sec. 7. (1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, he or she assaults another.

(2) Assault in the fourth degree is a gross misdemeanor.

Sec. 8. Section 2, chapter 105, Laws of 1979 ex. sess. as amended by section 20, chapter 263, Laws of 1984 and RCW 10.99.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, adult persons related by blood or marriage, persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

(2) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree ((~~RCW 9A.36.010~~)) (section 4 of this 1986 act);
- (b) Assault in the second degree ((~~RCW 9A.36.020~~)) (section 5 of this 1986 act);
- (c) ((Simple)) Assault ((~~RCW 9A.36.040~~)) in the third degree (section 6 of this 1986 act);
- (d) Assault in the fourth degree (section 7 of this 1986 act);
- (e) Reckless endangerment (RCW 9A.36.050);

((~~e~~)) (f) Coercion (RCW 9A.36.070);

((~~f~~)) (g) Burglary in the first degree (RCW 9A.52.020);

((~~g~~)) (h) Burglary in the second degree (RCW 9A.52.030);

((~~h~~)) (i) Criminal trespass in the first degree (RCW 9A.52.070);

((~~i~~)) (j) Criminal trespass in the second degree (RCW 9A.52.080);

((~~j~~)) (k) Malicious mischief in the first degree (RCW 9A.48.070);

((~~k~~)) (l) Malicious mischief in the second degree (RCW 9A.48.080);

((~~l~~)) (m) Malicious mischief in the third degree (RCW 9A.48.090);

((~~m~~)) (n) Kidnapping in the first degree (RCW 9A.40.020);

((~~n~~)) (o) Kidnapping in the second degree (RCW 9A.40.030);

((~~o~~)) (p) Unlawful imprisonment (RCW 9A.40.040);

((~~p~~)) (q) Violation of the provisions of a restraining order restraining the person or excluding the person from a residence (RCW 26.09.300);

((~~q~~)) (r) Violation of the provisions of a protection order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, or 26.50.130);

((~~r~~)) (s) Rape in the first degree (RCW ((~~9A.44.040~~)) 9A.44.040); and

((~~s~~)) (t) Rape in the second degree (RCW ((~~9A.44.050~~)) 9A.44.050).

(3) "Victim" means a family or household member who has been subjected to domestic violence.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 9A.36.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.010;

(2) Section 9A.36.020, chapter 260, Laws of 1975 1st ex. sess., section 5, chapter 38, Laws of 1975-76 2nd ex. sess., section 9, chapter 244, Laws of 1979 ex. sess. and RCW 9A.36.020;

(3) Section 9A.36.030, chapter 260, Laws of 1975 1st ex. sess., section 10, chapter 244, Laws of 1979 ex. sess., section 1, chapter 140, Laws of 1982 and RCW 9A.36.030;

(4) Section 9A.36.040, chapter 260, Laws of 1975 1st ex. sess., section 18, chapter 263, Laws of 1984, section 8, chapter 303, Laws of 1985 and RCW 9A.36.040; and

(5) Section 28A.87.140, chapter 223, Laws of 1969 ex. sess., section 61, chapter 199, Laws of 1969 ex. sess., section 318, chapter 258, Laws of 1984 and RCW 28A.87.140.

NEW SECTION. Sec. 10. The enactment of section 9 of this act does not have the effect of terminating or in any way modifying any criminal liability in existence prior to the effective date of this act, nor affecting any proceeding instituted under the sections repealed.

NEW SECTION. Sec. 11. Sections 4 through 7 of this act are each added to chapter 9A.36 RCW.

NEW SECTION. Sec. 12. Sections 3 through 10 of this act shall take effect on July 1, 1986.

Sec. 13. Section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 186, Laws of 1985 and by section 19, chapter 455, Laws of 1985 and RCW 9A.04.080 are each reenacted and amended to read as follows:

Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b), within seven years after their commission; for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission; for bigamy, within three years of the time specified in RCW 9A.64.010; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: PROVIDED, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, six, seven, and ten years respectively: AND FURTHER PROVIDED, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint, or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of

such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

Sec. 14. Section 9A.64.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.64.010 are each amended to read as follows:

(1) A person is guilty of bigamy if he intentionally marries or purports to marry another person when either person has a living spouse.

(2) In any prosecution under this section, it is a defense that at the time of the subsequent marriage or purported marriage:

(a) The actor reasonably believed that the prior spouse was dead; or

(b) A court had entered a judgment purporting to terminate or annul any prior disqualifying marriage and the actor did not know that such judgment was invalid; or

(c) The actor reasonably believed that he was legally eligible to marry.

(3) The limitation imposed by RCW 9A.04.080 on commencing a prosecution for bigamy does not begin to run until the death of the prior or subsequent spouse of the actor or until a court enters a judgment terminating or annulling the prior or subsequent marriage.

(4) Bigamy is a class C felony.

Sec. 15. Section 2, chapter 234, Laws of 1984 (uncodified) is amended to read as follows:

(1) The joint legislative committee on the criminal justice system shall survey and study crime prevention, the causes of crime, and how the administration of the criminal justice system impacts crime.

(2) The committee shall submit its findings and recommendations thereon to the governor, the legislature, and the judicial branch of state government. A final report shall be prepared and submitted by January 1, ~~((1986))~~ 1987, on which date the committee shall cease to exist.

(3) The committee shall conduct a study for the legislature to determine whether the sentencing reform act has addressed the high rate of minority incarceration in Washington. The committee shall determine whether there are significant statistical differences in the arrest, charging, conviction, and sentencing of minorities. The committee is also directed to determine the extent to which recommended prosecutor charging and plea bargaining guidelines set forth in the sentencing reform act are being followed around the state and whether uniform, mandatory standards should be adopted. The committee shall complete this report for the legislature by January 1, 1987.

Sec. 16. Section 2, chapter 335, Laws of 1981 and RCW 43.10.232 are each amended to read as follows:

(1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate crimes and initiate and conduct prosecutions upon the request of or with the concurrence of any of the following:

~~((+))~~ (a) The county prosecuting attorney of the jurisdiction in which the offense has occurred;

~~((2))~~ (b) The governor of the state of Washington; or

~~((3))~~ (c) A majority of the committee charged with the oversight of the organized crime intelligence unit.

(2) Such request or concurrence shall be communicated in writing to the attorney general.

(3) Prior to any prosecution by the attorney general under this section, the attorney general and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution.

Sec. 17. Section 3, chapter 137, Laws of 1981 as last amended by section 5, chapter 346, Laws of 1985 and RCW 9.94A.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the sentencing guidelines commission.

(2) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender. For purposes of the interstate compact for out of state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(4) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

(5) "Confinement" means total or partial confinement as defined in this section.

(6) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(7) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall

not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(8) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's prior convictions (~~(or pleas of guilty)~~) in juvenile court if: (i) The (~~guilty plea or~~) conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); (~~and~~) (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant (had not reached his or her twenty-third birthday) was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(9) "Department" means the department of corrections.

(10) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(11) "Drug offense" means any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403).

(12) "Escape" means escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), wilful failure to return from furlough (RCW 72.66.060), or wilful failure to return from work release (RCW 72.65.070).

(13) "Felony traffic offense" means vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), or felony hit-and-run injury-accident (RCW 46.52.020(4)).

(14) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

~~((+2))~~ (15)(a) "First-time offender" means any person who is convicted of a felony not classified as a violent offense or a sex offense under this chapter, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

~~((+3))~~ (16) "Nonviolent offense" means an offense which is not a violent offense.

(17) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((+4))~~ (18) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

~~((+5))~~ (19) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

~~((+6))~~ (20) "Serious traffic offense" means driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)).

(21) "Serious violent offense" is a subcategory of violent offense and means murder in the first degree, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies.

(22) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((+7))~~ (23) "Sex offense" means a felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes.

(24) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((+8))~~ (25) "Victim" means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

~~((+9))~~ (26) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, ~~((and))~~ vehicular homicide, and vehicular assault;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection ~~((19))~~ (26)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection ~~((19))~~ (26) (a) or (b) of this section.

Sec. 18. Section 4, chapter 137, Laws of 1981 as amended by section 2, chapter 192, Laws of 1982 and RCW 9.94A.040 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

~~(7) (By January 10, 1983, the commission shall recommend its standard sentence ranges and standards to the legislature by providing the recommendations to the chief clerk of the house of representatives and secretary of the senate. If the commission has prepared an additional list of standard sentence ranges, as provided under subsection (6) of this section, then the commission shall include such list along with its recommendations.~~

~~(8) Every two years,))~~ The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.

~~((9))~~ (8) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

~~((10))~~ (9) The commission shall exercise its duties under this section in conformity with chapter 34.04 RCW, as now existing or hereafter amended.

Sec. 19. Section 7, chapter 137, Laws of 1981 and RCW 9.94A.070 are each amended to read as follows:

~~((11) At its regular session convening in 1983, the legislature shall enact laws approving or modifying either the standards recommended by the commission, or the additional list of standard sentence ranges consistent with prison capacity in the event an additional list has~~

~~been submitted pursuant to RCW 9.94A.040(6). The standards so adopted shall take effect on July 1, 1984.~~

~~(2)) Revisions or modifications of standard sentence ranges or other standards, together with any additional list of standard sentence ranges, shall be submitted to the legislature at least every two years ((and shall become effective as provided under subsection (1) of this section on July first of the year in which they are submitted)).~~

Sec. 20. Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) ~~((and)), (5), and (7)~~ of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

~~(5) In sentencing a first-time offender (~~—other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020~~)) the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:~~

~~(a) Devote time to a specific employment or occupation;~~

~~(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;~~

~~(c) Pursue a prescribed, secular course of study or vocational training;~~

~~(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;~~

~~(e) Report as directed to the court and a community corrections officer; or~~

~~(f) Pay a fine, ~~((make restitution;))~~ and/or accomplish some community service work.~~

~~(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, ~~((restitution;))~~ a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.~~

~~(7) (a) When an offender is convicted of ~~((any))~~ a sex offense other than a violation of ~~((chapter 9A.44 RCW or RCW 9A.64.020 except))~~ RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions ~~((of chapter 9A.44 RCW, RCW 9A.64.020;))~~ for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.~~

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A

community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iv) Report as directed to the court and a community corrections officer;

(v) Pay a fine, (~~make restitution;~~) accomplish some community service work, or any combination thereof; or

(vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW ((9A-20-020)).

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the

limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

Sec. 21. Section 19, chapter 137, Laws of 1981 as amended by section 10, chapter 209, Laws of 1984 and RCW 9.94A.190 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided in subsection (3) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

Sec. 22. Section 2, chapter 115, Laws of 1983 as amended by section 16, chapter 209, Laws of 1984 and RCW 9.94A.310 are each amended to read as follows:

(1)

TABLE 1

Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
VI	13m 12+-- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102
V	9m 6- 12	13m 12+-- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y 41- 54	5y 51- 68	6y 62- 82	7y 72- 96
IV	6m 3- 9	9m 6- 12	13m 12+-- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y2m 53- 70	6y2m 63- 84
III	2m 1- 3	5m 3- 8	8m 4- 12	11m 9- 12	14m 12+-- 16	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y 51- 68
II	0-90 Days	4m 2- 6	6m 3- 9	8m 4- 12	13m 12+-- 14	16m 14- 18	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57
I	0-60 Days	0-90 Days	3m 2- 5	4m 2- 6	5m 3- 8	8m 4- 12	13m 12+-- 14	16m 14- 18	20m 17- 22	2y2m 22- 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

- (a) 24 months ((f) for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1((g)) (RCW 9A.40.020)
 - (b) 18 months ((f) for Burglary 1((g)) (RCW 9A.52.020)
 - (c) 12 months ((f) for Assault 2 (RCW 9A.36.020), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), ((Delivery or Possession of a controlled substance with intent to deliver))) or any drug offense
- Sec. 23. Section 3, chapter 115, Laws of 1983 as amended by section 17, chapter 209, Laws of 1984 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.010)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Statutory Rape 1 (RCW 9A.44.070)

- ~~((Employing, using, or permitting minor to engage in sexually explicit conduct for commercial use (RCW 9.68A.020)))~~
 Explosive devices prohibited (RCW 70.74.180)
 Endangering life and property by explosives with threat to human being (RCW 70.74.270)
 Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
Inciting Criminal Profiteering (RCW 9A.82.061(1)(b))
- VIII Arson 1 (RCW 9A.48.020)
 Rape 2 (RCW 9A.44.050)
 Promoting Prostitution 1 (RCW 9A.88.070)
 Selling heroin for profit (RCW 69.50.410)
- VII Burglary 1 (RCW 9A.52.020)
 Vehicular Homicide (RCW 46.61.520)
 Introducing Contraband 1 (RCW 9A.76.140)
 Statutory Rape 2 (RCW 9A.44.080)
 Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
~~((Sending, bringing into the state, possessing, publishing, printing, etc., obscene matter involving minor engaged in sexually explicit conduct (RCW 9.68A.030)))~~
Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)
 Manslaughter 2 (RCW 9A.32.070)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 Incest 1 (RCW 9A.64.020(1))
 Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
 Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
Intimidating a Judge (RCW 9A.72.160)
- V Rape 3 (RCW 9A.44.060)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
Extortionate Extension of Credit (RCW 9A.82.020)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- IV Rendering Criminal Assistance 1 (RCW 9A.76.070)
 Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW 9A.36.020)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Wilful Failure to Return from Furlough (RCW 72.66.060)
 Hit and Run -- Injury Accident (RCW 46.52.020(4))
 Vehicular Assault (RCW 46.61.522)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Statutory Rape 3 (RCW 9A.44.090)
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW 9A.36.030)
 Unlawful possession of firearm or pistol by felon (RCW 9.41.040)

- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Wilful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- ~~((Communicating))~~ Communication with a Minor for Immoral Purposes (RCW 9A.44.110)) 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Livestock 2 (RCW 9A.56.080)
- ~~((Welfare Fraud (RCW 74.08.331))~~
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- ~~((Auto Theft (Taking and Riding))~~ Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- ~~((Eluding))~~ Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of ((Bank)) Checks or Drafts (RCW 9A.56.060)
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

Sec. 24. Section 4, chapter 115, Laws of 1983 as amended by section 18, chapter 209, Laws of 1984 and RCW 9.94A.330 are each amended to read as follows:

TABLE 3
OFFENDER SCORE MATRIX
Prior Adult Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
Serious Violent	3	2	2	2	1
Burglary 1	2	2	2	2	1
Other Violent	2	2	2	2	1
((Vehicular Homicide	0	0	0	2	0))
Felony Traffic	1	1	1	2	1
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other Non-Violent	1	1	1	1	1
Drug	1	1	1	1	1

	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non- Violent	Drug
Current Offenses					
Serious Violent	1	1	0	1	1
Burglary 1	2	1	0	1	1
Other Violent (Vehicle	1	1	0	1	1
Homicide	0	1	1	0	0
Felony Traffic	1	1	1	1	1
Escape	0	0	0	0	0
Burglary 2	2	1	0	1	1
Other Non-Violent	1	1	0	1	1
Drug	1	1	0	1	2

Prior Juvenile Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

	Serious Violent	Burglary 1	Other Violent	Vehicle Assault/ Homicide	Escape
Current Offenses					
Serious Violent	3	2	2	2	1/2
Burglary 1	2	2	2	2	1/2
Other Violent (Vehicle	2	2	2	2	1/2
Homicide	0	0	0	2	0
Felony Traffic	1/2	1/2	1/2	2	1/2
Escape	0	0	0	0	1/2
Burglary 2	1/2	2	1/2	1/2	1/2
Other Non-Violent	1/2	1/2	1/2	1/2	1/2
Drug	1/2	1/2	1/2	1/2	1/2

	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non- Violent	Drug
Current Offenses					
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	1	1/2	0	1/2	1/2
Other Violent (Vehicle	1/2	1/2	0	1/2	1/2
Homicide	0	1/2	1/2	0	0
Felony Traffic	1/2	1/2	1/2	1/2	1/2
Escape	0	0	0	0	0
Burglary 2	1	1/2	0	1/2	1/2
Other Non-Violent	1/2	1/2	0	1/2	1/2
Drug	1/2	1/2	0	1/2	1

(Definitions: Serious Violent: Murder 1, Murder 2, Assault 1, Kidnapping 1, Rape 1
Escape: Escape 1, Escape 2, Willful Failure to Return From Work Release or Furlough
Serious Traffic: Driving While Intoxicated, Actual Physical Control, Reckless Driving, Hit and Run
Felony Traffic: Felony Hit and Run, Vehicle Assault, Attempting to Elude a Police Officer
Drug: All felony violations of chapter 69.50 RCW except possession of a controlled substance))

Sec. 25, Section 7, chapter 115, Laws of 1983 as amended by section 19, chapter 209, Laws of 1984 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules ((are)), partially summarized in Table 3, RCW 9.94A.330, are as follows:

The offender score is ((computed in the following way:)) the sum of points accrued under subsections (1) through (14) of this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsections (3) and (13) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions. Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(3) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

((2)) (4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

((3)) (10) If the present conviction is for Burglary 1, count prior(s) convictions as in subsection ((5)) (8) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

((4)) (11) If the present conviction is for (~~Vehicular Homicide, only~~) a felony traffic offense count (~~the following crimes as part of the offender score:~~) two points for each adult or juvenile prior conviction for Vehicular Homicide(~~Vehicular Assault, Felony Hit and Run (RCW 46.52.020(4)), Hit and Run (RCW 46.52.020(5)), Driving While Intoxicated (RCW 46.61.502), Actual Physical Control (RCW 46.61.504), Reckless Driving (RCW 46.61.500), Attempting to Elude a Police Officer (RCW 46.61.500)~~). Count two points for each adult or juvenile Vehicular Homicide conviction, one point for each other adult felony traffic or serious traffic conviction, and 1/2 point for each other juvenile felony traffic or serious traffic conviction.

(5) If the present conviction is for a violent offense and not covered in subsections (2)-(3), (4), or (9) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction); count one point for each adult, and 1/2 point for each juvenile, prior conviction for each other felony offense or serious traffic offense.

~~((6)) (12) If the present conviction is for a drug offense count two points for each adult prior felony drug offense conviction and one point for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.~~

~~(13) If the present conviction is for escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120; Willful Failure to Return from Furlough, RCW 72.66.060; and Willful Failure to Return from Work Release, RCW 72.65.070), count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.~~

~~((7)) (14) If the present conviction is for Burglary 2, count priors as in subsection ((9)) (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.~~

~~((8) If the present conviction is for a violation of chapter 69.50 RCW, except for possession of a controlled substance (RCW 69.50.401(d)), count two points for each adult prior felony drug conviction (chapter 69.50 RCW, except RCW 69.50.401(d)), and one point for each juvenile drug conviction. All other adult and juvenile felonies are scored as in subsection (5) of this section if the current drug conviction is violent, or as in subsection (9) of this section if the current drug conviction is nonviolent.~~

~~(9) If the present conviction is for a nonviolent offense and not covered by subsection (6), (7), or (8) of this section, count one point for each prior adult felony conviction and one point for each prior juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony.~~

~~(10) For all offender scores, the fractional totals shall be rounded down to the nearest whole number.~~

~~(11) In the case of multiple prior convictions for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. The conviction for the offense that yields the highest offender score is used.~~

~~(12) Class A prior felony convictions are always included in the offender score. Class B prior felony convictions are not included if the offender has spent ten years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. Class C prior felony convictions and serious traffic convictions as defined in RCW 9.94A.330 are not included if the offender has spent five years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. This subsection applies to both adult and juvenile prior convictions.~~

~~The designation of out-of-state convictions shall be covered by the offense definitions and sentences provided by Washington law.~~

~~The offender score is the sum of points accrued under subsections (1) through (12) of this section.))~~

Sec. 26. Section 8, chapter 115, Laws of 1983 as amended by section 20, chapter 209, Laws of 1984 and RCW 9.94A.370 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may ~~((use))~~ rely on no more information than is admitted by the plea agreement, ~~((and))~~ or admitted ~~((to or))~~, acknowledged, or proved in a trial or at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The ~~((real))~~ facts shall be deemed ((proven)) proved at the ((evidentiary)) hearing by a preponderance of the evidence. ~~((Real))~~ Facts that establish the elements of ((a higher crime)) a more serious crime((:)) or additional crimes ((cannot)) may not be used to go outside the presumptive sentence range except upon stipulation or when specifically provided for in RCW 9.94A.390(2) (c) and (d).

Sec. 27. Section 10, chapter 115, Laws of 1983 as amended by section 24, chapter 209, Laws of 1984 and RCW 9.94A.390 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence(:). The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

((1+)) (a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

((2)) (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

((3)) (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

((4)) (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

((5)) (e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

((6)) (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

((7)) (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(2) Aggravating Circumstances

((1+)) (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

((2)) (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

((3)) (c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

((a)) (i) The current offense involved multiple victims or multiple incidents per victim;

((b)) (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

((c)) (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

((d)) (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

((e)) (d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify ((a)) a current offense as a major VUCSA:

((a)) (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

((b)) (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

((c)) (iii) The current offense involved the manufacture of controlled substances for use by other parties; or

~~((d)) The offender possessed a firearm during the commission of the offense; or~~

((e)) (iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

((f)) (v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

((g)) (vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

((h)) (e) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW ~~(9.94A.400)~~ 9.94A.010.

~~((The above considerations are illustrative only and are not intended to be exclusive reasons for exceptional sentences.))~~

Sec. 28. Section 11, chapter 115, Laws of 1983 as amended by section 25, chapter 209, Laws of 1984 and RCW 9.94A.400 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is ~~((convicted of))~~ to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as ~~((criminal history. All sentences so determined shall be served concurrently. Separate crimes encompassing the same criminal conduct))~~ if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime ((in determining criminal history)). Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's ~~((prior convictions as))~~ criminal history in the offender score and the sentence range for other serious violent offenses shall be determined by using ~~((a criminal history))~~ an offender score of zero. The sentence range for any ~~((remaining))~~ offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run ~~((consecutively))~~ concurrently with any felony ((sentences previously)) sentence which has been imposed by any court in this or another state or by a federal court((:)) subsequent to the commission of the crime being sentenced unless the court pronouncing the ((subsequent)) current sentence expressly orders that they be served ((concurrently)) consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, ~~((this))~~ that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences.

Sec. 29. Section 12, chapter 115, Laws of 1983 as amended by section 26, chapter 209, Laws of 1984 and RCW 9.94A.410 are each amended to read as follows:

For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the crime, and multiplying the range by 75 percent.

In calculating an offender score, count each prior conviction as if the present conviction were for the completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

Sec. 30. Section 15, chapter 115, Laws of 1983 and RCW 9.94A.440 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A Prosecuting Attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table ((t3)) below for the crimes within these categories.

((TABLE t3))

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping

1st Degree Assault

1st Degree Rape

1st Degree Robbery

1st Degree Statutory Rape

1st Degree Arson

2nd Degree Kidnaping

2nd Degree Assault

2nd Degree Rape

2nd Degree Robbery

1st Degree Burglary

1st Degree Manslaughter

2nd Degree Manslaughter

1st Degree Extortion

Indecent Liberties

2nd Degree Statutory Rape

Incest

((Negligent)) Vehicular Homicide

Vehicular Assault

3rd Degree Rape

3rd Degree Statutory Rape

2nd Degree Extortion

1st Degree Promoting Prostitution
 Intimidating a Juror
 Communication with a Minor
 Intimidating a Witness
 Intimidating a Public Servant
 Bomb Threat (if against person)
 3rd Degree Assault
 Unlawful Imprisonment
 Promoting a Suicide Attempt
 Riot (if against person)
 CRIMES AGAINST PROPERTY/OTHER CRIMES
 2nd Degree Arson
 1st Degree Escape
 2nd Degree Burglary
 1st Degree Theft
 1st Degree Perjury
 1st Degree Introducing Contraband
 1st Degree Possession of Stolen Property
 Bribery
 Bribing a Witness
 Bribe received by a Witness
 Bomb Threat (if against property)
 1st Degree Malicious Mischief
 2nd Degree Theft
 2nd Degree Escape
 2nd Degree Introducing Contraband
 2nd Degree Possession of Stolen Property
 2nd Degree Malicious Mischief
 1st Degree Reckless Burning
 Taking a Motor Vehicle without Authorization
 Forgery
 ((Welfare Fraud))
 2nd Degree Perjury
 2nd Degree Promoting Prostitution
 Tampering with a Witness
 Trading in Public Office
 Trading in Special Influence
 Receiving/Granting Unlawful Compensation
 Bigamy
 Eluding a Pursuing Police Vehicle
 Wilful Failure to Return from Furlough
 Riot (if against property)
 Thefts of Livestock
 ALL OTHER UNCLASSIFIED FELONIES
 Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and

(3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(1) Probable cause exists to believe the suspect is guilty; and

(2) The suspect presents a danger to the community or is likely to flee if not apprehended;

or

(3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(1) Polygraph testing;

(2) Hypnosis;

(3) Electronic surveillance;

(4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Sec. 31. Section 7, chapter 14, Laws of 1975 1st ex. sess. as amended by section 4, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.070 are each amended to read as follows:

(1) A person over thirteen years of age is guilty of statutory rape in the first degree when the person engages in sexual intercourse with another person who is less than eleven years old.

(2) Statutory rape in the first degree is a class A felony. No person convicted of statutory rape in the first degree shall be granted a deferred or suspended sentence except ~~((for the purpose of commitment to an inpatient treatment facility))~~ under RCW 9.94A.120(7).

Sec. 32. Section 9A.56.080, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 174, Laws of 1977 ex. sess. and RCW 9A.56.080 are each amended to read as follows:

(1) Every person who, ~~((without lawful authority and))~~ with intent to sell or exchange and to deprive or defraud the lawful owner thereof, willfully takes, leads, or transports away, conceals, withholds, slaughters, or otherwise appropriates ((to his own use)) any horse, mule, cow, heifer, bull, steer, swine, or sheep ~~((shall be))~~ is guilty of theft of livestock in the first degree.

(2) A person who commits what would otherwise be theft of livestock in the first degree but without intent to sell or exchange, and for the person's own use only, is guilty of theft of livestock in the second degree.

(3) Theft of livestock in the first degree is a class B felony.

(4) Theft of livestock in the second degree is a class C felony.

Sec. 33. Section 9, chapter 155, Laws of 1979 as last amended by section 1, chapter 43, Laws of 1984 and RCW 13.50.050 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section and RCW 13.50.010.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom

a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8).

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

(a) The person making the motion is at least twenty-three years of age;

(b) The person has not subsequently been convicted of a felony;

(c) No proceeding is pending against that person seeking the conviction of a criminal offense; and

(d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

Sec. 34. Section 11, chapter 137, Laws of 1981 as last amended by section 6, chapter 443, Laws of 1985 and RCW 9.94A.110 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

NEW SECTION. Sec. 35. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 115, Laws of 1983 and RCW 9.94A.300; and

(2) Section 8, chapter 443, Laws of 1985 and RCW 9.94A.122.

NEW SECTION. Sec. 36. The sentencing guidelines commission shall consider methods of increasing sentence ranges for offenders who commit a series of physical or sexual abuse offenses. The consideration shall include, but not be limited to, the addition of an aggravating factor under RCW 9.94A.390, changes to the offender scoring rules under RCW 9.94A.390, and amendments to the criminal code. The commission shall consult with organizations concerned with child and sexual abuse as well as the Washington defender association, Washington association of prosecuting attorneys, and the superior court judges association. The commission shall present its recommendations to the 1987 legislature.

NEW SECTION. Sec. 37. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 38. Sections 17 through 35 of this act shall take effect July 1, 1986."

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "Senator Talmadge, I like what I see, but I have one question on page 25, starting on line 21, and that is the reciprocity--if we can say between county and state on jail facility costs. I would like an understanding of that section or clarification if I might."

Senator Talmadge: "Senator, this is the section that came over to us from the House of Representatives. It was something, as I understand it, that was worked between the local governments and the Department of Corrections. That has been an ongoing sticking point between those two and I believe that this particular subsection (2) on page 25, will answer the problem and hopefully provide for a peace treaty between the local governments and the Department of Corrections as to the reimbursement for local government facilities."

Senator Bailey: "I wonder, and it has been my experience with local government, that our biggest problem is that the state does not meet their commitment--"

just the opposite of this language--does not meet their commitment when there is incarceration of state prisoners in county jails and I don't see any reference to that in this Section 2 and I wonder why it is not in there?"

Senator Talmadge: "I believe that that issue, Senator, is in the process of being addressed by the Department of Corrections and the local governments. I would see no reason why this wouldn't form the basis for the same kind of agreement as to the use of local government facilities by the state for state felons, and we can certainly work on that in the next few months. I think that's appropriate and I've had a similar concern just as you've had about the state not living up to its commitment in this area."

Senator Bailey: "Is there any way, Senator Talmadge, that we could have a friendly amendment to incorporate that type of language in that Section 2 and I don't mean to change the direction that you want to take in this, but if there is some reason for a friendly amendment I'd certainly appreciate it."

Senator Talmadge: "I think my preference would be to deal with it at another time rather than in this particular bill with this many faceted issue already."

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge, Halsan and Newhouse.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "felons;" strike the remainder of the title and insert "amending RCW 9A.56.010, 9A.04.110, 10.99.020, 43.10.232, 9.94A.030, 9.94A.040, 9.94A.070, 9.94A.120, 9.94A.190, 9.94A.310, 9.94A.320, 9.94A.330, 9.94A.360, 9.94A.370, 9.94A.390, 9.94A.400, 9.94A.410, 9.94A.440, 9A.44.070, 9A.56.080, 13.50.050, and 9.94A.110; amending section 2, chapter 234, Laws of 1984 (uncodified); reenacting and amending RCW 9A.04.080; adding new sections to chapter 9A.36 RCW; creating new sections; repealing RCW 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, 28A.87.140, 9.94A.300, and 9.94A.122; prescribing penalties; and providing effective dates."

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1399, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1399, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1399, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Stratton, von Reichbauer - 2.

SUBSTITUTE HOUSE BILL NO. 1399, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:46 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:18 a.m. by President Cherberg.

SECOND READING

HOUSE BILL NO. 1851, by Representatives Bristow, Appelwick, B. Williams, J. King, Ebersole, Sutherland, Tilly, L. Smith, Silver, Ballard and Fuhrman

Modifying the taxation of ingredients, components, and chemicals used in processing.

The bill was read the second time.

MOTIONS

On motion of Senator Goltz, the following amendment was adopted:

On page 6, after line 35, insert the following:

NEW SECTION. Sec. 3. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to lease amounts paid by a seller/lessee to a lessor after the effective date of this act under a sale/leaseback agreement in respect to property used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish, nor to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term: PROVIDED, That the seller/lessee previously paid the tax imposed by this chapter or chapter 82.12 RCW at the time of acquisition of the property.

NEW SECTION. Sec. 4. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to lease amounts paid by a seller/lessee to a lessor after the effective date of this act under a sale/leaseback agreement in respect to property used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish, nor to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term: PROVIDED, That the seller/lessee previously paid the tax imposed by this chapter or chapter 82.08 RCW at the time of acquisition of the property.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Goltz, the following title amendment was adopted:

On page 1, line 2 of the title, after "processing;" strike the remainder of the title and insert "amending RCW 82.04.050 and 82.04.190; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency."

On motion of Senator Goltz, the rules were suspended, House Bill No. 1851, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1851, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1851, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarmatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Rinehart - 1.

Absent: Senator Garrett - 1.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1851, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1337, by Representatives Sommers, Niemi, B. Williams, Braddock and P. King

Repealing the conflict-of-interest exemption for the Washington state development loan fund committee.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 1, after the enacting clause, insert the following:

"Sec. 1. Section 10, chapter 164, Laws of 1985 and RCW 43.168.100 are each amended to read as follows:

The committee may make grants of state funds to local governments which qualify as "entitlement communities" under the federal law authorizing community development block grants. These grants may only be made on the condition that the entitlement community provide the committee with assurances that it will: (1) Spend the grant moneys for purposes and in a manner which satisfies state constitutional requirements; (2) spend the grant moneys for purposes and in a manner which would satisfy federal requirements (~~dealing with the entitlement community's spending of federal community development block grant funds, assuming the grant moneys were block grant funds received from the federal government~~); and (3) spend double the amount of the grant for loans to businesses from the federal funds received by the entitlement community (~~as community development block grant funds~~)."

Renumber the remaining section consecutively.

On motion of Senator Warnke, the following amendment was adopted:

On page 1, after the enacting clause, insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 43.168 RCW to read as follows:

The Washington state development loan fund committee is specifically authorized to operate as a licensed small business investment corporation under the provisions of the Small Business Investment Act of 1958, Public Law 85-699, as amended, if it can qualify thereunder, and if the committee shall determine that such operation would reasonably serve to carry out the purposes of the operation of the fund.

Sec. 2. Section 5, chapter 164, Laws of 1985 and RCW 43.168.050 are each amended to read as follows:

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Is located within a distressed area and may reasonably be expected to increase employment or maintain threatened employment;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the distressed area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(3) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(4) ~~(a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.~~

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(5) The committee shall fix the terms and rates pertaining to its loans.

(6) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan.

(7) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(8) The committee shall not approve any application to finance or help finance a shopping mall."

Renumber the remaining sections consecutively.

MOTIONS

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "committee;" insert "amending RCW 43.168.100;"

On page 1, line 2 of the title, after "committee;" insert "amending RCW 43.168.050; adding a new section to chapter 43.168 RCW;"

On motion of Senator Warnke, the rules were suspended, House Bill No. 1337, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1337, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1337, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1337, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1407, by Representatives Haugen, Barnes, Todd, Brough, K. Wilson, Belcher, Allen, Madsen, Peery, Valle and P. King

Authorizing sewer or water districts to expend funds for information for residents of areas proposed for annexation.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 1407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1407.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1407 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Garrett, Sellar - 2.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1463 and the pending amendment by Senators Pullen and Halsan on page 21, line 24, deferred March 3, 1986.

MOTIONS

On motion of Senator Pullen and there being no objection, the amendment was withdrawn.

On motion of Senator Halsan, the following amendment by Senators Halsan, Pullen and Wojahn was adopted:

On page 21, beginning on line 21, strike all of subsection (4) and insert:

"(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, ~~((to transport, or))~~ in any manner to facilitate the ~~((transportation, for the purpose of))~~ sale ~~((or receipt))~~ of property described in paragraphs (1) or (2), but:"

On motion of Senator Halsan, the following amendment by Senators Halsan, Pullen and Wojahn was adopted:

On page 21, strike all of subsection (iii) and insert: "~~((iii) A conveyance is not subject to forfeiture for a violation of RCW 69.50.401(d).))~~"

Reletter the remaining subsections accordingly

On motion of Senator Wojahn, the rules were suspended, Engrossed House Bill No. 1463, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1463, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1463, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

ENGROSSED HOUSE BILL NO. 1463, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 507, by Representatives Betrozoff, Walk, J. Williams, Schmidt, Brough, Fisher, Hankins, Brekke, Prince, Tanner, Chandler, C. Smith, Baugher, Sutherland, Patrick, Van Luven, Thomas, Valle, Zellinsky, K. Wilson, Bond, Kremen, Winsley and Ballard

Improving freeway traffic flow.

The bill was read the second time.

MOTION

Senator Vognild moved that the following amendment by Senators Vognild and Gaspard be adopted:

On page 2, line 10, after "permitted," insert "On any such roadway, a motor truck shall be driven only in the right-hand lane except under the conditions enumerated in (a) through (d) of this subsection."

Debate ensued.

POINT OF INQUIRY

Senator Peterson: "Senator Vognild, we discussed this bill quite extensively in committee and the question was raised as to what if I was driving in the left hand lane and I was going 55 miles an hour, would I be subject to a traffic violation and the answer from the State Patrol was, 'no you would not be subject to a violation as long as you weren't exceeding the speed limit.' The question that I have here on limiting trucks to the right hand lane whether we're going to impede or further hamper the flow of traffic?"

Senator Vognild: "Senator Peterson, my answer to that would be 'no, I do not believe that that will happen.' What we're doing here is limiting them to running in the right hand lane. They most certainly may pass a car or each other using the left hand lane under the way this is structured. They can pass. The fact is that they cannot get out in a left hand lane and run there whether they are running at 55 or 65, they can't run there. We're trying to get some safety on the highway."

The President declared the question before the Senate to be adoption of the amendment by Senators Vognild and Gaspard.

The motion by Senator Vognild carried and the amendment was adopted.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 507, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 507, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 507, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 507, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1382 and the pending amendment by Senators Pullen, Halsan, Rasmussen, Craswell, Benitz, Zimmerman, Guess, Owen, Lee, Barr and Metcalf on page 8, line 10, deferred March 5, 1986.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Engrossed Substitute House Bill No. 1382 is a measure which revises the distribution formula for off-road vehicle funds. In addition, the bill proposes to amend the non-highway violation section relating to endangering human life and wildlife.

"The amendment proposed by Senator Pullen and others also amends the same non-highway violation section by stating that there is no violation if the person complies with the terms and conditions of the firearms and dangerous weapons chapter.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senators Pullen, Halsan, Rasmussen, Craswell, Benitz, Zimmerman, Guess, Owen, Lee, Barr and Metcalf was ruled in order.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Halsan, Rasmussen, Craswell, Benitz, Zimmerman, Guess, Owen, Lee, Barr and Metcalf.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Guess, the thing that has always bothered me about this--whenever this thing surfaced before. What happens when you've got young children in the car or teenagers who borrow the car on a Friday night to go to the game and whatever else they do after the game?"

Senator Guess: "Senator, you put it in the glove compartment and lock the door."

Senator Deccio: "You didn't answer my question. Under this bill you can carry it, so that it doesn't have to be in a locked glove compartment?"

Senator Guess: "No, Senator, you are not reading the English language."

Senator Deccio: "I'm Italian, I'm sorry. Well, maybe Senator Pullen can take a crack at it."

REMARKS BY SENATOR PULLEN

Senator Pullen: "Senator Deccio, in answer to your question, the amendment would provide that the person transporting the loaded pistol must comply with the

terms and conditions of Chapter 9.41 RCW. Those conditions are very, very strict, in accordance with a bill that passed through here a couple of years ago.

"The strict conditions in RCW 9.41 specify that only a person with a concealed pistol license may possess a loaded pistol in an automobile and if the person with a concealed pistol license leaves the automobile and does not take the pistol with him, then he must conceal it from view and lock it up. Those were the rather strict terms that were put in Chapter 9.41 RCW a few years ago in a bill that got strong support of the Legislature and of Governor Spellman."

Senator Deccio: "Then you can't just put the gun under the seat, you either have to have it on your person or locked in the trunk or in the gin box?"

Senator Pullen: "That's absolutely correct and as I recall you supported the bill that put into law those protections and these same protections would apply to the non-highway vehicle. That's what we're trying to do to make the two laws consistent."

Senator Deccio: "O.K. Thank you."

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Halsan, Rasmussen, Craswell, Benitz, Zimmerman, Guess, Owen, Lee, Barr and Metcalf.

The motion by Senator Pullen carried and the amendment was adopted.

MOTIONS

On motion of Senator Peterson, the following amendment was adopted:
On page 12, line 24, after "legislative" strike "transportation" and insert "budget"

Senator Pullen moved that the following amendment be adopted:

On page 13, after line 25, insert the following:

NEW SECTION. Sec. 15. The legislature recognizes the value of ORV recreation facilities as needed public uses and encourages the use of public transportation and utility rights of way as ORV recreational facilities in such a way so as to maximize recreational opportunities for all citizens pursuant to the provisions and limitations of RCW 64.04.190."

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I raise the point of order on scope and object on this amendment and the one to follow by Senator Rasmussen. Both deal with the issue of essentially reversionary rights with respect to public utility right-of-ways. This is a bill relating to off the road vehicles and I believe both amendments would expand the scope and the object of the legislation before us."

MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 1382 was deferred.

MOTION

At 12:07 p.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:06 p.m. by President Cherberg.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1408, by Committee on Local Government (originally sponsored by Representatives Haugen, Brough and Todd)

Eliminating the findings of fact on withdrawal of territory from a water district.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1408.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1408 and the bill passed the Senate by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yea: Senators Bailey, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Barr, Bauer, Deccio, Fleming, Moore, Rinehart - 6.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator McDonald was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1580, by Committee on Judiciary (originally sponsored by Representatives Bristow, Fuhrman, Niemi, Armstrong, Valle, Hargrove, Appelwick, Crane, Sutherland, Lux and P. King)

Revising criminal statutes of limitations.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1580.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1580 and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bauer, Deccio, Rinehart - 3.

Excused: Senators McDonald, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1720, by Representatives Wang, Cole and Patrick

Modifying provisions on boilers and unfired pressure vessels.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1720.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1720 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Deccio - 1.

Excused: Senators McDonald, Stratton - 2.

HOUSE BILL NO. 1720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 131, by Committee on Social and Health Services (originally sponsored by Representatives Brekke and B. Williams)

Revising the regulation of health-related professions.

The bill was read the second time.

MOTIONS

Senator Kreidler moved that the following Committee on Human Services and Corrections amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART I

UNIFORM DISCIPLINARY ACT

Sec. 1. Section 1, chapter 279, Laws of 1984 and RCW 18.130.010 are each amended to read as follows:

It is the intent of the legislature to strengthen and consolidate disciplinary procedures for the licensed health and health-related professions and businesses by providing a uniform disciplinary act with standardized procedures for the enforcement of laws the purpose of which is to assure the public of the adequacy of professional competence and conduct in the healing arts.

It is also the intent of the legislature that all health and health-related professions newly credentialed by the state come under the uniform disciplinary act.

Further, the legislature declares that the addition of public members on all health care boards can give both the state and the public, which it has a statutory responsibility to protect, assurances of accountability and confidence in the various practices of health care.

Sec. 2. Section 2, chapter 279, Laws of 1984 and RCW 18.130.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Disciplining authority" means (a) the board of medical examiners, the board of dental examiners, and the board of chiropractic examiners with respect to applicants for a license for the respective professions, (b) the medical disciplinary board, the dental disciplinary board, and the chiropractic disciplinary board with respect to holders of licenses for the respective professions, or (c) the agency or board having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or ((the chapter under which the license is held)) a chapter specified under RCW 18.130.040.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing or the director's designee.

(4) "Board" means any of those boards specified in RCW 18.130.040.

(5) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.130.040 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a consumer, through offerings, advertisements, or use of a professional title or designation, that the individual is qualified to practice a profession or operate a business identified in RCW 18.130.040, without holding a valid, unexpired, unrevoked, and unsuspended license to do so.

(6) "Disciplinary action" means sanctions identified in RCW 18.130.160.

(7) "Practice review" means an investigative audit of records related to the complaint, without prior identification of specific patient or consumer names, to determine whether unprofessional conduct may have been committed.

(8) "Health agency" means city and county health departments and the department of social and health services.

(9) "License," "licensing," and "licensure" shall be deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.120.020.

Sec. 3. Section 4, chapter 279, Laws of 1984 as amended by section 29, chapter 326, Laws of 1985 and RCW 18.130.040 are each amended to read as follows:

(1) This chapter applies only to the director and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The director has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Drugless healers licensed under chapter 18.36 RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

~~(v) (Psychologists licensed under chapter 18.83 RCW unless a disciplinary committee is established under chapter 18.83 RCW;~~

~~(vi))~~ Massage operators and businesses licensed under chapter 18.108 RCW;

~~((vi))~~ (vi) Dental hygienists licensed under chapter 18.29 RCW; and

~~((viii))~~ (vii) Acupuncturists certified under chapter 18.06 RCW.

(b) The boards having authority under this chapter are as follows:

(i) The podiatry board as established in chapter 18.22 RCW;

(ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;

(iii) The dental disciplinary board as established in chapter 18.32 RCW;

(iv) The council on hearing aids as established in chapter 18.35 RCW;

(v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;

(vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(ix) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The board of practical nursing as established in chapter 18.78 RCW;

~~(xiii) The disciplinary committee established by the examining board of psychology under chapter 18.83 RCW;~~

~~(xiv) The board of nursing as established in chapter 18.88 RCW; and~~

~~((xv))~~ (xv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority ~~(-the board of chiropractic examiners, the board of dental examiners, and the board of medical examiners, if adopted pursuant to this chapter by the disciplinary authority).~~

Sec. 4. Section 7, chapter 279, Laws of 1984 and RCW 18.130.070 are each amended to read as follows:

(1) The disciplining authority may adopt rules requiring any person, including, but not limited to, licensees, corporations, organizations, health care facilities, and ((federal:)) state(:)) or local governmental agencies, to report to the disciplining authority any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition. To facilitate meeting the intent of this section, the cooperation of agencies of the federal government is requested by reporting any conviction, determination, or finding that a federal employee or contractor regulated by the disciplinary authorities enumerated in this chapter has committed an act which constituted unprofessional conduct and reporting any information which indicates that a federal employee or contractor regulated by

the disciplinary authorities enumerated in this chapter may not be able to practice his or her profession with reasonable skill and safety as a result of a mental or physical condition.

(2) If a person fails to furnish a required report, the disciplining authority may petition the superior court of the county in which the person resides or is found, and the court shall issue to the person an order to furnish the required report. A failure to obey the order shall be punished by the court as civil contempt.

(3) A person is immune from civil liability, whether direct or derivative, for providing information to the disciplining authority pursuant to the rules adopted under subsection (1) of this section.

(4) The holder of a license subject to the jurisdiction of this chapter shall report to the disciplining authority any conviction, determination, or finding that the licensee has committed unprofessional conduct or is unable to practice with reasonable skill or safety. Failure to report within thirty days of notice of the conviction, determination, or finding constitutes grounds for disciplinary action.

Sec. 5. Section 8, chapter 279, Laws of 1984 and RCW 18.130.080 are each amended to read as follows:

A person, ~~((firm, corporation, or public officer))~~ including but not limited to consumers, licensees, corporations, organizations, health care facilities, and state and local governmental agencies, may submit a written complaint to the disciplining authority charging a license holder or applicant with unprofessional conduct and specifying the grounds therefor. If the disciplining authority determines that the complaint merits investigation, or if the disciplining authority has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional conduct, the disciplining authority shall investigate to determine whether there has been unprofessional conduct. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

Sec. 6. Section 9, chapter 279, Laws of 1984 and RCW 18.130.090 are each amended to read as follows:

(1) If the disciplining authority determines, upon investigation, that there is reason to believe a violation of RCW 18.130.180 has occurred, a statement of charge or charges shall be prepared and served upon the license holder or applicant at the earliest practical time. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the disciplining authority within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, whereupon the disciplining authority may enter a decision on the basis of the facts available to it.

(2) If a hearing is requested, the time of the hearing shall be fixed by the disciplining authority as soon as convenient, but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing. The notice shall also notify the license holder or applicant that a record of the proceeding will be kept, that he or she will have the opportunity to appear personally and to have counsel present, with the right to produce witnesses, who will be subject to cross-examination, and evidence in his or her own behalf, to cross-examine witnesses testifying against him or her, to examine such documentary evidence as may be produced against him or her, to conduct depositions, and to have subpoenas issued by the disciplining authority.

Sec. 7. Section 13, chapter 279, Laws of 1984 and RCW 18.130.130 are each amended to read as follows:

An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.04 RCW, or an order of summary suspension entered under this chapter, shall take effect immediately upon its being served. The order, if appealed to the court, shall not be stayed pending the appeal unless the disciplining authority or court to which the appeal is taken enters an order staying the order of the disciplining authority, which stay shall provide for terms necessary to protect the public.

Sec. 8. Section 16, chapter 279, Laws of 1984 and RCW 18.130.160 are each amended to read as follows:

Upon a finding that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation ~~((on the license holder's))~~ of the practice;
- (4) ~~((The establishment of a requirement that))~~ Requiring the ((license holder satisfactory complete)) satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the ~~((license holder's))~~ practice by a supervisor approved by the disciplining authority;

- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action ~~((by the license holder))~~;
- (11) Refund of fees ~~((charged))~~ billed to and collected from the consumer ~~((by the license holder))~~.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

Sec. 9. Section 17, chapter 279, Laws of 1984 and RCW 18.130.170 are each amended to read as follows:

(1) If the disciplining authority believes a license holder or applicant may be unable to practice with reasonable skill and safety to consumers by reason of any mental or physical condition, a statement of charges in the name of the disciplining authority shall be served on the license holder or applicant and notice shall also be issued providing an opportunity for a hearing. The hearing shall be limited to the sole issue of the capacity of the license holder or applicant to practice with reasonable skill and safety. If the disciplining authority determines that the license holder or applicant is unable to practice with reasonable skill and safety for one of the reasons stated in this subsection, the disciplining authority shall impose such sanctions under RCW 18.130.160 as is deemed necessary to protect the public.

(2) In enforcing this section, the disciplining authority may require a license holder or applicant to submit to a mental or physical examination by one or more ~~((physicians, a psychological examination by one or more licensed psychologists))~~ licensed or certified health professionals designated by the disciplining authority ~~((; or any combination thereof))~~. The cost of the examinations ordered by the disciplining authority shall be paid out of the health professions account. In addition to any examinations ordered by the disciplining authority, the licensee may submit ~~((psychiatric;))~~ physical ~~((;))~~ or ~~((psychological))~~ mental examination reports from ~~((physicians or psychologists))~~ licensed or certified health professionals of the license holder's or applicant's choosing and expense. Failure of a license holder or applicant to submit to examination when directed constitutes grounds for immediate suspension or denial of the license, consequent upon which a default and final order may be entered without the taking of testimony or presentations of evidence, unless the failure was due to circumstances beyond the person's control. A determination by a court of competent jurisdiction that a license holder or applicant is mentally incompetent or mentally ill is presumptive evidence of the license holder's or applicant's inability to practice with reasonable skill and safety. An individual affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate that the individual can resume competent practice with reasonable skill and safety to the consumer.

(3) For the purpose of subsection (2) of this section, an applicant or license holder governed by this chapter, by making application, practicing, or filing a license renewal, is deemed to have given consent to submit to a mental, physical, or psychological examination when directed in writing by the disciplining authority and further to have waived all objections to the admissibility or use of the examining ~~((physician's or psychologist's))~~ health professional's testimony or examination reports by the disciplining authority on the ground that the testimony or reports constitute privileged communications.

Sec. 10. Section 18, chapter 279, Laws of 1984 and RCW 18.130.180 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. ~~((The disciplinary authority shall define by rule acts involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession.))~~ If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or ~~((use of any practice or procedure in the practice of the profession which creates an unreasonable risk of physical or mental harm or serious financial loss to the consumer)) malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed;~~

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, ~~((addition to;))~~ prescription for use, ~~((diversion;))~~ or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, ~~((or))~~ the addition to or diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing ((drugs)) controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) ~~((Willful or repeated))~~ Violations of rules established by any health agency ~~((or authority of the state or a political subdivision thereof));~~

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Drunkenness or habitual intemperance in the use of alcohol or addiction to alcohol;

(24) ~~((Physical))~~ Abuse of a client or patient or sexual contact with a client or patient.

Sec. 11. Section 19, chapter 279, Laws of 1984 and RCW 18.130.190 are each amended to read as follows:

(1) The director shall investigate ~~((bona fide))~~ complaints concerning practice by unlicensed individuals of a profession requiring a license. In the investigation of the complaints, the director shall have the same authority as provided the director for the investigation of complaints against license holders. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. The cease and desist order shall not relieve the person so practicing without a license from criminal prosecution therefor, but the remedy of a cease and desist order shall be in addition to any criminal liability.

(2) The attorney general, a county prosecuting attorney, the director, a board, or any individual may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any individual practicing a licensed profession without

a license from engaging in such practice until the required license is secured. However, the injunction shall not relieve the person so practicing without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(3) Unlicensed practice of a profession under the jurisdiction of a disciplining authority specified in RCW 18.130.040 ((without a license)), unless otherwise exempted by law, constitutes a gross misdemeanor. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.

Sec. 12. Section 20, chapter 279, Laws of 1984 and RCW 18.130.200 are each amended to read as follows:

A person who attempts to obtain or obtains a license by wilful misrepresentation or fraudulent representation is guilty of a misdemeanor.

Sec. 13. Section 22, chapter 279, Laws of 1984 and RCW 18.130.210 are each amended to read as follows:

If the disciplining authority determines or has cause to believe that a license holder has committed a crime, the disciplining authority, immediately subsequent to issuing findings of fact and a final order, shall ~~((; in addition to taking the appropriate administrative action, concurrently))~~ notify the attorney general or the county prosecuting attorney in the county in which the act took place of the facts known to the disciplining authority.

Sec. 14. Section 24, chapter 279, Laws of 1984 and RCW 18.130.900 are each amended to read as follows:

(1) This chapter shall be known and cited as the uniform disciplinary act.

(2) This chapter applies to any conduct, acts, or conditions occurring on or after the effective date of this 1986 act.

(3) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to the effective date of this 1986 act. Such conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.

NEW SECTION. Sec. 15. A new section is added to chapter 18.130 RCW to read as follows:

If an individual or business regulated by this chapter violates RCW 18.130.170 or 18.130.180, the attorney general, any prosecuting attorney, the director, the board, or any other person may maintain an action in the name of the state of Washington to enjoin the person from committing the violations. The injunction shall not relieve the offender from criminal prosecution, but the remedy by injunction shall be in addition to the liability of the offender to criminal prosecution and disciplinary action.

NEW SECTION. Sec. 16. Section 3, chapter 279, Laws of 1984 and RCW 18.130.030 are each repealed.

PART II PODIATRY

NEW SECTION. Sec. 17. A new section is added to chapter 18.22 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 18. Section 10, chapter 21, Laws of 1982 and RCW 18.22.015 are each amended to read as follows:

The board shall:

(1) Administer all laws placed under its jurisdiction;

(2) Prepare, grade, and administer or determine the nature, grading, and administration of examinations for applicants for podiatrist licenses;

(3) Examine and investigate all applicants for podiatrist licenses and certify to the director all applicants it judges to be properly qualified((;

(4) ~~Conduct hearings for the refusal, suspension, or revocation of licenses or appoint a departmental hearing officer to conduct these hearings;~~

(5) ~~Investigate all reports, complaints, and charges of malpractice, unsafe conditions or practices, or unprofessional conduct against any licensed podiatrist and direct corrective action if necessary;~~

(6) ~~Issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;~~

(7) ~~Take or cause depositions to be taken as needed in any investigation, hearing, or disciplinary proceeding; and~~

(8) ~~Adopt rules establishing ethical standards for the podiatric profession including rules relating to false or misleading advertising and excessive charges for professional services)).~~

The board may adopt any ((other)) rules which it considers necessary or proper to carry out the purposes of this chapter.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 21, Laws of 1982 and RCW 18.22.016;

(2) Section 26, chapter 279, Laws of 1984 and RCW 18.22.017;

(3) Section 13, chapter 52, Laws of 1957, section 2, chapter 77, Laws of 1973, section 3, chapter 21, Laws of 1982 and RCW 18.22.020;

(4) Section 15, chapter 21, Laws of 1982 and RCW 18.22.141;

(5) Section 16, chapter 21, Laws of 1982 and RCW 18.22.151;

(6) Section 14, chapter 149, Laws of 1955, section 18, chapter 77, Laws of 1973, section 18, chapter 21, Laws of 1982, section 24, chapter 3, Laws of 1983 and RCW 18.22.215;

(7) Section 3, chapter 38, Laws of 1917 (uncodified); and

(8) Section 2, chapter 48, Laws of 1935 (uncodified).

NEW SECTION. Sec. 20. The repeal of RCW 18.22.020, 18.22.141, and 18.22.151 shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART III CHIROPRACTIC

NEW SECTION. Sec. 21. A new section is added to chapter 18.25 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses under this chapter.

NEW SECTION. Sec. 22. A new section is added to chapter 18.26 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the discipline of licensees under this chapter.

Sec. 23. Section 2, chapter 53, Laws of 1959 as last amended by section 27, chapter 287, Laws of 1984 and RCW 18.25.017 are each amended to read as follows:

The board shall meet as soon as practicable after appointment, and shall elect a chairman and a secretary from its members. Meetings shall be held at least once a year at such place as the director of licensing shall determine, and at such other times and places as he deems necessary.

The board may make such rules and regulations, not inconsistent with this chapter, as it deems necessary to carry out the provisions of this chapter.

Each member shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, all to be paid out of the general fund on vouchers approved by the director, but not to exceed in the aggregate the amount of fees collected as provided in this chapter.

~~((Members of the board shall be immune from suit in any action, civil or criminal, based upon their duties or other official acts performed in good faith as members of such board.))~~

Sec. 24. Section 15, chapter 5, Laws of 1919 as last amended by section 3, chapter 277, Laws of 1981 and RCW 18.25.090 are each amended to read as follows:

~~((Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain any diploma or license to practice chiropractic, or who shall use the title chiropractor, D.C.Ph.C., or any word or title to induce belief that he is engaged in the practice of chiropractic without first complying with the provisions of this chapter, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and every person falsely claiming himself to be the person named in a certificate issued to another, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony. All subsequent offenses shall be punished in like manner. Nothing herein shall be held to apply to or to regulate any kind of treatment by prayer. PROVIDED: That)) On all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his name the term chiropractor or D.C.Ph.C. designating his line of drugless practice, and shall not use the letters M.D. or D.O.: PROVIDED, That the word doctor or "Dr." may be used only in conjunction with the word "chiropractic" or "chiropractor". Nothing in this chapter shall be held to apply to or to regulate any kind of treatment by prayer.~~

Sec. 25. Section 3, chapter 171, Laws of 1967 as last amended by section 17, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.030 are each amended to read as follows:

(1) In addition to those acts defined in chapter 18.130 RCW, the term "unprofessional conduct" as used in this chapter and chapter 18.25 RCW ((shall mean the following items or any one or combination thereof:

(1) Conviction in any court of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence;

(2) Fraud or deceit in the obtaining of a license to practice chiropractic;

(3) A violation of any rule or regulation pertaining to advertising of chiropractic practice or business promulgated by the board;

(4) The impersonation of another licensed practitioner;

(5) Habitual intemperance;

(6) The wilful betrayal of a professional secret;

(7) Acts of gross misconduct in the practice of the profession;

(8) Aiding or abetting an unlicensed person to practice chiropractic;

(9) A declaration of mental incompetency by a court of competent jurisdiction;

(10)) includes failing to differentiate chiropractic care from any and all other methods of healing at all times(;

(11) Practicing contrary to laws regulating the practice of chiropractic;

(12) Unprofessional conduct as defined in chapter 19.66 RCW;

~~(13) Violation of any ethical standard as established by the board;~~

~~(14) Suspension or revocation of license to practice chiropractic by competent authority in any state or foreign jurisdiction;~~

~~(15) Incompetency to practice chiropractic by reason of illness, drunkenness, excessive use of controlled substances, chemicals, or any other type of material or as a result of any mental or physical condition).~~

(2) Proceedings involving alleged unprofessional conduct shall be conducted by the attorney general upon the direction of the board.

Sec. 26. Section 11, chapter 171, Laws of 1967 as amended by section 2, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.110 are each amended to read as follows:

The board ~~((shall have the following powers and duties:~~

~~(1) To) may~~ adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter((:

~~(2) To establish and promulgate by rules and regulations ethical standards for the chiropractic profession including, but not limited to, regulations relating to advertising, or excessive charging for professional services;~~

~~(3) To investigate all complaints and charges of unprofessional conduct against any holder of a license to practice chiropractic and to hold hearings to determine whether such charges are substantiated or unsubstantiated;~~

~~(4) To employ necessary stenographic or clerical help;~~

~~(5) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;~~

~~(6) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding)).~~

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 5, Laws of 1919 and RCW 18.25.010;

(2) Section 27, chapter 279, Laws of 1984 and RCW 18.25.018;

(3) Section 8, chapter 5, Laws of 1919, section 21, chapter 30, Laws of 1975 1st ex. sess., section 2, chapter 277, Laws of 1981, section 16, chapter 7, Laws of 1985 and RCW 18.25.050; and

(4) Section 7, chapter 5, Laws of 1919 (uncodified).

NEW SECTION. Sec. 28. The repeal of RCW 18.25.010 and 18.25.050 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

NEW SECTION. Sec. 29. The following acts or parts of acts are each repealed:

(1) Section 28, chapter 279, Laws of 1984 and RCW 18.26.027;

(2) Section 15, chapter 97, Laws of 1974 ex. sess., section 19, chapter 158, Laws of 1979 and RCW 18.26.035;

(3) Section 9, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.037;

(4) Section 10, chapter 171, Laws of 1967 and RCW 18.26.100;

(5) Section 12, chapter 171, Laws of 1967, section 3, chapter 39, Laws of 1975 1st ex. sess., section 19, chapter 67, Laws of 1981 and RCW 18.26.120;

(6) Section 13, chapter 171, Laws of 1967, section 4, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.130;

(7) Section 14, chapter 171, Laws of 1967 and RCW 18.26.140;

(8) Section 15, chapter 171, Laws of 1967 and RCW 18.26.150;

(9) Section 16, chapter 171, Laws of 1967, section 5, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.160;

(10) Section 17, chapter 171, Laws of 1967, section 6, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.170;

(11) Section 18, chapter 171, Laws of 1967, section 7, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.180;

(12) Section 19, chapter 171, Laws of 1967, section 23, chapter 158, Laws of 1979 and RCW 18.26.190;

(13) Section 20, chapter 171, Laws of 1967 and RCW 18.26.200;

(14) Section 21, chapter 171, Laws of 1967, section 24, chapter 158, Laws of 1979, section 19, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.210;

(15) Section 22, chapter 171, Laws of 1967, section 25, chapter 158, Laws of 1979 and RCW 18.26.220;

(16) Section 23, chapter 171, Laws of 1967, section 26, chapter 158, Laws of 1979 and RCW 18.26.230;

(17) Section 24, chapter 171, Laws of 1967, section 27, chapter 158, Laws of 1979 and RCW 18.26.240;

(18) Section 25, chapter 171, Laws of 1967 and RCW 18.26.250;

(19) Section 27, chapter 171, Laws of 1967, section 8, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.270;

(20) Section 28, chapter 171, Laws of 1967 and RCW 18.26.280;

(21) Section 29, chapter 171, Laws of 1967, section 28, chapter 158, Laws of 1979 and RCW 18.26.290;

(22) Section 30, chapter 171, Laws of 1967, section 29, chapter 158, Laws of 1979 and RCW 18.26.300; and

(23) Section 32, chapter 171, Laws of 1967 and RCW 18.26.310.

NEW SECTION, Sec. 30. The amendment of RCW 18.26.030 and the repeal of RCW 18.26.035 and 18.26.037 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART IV DENTAL HYGIENISTS

NEW SECTION, Sec. 31. A new section is added to chapter 18.29 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION, Sec. 32. The following acts or parts of acts are each repealed:

- (1) Section 26, chapter 16, Laws of 1923 and RCW 18.29.010;
- (2) Section 29, chapter 279, Laws of 1984 and RCW 18.29.075;
- (3) Section 34, chapter 16, Laws of 1923 and RCW 18.29.080;
- (4) Section 35, chapter 16, Laws of 1923 and RCW 18.29.090; and
- (5) Section 30, chapter 16, Laws of 1923 (uncodified).

NEW SECTION, Sec. 33. The repeal of RCW 18.29.010, 18.29.080, and 18.29.090 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART V DENTISTRY

NEW SECTION, Sec. 34. A new section is added to chapter 18.32 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 35, Section 8, chapter 93, Laws of 1953 and RCW 18.32.085 are each amended to read as follows:

The ~~((director of licensing shall have))~~ dental disciplinary board has the power and it shall be ~~((his)) its~~ duty to:

(1) Require licensed dentists to keep and maintain a copy of each laboratory referral instruction, describing detailed services rendered, for a period to be determined by the ~~((director)) board~~ but not more than three years, and to require the production of all such records for examination by the ~~((director of licensing)) board~~ or ~~((his)) its~~ authorized representatives; and

(2) Promulgate reasonable rules and regulations requiring licensed dentists to make, maintain and produce for examination by the ~~((director of licensing)) board~~ or ~~((his)) its~~ authorized representatives such other records as may be reasonable and proper in the performance of ~~((his)) its~~ duties and enforcing the provisions of this chapter.

Sec. 36, Section 20, chapter 112, Laws of 1935 and RCW 18.32.290 are each amended to read as follows:

It shall be unlawful for any person, firm or corporation to publish, directly or indirectly, or circulate any fraudulent, false or misleading statements within the state of Washington as to the skill or method of practice of any person or operator; or in any way to advertise in print any matter with a view of deceiving the public, or in any way that will tend to deceive or defraud the public; or to claim superiority over neighboring dental practitioners; or to publish reports of cases or certificates of same in any public advertising media; or to advertise as using any anesthetic, drug, formula, medicine, which is either falsely advertised or misnamed; ~~((or to advertise any amount as a price or fee for the service or services of any person engaged as principal or agent in the practice of dentistry, or for any material or materials whatsoever used or to be used;))~~ or to employ "capper" or "steerers" to obtain patronage; ~~((or to give a public demonstration of skill or methods of practicing dentistry upon or along the streets or highways;))~~ and any person committing any offense against any of the provisions of this section shall, upon conviction, be subjected to such penalties as are provided in this chapter: PROVIDED, That any person licensed under this chapter may announce credit, terms of credit or installment payments that may be made at periodical intervals to apply on account of any dental service rendered ~~((AND PROVIDED FURTHER, That any person licensed under this chapter shall not advertise any specific amount of credit, terms of credit or installment payments that may be made at periodical intervals to apply on account of any dental service rendered))~~. The dental disciplinary board may adopt such rules as are necessary to carry out the intent of this section.

Sec. 37, Section 39, chapter 52, Laws of 1957 and RCW 18.32.360 are each amended to read as follows:

~~((It shall be unlawful for any person to practice dentistry under any name, except his own, which shall be that used in his license issued by the director: PROVIDED, That this shall not apply to any person who was practicing dentistry in this state on March 20, 1935, under an association or trade name:))~~

~~It shall be unlawful for any person to conduct a dental office in his name, or to advertise his name in connection with any dental offices, unless he is personally present therein operating as a dentist, or personally overseeing the operations performed in any office, during most of the time that that office is being operated. PROVIDED: That this section shall not prohibit any person from continuing to conduct any offices legally conducted in this state on March 20, 1935.)~~ Any advertisement or announcement for dental services must include for each office location advertised the names of all persons practicing dentistry at that office location.

Any violation of the provisions of this section shall constitute improper, unprofessional and dishonorable conduct; it shall also constitute grounds for injunction proceedings as provided by ~~((this chapter))~~ RCW 18.130.190(2), and in addition shall constitute a gross misdemeanor.

Sec. 38. Section 16, chapter 112, Laws of 1935 and RCW 18.32.390 are each amended to read as follows:

Any person who ~~((shall practice or offer to practice dentistry in this state without being registered or without a license for that purpose, or))~~ violates any of the provisions of the chapter for which no specific penalty has been provided herein, shall be subject to prosecution before any court of competent jurisdiction, and shall, upon conviction, be guilty of a gross misdemeanor.

Sec. 39. Section 37, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.500 are each amended to read as follows:

RCW 18.32.510 through ~~((18.32.700))~~ 18.32.620 shall be known and may be cited as the "Dental Disciplinary Board Act".

Sec. 40. Section 2, chapter 5, Laws of 1977 ex. sess. as amended by section 36, chapter 158, Laws of 1979 and RCW 18.32.520 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout RCW 18.32.510 ~~((and 18.32.530))~~ through ~~((18.32.700))~~ 18.32.620.

(1) "Board" means the dental disciplinary board created in RCW 18.32.560.

(2) "License" means a certificate or license to practice dentistry in this state as provided for in this chapter.

(3) "Member" means member of the dental disciplinary board.

(4) "Secretary" means the secretary of the dental disciplinary board.

(5) "Director" means the director of licensing of the state of Washington.

(6) "To practice dentistry" means to engage in the practice of dentistry as defined in RCW 18.32.020.

Sec. 41. Section 3, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.530 are each amended to read as follows:

~~In addition to those acts defined in chapter 18.130 RCW, the term "unprofessional conduct" as used in RCW 18.32.530 through ((18.32.700)) and in RCW 18.32.230 as now or hereafter amended shall mean any one of the following items or any combination thereof:~~

~~(1) The commission of any act involving moral turpitude, dishonesty, or corruption, which act relates to a person's fitness to practice dentistry; and if the act constitutes a crime, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction, however, the judgment and sentence shall be conclusive evidence at an ensuing disciplinary hearing of the guilt of the respondent dentist of the crime described in the indictment or information, and of said respondent dentist's violation of the statute upon which it is based. PROVIDED: That nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;~~

~~(2) Making any misrepresentation or false promise directly or indirectly to influence, persuade or induce dental patronage, or engaging in any other improper, unprofessional, or dishonorable conduct in the practice of dentistry;~~

~~(3) Misrepresentation or concealment of a material fact in the obtaining of a license to practice dentistry or in the reinstatement of such license;~~

~~(4) Division of fees or agreeing to split or divide the fees received for dental services with any person for bringing or referring a patient, or for assisting in the care or treatment of a patient, without the knowledge of said patient or the patient's legal representative;~~

~~(5) Employing, procuring, inducing, aiding, or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry. The person practiced upon shall not be deemed an accomplice, employer, procurer, inducer, aider, or abettor within the meaning of RCW 18.32.530 through 18.32.700;~~

~~(6) Professional connection or association with or lending a dentist's name to another for the illegal practice of dentistry by another, or professional connection or association with any person, firm or corporation holding itself out in any manner contrary to this chapter;~~

~~(7) The impersonation of another licensed practitioner;~~

~~(8) Suspension or revocation of the dentist's license to practice dentistry by competent authority in any state, federal, or foreign jurisdiction;~~

~~(9) Gross incompetency in the practice of dentistry;~~

~~((10)) 18.32.620 includes gross, wilful ((and)), or continued overcharging for professional services(;~~

~~(1) Willful or repeated violations of lawful rules established by any health officer of the state or any municipal corporation or division thereof;~~

~~(12) Habitual intoxication or addiction to the use of controlled substances;~~

~~(13) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for therapeutic purposes or in violation of law;~~

~~(14) Any conduct in violation of this chapter;~~

~~(15) Willful violation of RCW 18.32.540 or willful disregard of a subpoena or notice of the dental disciplinary board).~~

Sec. 42. Section 14, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.640 are each amended to read as follows:

The board ~~((shall have the following powers and duties:~~

~~(1) To)) may adopt, amend, and rescind such rules as it deems necessary to carry out ((the provisions of RCW 18.32.510, and 18.32.530 through 18.32.780;~~

~~(2) To investigate all complaints and charges of unprofessional conduct against any holder of a license and to hold hearings to determine whether or not such charges can be substantiated;~~

~~(3) To employ necessary stenographic or clerical help under the provisions of chapter 41.06 RCW;~~

~~(4) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding;~~

~~(5) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding;~~

~~(6) To investigate complaints and charges of malpractice, unsafe conditions and practices, and to analyze equipment, procedures, and training, in such cases, and to direct corrective action)) this chapter.~~

NEW SECTION. Sec. 43. The following acts or parts of acts are each repealed:

(1) Section 30, chapter 279, Laws of 1984 and RCW 18.32.038;

(2) Section 1, chapter 99, Laws of 1981 and RCW 18.32.055;

(3) Section 22, chapter 112, Laws of 1935, section 29, chapter 5, Laws of 1977 ex. sess., section 5, chapter 277, Laws of 1981 and RCW 18.32.080;

(4) Section 27, chapter 52, Laws of 1957, section 6, chapter 277, Laws of 1981 and RCW 18.32.090;

(5) Section 8, chapter 112, Laws of 1935, section 30, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.230;

(6) Section 23, chapter 112, Laws of 1935, section 32, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.380;

(7) Section 31, chapter 279, Laws of 1984 and RCW 18.32.535;

(8) Section 4, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.540;

(9) Section 5, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.550;

(10) Section 13, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.630;

(11) Section 15, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.650;

(12) Section 16, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.660;

(13) Section 17, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.670;

(14) Section 18, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.680;

(15) Section 19, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.690;

(16) Section 20, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.700;

(17) Section 21, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.710;

(18) Section 22, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.720;

(19) Section 23, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.730;

(20) Section 24, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.740;

(21) Section 25, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.750;

(22) Section 26, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.760;

(23) Section 27, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.770; and

(24) Section 28, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.780.

NEW SECTION. Sec. 44. The repeal of RCW 18.32.090 and 18.32.550 and the amendment of RCW 18.32.290, 18.32.360, and 18.32.530 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART VI

DISPENSING OPTICIANS

NEW SECTION. Sec. 45. A new section is added to chapter 18.34 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 46. The following acts or parts of acts are each repealed:

(1) Section 9, chapter 43, Laws of 1957 and RCW 18.34.090;

(2) Section 10, chapter 43, Laws of 1957 and RCW 18.34.100;

(3) Section 32, chapter 279, Laws of 1984 and RCW 18.34.135;

(4) Section 14, chapter 43, Laws of 1957 and RCW 18.34.140; and

(5) Section 15, chapter 43, Laws of 1957 and RCW 18.34.150.

NEW SECTION, Sec. 47. The repeal of RCW 18.34.090 and 18.34.140 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART VII
HEARING AIDS

NEW SECTION, Sec. 48. A new section is added to chapter 18.35 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 49. Section 11, chapter 106, Laws of 1973 1st ex. sess. as amended by section 9, chapter 39, Laws of 1983 and RCW 18.35.110 are each amended to read as follows:

In addition to causes specified under RCW 18.130.170 and 18.130.180, any person licensed under this chapter may be subject to disciplinary action by the council for any of the following causes:

~~(1) ((The licensee, in the application for the license, or in any written or oral communication to the department concerning the issuance or retention of the license, has made any material misstatement of fact, or has omitted to disclose any material fact which makes that which is stated misleading;~~

~~(2)) For unethical conduct((or for gross incompetence)) in dealing in hearing aids. Unethical conduct shall include, but not be limited to:~~

~~(a) Using or causing or promoting the use of, in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is false, misleading or deceptive;~~

~~(b) ((Employing directly or indirectly any suspended or unlicensed person to perform any work covered by this chapter;~~

~~(c)) Failing or refusing to honor or to perform as represented any representation, promise, agreement, or warranty in connection with the promotion, sale, dispensing, or fitting of the hearing aid;~~

~~((d)) (c) Advertising a particular model, type, or kind of hearing aid for sale which purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing and where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type, or kind than that advertised;~~

~~((e)) (d) Falsifying hearing test or evaluation results;~~

~~((f)) (e) (i) Whenever any of the following conditions are found or should have been found to exist either from observations by the licensee or on the basis of information furnished by the prospective hearing aid user prior to fitting and dispensing a hearing aid to any such prospective hearing aid user, failing to advise that prospective hearing aid user in writing that the user should first consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to any duly licensed physician:~~

~~(A) Visible congenital or traumatic deformity of the ear, including perforation of the eardrum;~~

~~(B) History of, or active drainage from the ear within the previous ninety days;~~

~~(C) History of sudden or rapidly progressive hearing loss within the previous ninety days;~~

~~(D) Acute or chronic dizziness;~~

~~(E) Any unilateral hearing loss;~~

~~(F) Significant air-bone gap when generally acceptable standards have been established as defined by the food and drug administration;~~

~~(G) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal;~~

~~(H) Pain or discomfort in the ear; or~~

~~(I) Any other conditions that the department may by rule establish. It is a violation of this subsection for any licensee or that licensee's employees and putative agents upon making such required referral for medical opinion to in any manner whatsoever disparage or discourage a prospective hearing aid user from seeking such medical opinion prior to the fitting and dispensing of a hearing aid. No such referral for medical opinion need be made by any licensee in the instance of replacement only of a hearing aid which has been lost or damaged beyond repair within six months of the date of purchase. The licensee or the licensee's employees or putative agents shall obtain a signed statement from the hearing aid user documenting the waiver of medical clearance and the waiver shall inform the prospective user that signing the waiver is not in the user's best health interest: PROVIDED, That the licensee shall maintain a copy of either the physician's statement showing that the prospective hearing aid user has had a medical evaluation or the statement waiving medical evaluation, for a period of three years after the purchaser's receipt of a hearing aid. Nothing in this section required to be performed by a licensee shall mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited under the laws of this state;~~

~~(ii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined and cleared for hearing aid use within the previous six months by a physician specializing in otolaryngology except in the case of replacement instruments or~~

except in the case of the parents or guardian of such person refusing, for good cause, to seek medical opinion: PROVIDED, That should the parents or guardian of such person refuse, for good cause, to seek medical opinion, the licensee shall obtain from such parents or guardian a certificate to that effect in a form as prescribed by the department;

(iii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined by an audiologist who holds at least a master's degree in audiology for recommendations during the previous six months, without first advising such person or his or her parents or guardian in writing that he or she should first consult an audiologist who holds at least a master's degree in audiology, except in cases of hearing aids replaced within six months of their purchase;

~~((g))~~ (f) Representing that the services or advice of a person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW or of a clinical audiologist will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, or using the word "doctor," "clinic," or other like words, abbreviations, or symbols which tend to connote a medical or osteopathic profession when such use is not accurate;

~~((h))~~ (g) Permitting another to use his or her license;

~~((i))~~ (h) Stating or implying that the use of any hearing aid will restore normal hearing, preserve hearing, prevent or retard progression of a hearing impairment, or any other false, misleading, or medically or audiologicaly unsupportable claim regarding the efficiency of a hearing aid;

~~((j))~~ (i) Representing or implying that a hearing aid is or will be "custom-made," "made to order," "prescription made," or in any other sense specially fabricated for an individual when that is not the case; or

~~((k))~~ (j) Directly or indirectly offering, giving, permitting, or causing to be given, money or anything of value to any person who advised another in a professional capacity as an inducement to influence that person, or to have that person influence others to purchase or contract to purchase any product sold or offered for sale by the licensee, or to influence any person to refrain from dealing in the products of competitors.

~~((3))~~ Engaging in the fitting or dispensing of hearing aids while suffering from a contagious or infectious disease involving risk to the public.

~~((4))~~ Dealing in hearing aids under a false, misleading, or deceptive name.

~~((5))~~ Violating any of the provisions of this chapter or the rules adopted by this chapter.

~~((6))~~ Failure to properly and reasonably accept responsibility for the actions of his or her employees;

~~((7))~~ (2) Engaging in any unfair or deceptive practice or unfair method of competition in trade within the meaning of RCW 19.86.020 as now or hereafter amended.

~~((8))~~ (3) Aiding or abetting any violation of the rebating laws as stated in chapter 19.68 RCW.

Sec. 50, Section 13, chapter 39, Laws of 1983 and RCW 18.35.161 are each amended to read as follows:

The council shall have the following powers and duties:

(1) To establish by rule such minimum standards and procedures in the fitting and dispensing of hearing aids as deemed appropriate and in the public interest;

(2) To develop guidelines on the training and supervision of trainees;

(3) To adopt any other rules or regulations necessary to implement this chapter and which are not inconsistent with it;

(4) To develop, approve, and administer all licensing examinations required by this chapter; and

~~(5) To conduct all disciplinary proceedings pursuant to this chapter. All hearings conducted and all rules adopted shall be in accordance with chapter 34.04 RCW. If, following a hearing, the council finds that an applicant or licensee has violated any section of this chapter or any of the rules promulgated under it, the council may enter an order imposing one or more of the following penalties:~~

~~(a) Denial of an initial license or renewal;~~

~~(b) Revocation or suspension of license;~~

~~(c) A fine not to exceed one thousand dollars for each separate offense;~~

~~(d) Issuance of a reprimand or letter of censure;~~

~~(e) Placement of the licensee on probation for a period of time;~~

~~(f) Restriction of the licensee's authorized scope of practice; or~~

~~(g) Requiring the) require a licensee to make restitution to any individual injured by ~~((the))~~ a violation of this chapter or chapter 18.130 RCW, the uniform disciplinary act. The authority to require restitution does not limit the council's authority to take other action deemed appropriate and provided for in this chapter or chapter 18.130 RCW.~~

Sec. 51, Section 19, chapter 106, Laws of 1973 1st ex. sess. as amended by section 14, chapter 39, Laws of 1983 and RCW 18.35.190 are each amended to read as follows:

(1) In addition to remedies otherwise provided by law, in any action brought by or on behalf of a person required to be licensed hereunder, or by any assignee or transferee thereof,

arising out of the business of fitting and dispensing of hearing aids, it shall be necessary to allege and prove that the licensee at the time of the transaction held a valid license as required by this chapter, and that such license has not been suspended or revoked pursuant to RCW 18.35.110 or 18.35.120.

(2) ~~((Any person who shall engage in the fitting and dispensing of hearing aids without having obtained a license or who shall wilfully and intentionally violate any of the provisions of this chapter shall be guilty of a gross misdemeanor punishable by a fine not to exceed five thousand dollars per violation or by imprisonment in the county jail for a period not to exceed six months, or both.~~

(3)) In addition to any other rights and remedies a purchaser may have, the purchaser of a hearing aid shall have the right to rescind the transaction for other than the seller's breach if:

(a) The purchaser, for reasonable cause, returns the hearing aid or holds it at the seller's disposal: PROVIDED, That the hearing aid is in its original condition less normal wear and tear. "Reasonable cause" shall be defined by the council but shall not include a mere change of mind on the part of the purchaser or a change of mind related to cosmetic concerns of the purchaser in wearing a hearing aid; and

(b) By sending notice of such cancellation to the licensee at the licensee's place of business by certified mail, return receipt requested, which shall be posted not later than thirty days following the date of delivery: PROVIDED, That in the event of cancellation pursuant to this subsection or as otherwise provided by law, the licensee shall, without request, refund to the purchaser postmarked within ten days after such cancellation all deposits, including any down payment less fifteen percent of the total purchase price or one hundred dollars per hearing aid, whichever is less, and shall return all goods traded in to the licensee on account or in contemplation of the sale less any reasonable costs actually incurred in making ready for sale, goods so traded in: AND PROVIDED FURTHER, That the buyer shall incur no additional liability for such cancellation.

(c) Where a purchaser has taken the steps described in subsections (a) and (b) above to cancel the purchase, and the purchaser subsequently agrees with the seller to extend the trial or rescission period, the purchaser remains entitled to receive the refund described in ~~((RCW 18.35.190(3)(b)))~~ subsection (2)(b) of this section upon demand made within sixty days of the original date of delivery or such other time as agreed to in writing by both parties. Written notice of the last date for demanding a refund shall be provided to the purchaser at the time the trial or rescission period is extended.

Sec. 52. Section 17, chapter 39, Laws of 1983 and RCW 18.35.220 are each amended to read as follows:

(1) If the council determines following notice and hearing, or following notice if no hearing was timely requested, that a person has:

(a) Violated any provisions of this chapter or chapter 18.130 RCW; or

(b) Violated any lawful order, or rule of the council

an order may be issued by the council requiring the person to cease and desist from the unlawful practice. The council shall then take affirmative action as is necessary to carry out the purposes of this chapter.

(2) If the council makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, a temporary cease and desist order may be issued. Prior to issuing a temporary cease and desist order, the council, whenever possible, shall give notice by telephone or otherwise of the proposal to issue a temporary cease and desist order to the person to whom the order would be directed. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held to determine whether the order becomes permanent.

(3) The department, with or without prior administrative proceedings, may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, or rule or order under this chapter. Upon proper showing, injunctive relief or temporary restraining orders shall be granted and a receiver or conservator may be appointed. The department shall not be required to post a bond in any court proceedings.

NEW SECTION. Sec. 53. The following acts or parts of acts are each repealed:

(1) Section 33, chapter 279, Laws of 1984 and RCW 18.35.173; and

(2) Section 15, chapter 39, Laws of 1983 and RCW 18.35.210.

PART VIII

DRUGLESS HEALING

NEW SECTION. Sec. 54. A new section is added to chapter 18.36 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 55. Section 13, chapter 36, Laws of 1919 as amended by section 1, chapter 131, Laws of 1985 and RCW 18.36.010 are each amended to read as follows:

The term "drugless therapeutics," as used in ~~((RCW 18.36.010 through 18.36.165))~~ this chapter consists of hydrotherapy, dietetics, electrotherapy, radiography, sanitation, suggestion, mechanical and manual manipulation for the stimulation of physiological and psychological action to establish a normal condition of mind and body, including the use of severance and

penetration of the skin for purposes only of withdrawing blood samples for diagnostic purposes (venipuncture), but shall in no way include the giving, prescribing, or recommending of pharmaceutical drugs and poisons for internal use, the purpose of ~~((RCW 18.36.010 through 18.36.165))~~ this chapter being to confine practitioners under this chapter to drugless therapeutics. A person shall be considered as practicing within the meaning of this chapter if the person uses, prescribes, directs, or recommends any drugless treatment for the relief of a wound, fracture, bodily injury, or disease, either mental or physical.

The legislative budget committee shall specifically study the appropriateness of venipuncture within this definition pursuant to the sunset review process provided for in chapter 43.131 RCW.

The words "certificate" and "license" shall be interchangeable terms in this chapter, but nothing in this section affects the definitions of these terms in chapter 18.120 RCW.

Sec. 56. Section 12, chapter 36, Laws of 1919 and RCW 18.36.020 are each amended to read as follows:

The term "separate and coordinate system" as used in ~~((RCW 18.36.010 through 18.36.165))~~ this chapter is defined as follows:

Food science. Is the science of treating disease through the chemical action of foods, water, nonmedicinal herbs, roots, barks and all natural food elements other than pharmaceutical drugs and poisons, to bring about a normal condition of health.

Mechano-therapy. Is a system of therapeutics which enables the practitioner to know how to apply scientifically the mechanics of hydrotherapy, dietetics, circumstances, idea and manual manipulation for the stimulation of psycho and physiological action to establish a normal condition of the body.

Suggestive therapeutics. Is a system of healing which enables the practitioner to know how to offer suggestions that will cause the mind of the patient to overcome the disease of the body and bringing mind and body into harmony, and both into harmony with environment.

Physcultopathy. Is a system of healing which enables the practitioner to know the scientific effect of movements on the body and how to direct a system of mechanical gymnastics that restore the diseased parts or functions to a normal condition.

Sec. 57. Section 8, chapter 36, Laws of 1919 and RCW 18.36.030 are each amended to read as follows:

Nothing in ~~((RCW 18.36.010 through 18.36.165))~~ this chapter shall be construed as to prohibit service in the case of emergency, or the domestic administration of families' remedies, nor shall ~~((RCW 18.36.010 through 18.36.165))~~ this chapter apply to any commissioned health officer in the United States army, navy or marine hospital service, in discharge of his official duties, nor to any licensed dentist when engaged exclusively in the practice of dentistry, nor to any duly licensed physician in the practice of medicine, or surgery, nor to a person duly licensed to practice osteopathy, from using or recommending drugless methods of healing in the course of their practice, nor shall this apply to any practitioner from any other state who visits this state in response to a call to treat a particular patient: PROVIDED, such practitioner shall not open an office or appoint a place of meeting patients within the limits of this state, nor shall ~~((RCW 18.36.010 through 18.36.165))~~ this chapter be construed to discriminate against any particular school of drugless therapeutics or to interfere in any way with the practice of religion: PROVIDED, also that nothing in ~~((RCW 18.36.010 through 18.36.165))~~ this chapter shall be held to apply to, or regulate any kind of treatment by prayer.

Sec. 58. Section 3, chapter 36, Laws of 1919 as last amended by section 34, chapter 7, Laws of 1985 and RCW 18.36.040 are each amended to read as follows:

Only persons desiring to practice drugless therapeutics in this state shall apply to said director for a license and pay a fee determined by the director as provided in RCW 43.24.086, which sum in no case shall be refunded. If at a time appointed, or at the next regular examination, he or she shall prove he or she has completed a residence course of three entire sessions of thirty-six weeks each at a chartered drugless school, the entrance requirements of which was a high school education, or its equivalent and shall pass an examination in the following subjects, to wit: anatomy, physiology, hygiene, symptomatology, urinalysis, dietetics, hydrotherapy, radiography, electrotherapy, gynecology, obstetrics, psychology, mechanical and manual manipulation, they shall be granted a license by said director, or if the school attendance of said applicant was prior to the passage of RCW 18.36.010 ~~((through 18.36.165))~~ a diploma from a chartered drugless school, the entrance requirements of which was a common school education or its equivalent, and two years continuous practice in this state shall suffice; or if the applicant has no diploma but has been in continuous practice in any of the drugless systems herein mentioned for the past four years, two years of which shall have been in continuous practice in one place in this state, he or she shall be allowed to practice: PROVIDED, said applicant shall take an examination on the following subjects: anatomy, physiology, hygiene, symptomatology, mechanical and manual manipulation. After such examination the director shall grant the applicant a license to practice drugless therapeutics in the state of Washington. The examinations shall be both scientific and practical and thoroughly test the fitness of the candidate. All answers to questions peculiar to any school of therapeutics shall be scrutinized and their sufficiency passed upon by the director, but the following subjects, to wit:

anatomy, physiology, hygiene, urinalysis, and gynecology, shall be construed to be in common with all systems herein mentioned, and each candidate shall be examined in each of said subjects: PROVIDED, after 1921, the following subjects shall be construed as common to all systems, to wit: anatomy, physiology, hygiene, urinalysis, symptomatology, hydrotherapy, and gynecology. ((The director may refuse to grant a license to, or may revoke the license of any person guilty of unprofessional conduct, subject to the right of appeal within ninety days, to the superior court of the county where the board met when said license was refused, or revocation made. Any license granted without a full and fair compliance with the provisions of RCW 18.36.010 through 18.36.165 may be canceled in any action brought in the name of the state by the prosecuting attorney of the county where the examination was held, or said action may be brought by the attorney general; and if a license is denied an applicant shall have the right to petition the superior court where said examination was held for an order compelling said board to issue said license.))

Continuous practice as herein provided shall be construed to apply to drugless physicians who have actually been practicing in this state, even if they have not received a license under the present medical laws.

Sec. 59. Section 11, chapter 36, Laws of 1919 as last amended by section 35, chapter 7, Laws of 1985 and RCW 18.36.050 are each amended to read as follows:

The examination held by the director under (~~RCW 18.36.010 through 18.36.165~~) this chapter shall be conducted in accordance with the following regulations:

(1) Each applicant is required to make an affidavit setting forth his age, place of residence, time and place of each course of lectures, or other work connected with his drugless education and the date of graduation, or length of time in practice. The affidavit must be corroborated by the exhibition of a certificate from the proper officers of the college, showing that the applicant had completed the prescribed course for graduation. No advance standing shall be recognized for work done at other than drugless colleges.

(2) A fee determined by the director as provided in RCW 43.24.086 must accompany the application. This fee is under no consideration to be returned, but if the applicant should fail to secure an average of sixty-five percent, and should be denied a license, such applicant shall, without paying a further fee and without losing his classification under (~~the provisions of RCW 18.36.010 through 18.36.165~~) this chapter, be permitted to take another examination any time within two years. Drugless practitioners who hold a diploma from a legally incorporated drugless school who have practiced in this state two years previous to the passing of RCW 18.36.010 (~~through 18.36.165~~) and those having no diploma but who have been in continuous practice in this state for three years, shall be given a credit of fifteen percent on the general average.

(3) The examination shall be in charge of the director, and the papers of candidates shall be known by numbers which shall be arranged as follows: Envelopes shall be numbered and each containing a blank corresponding to the number, on which blank the applicant shall write his name and address, and return to the envelope, sealed by the applicant, and delivered to the director. Each candidate shall place on his paper the number given him and the year of graduation.

(4) The director shall examine the papers and place the mark opposite each candidate's number. When the markings are completed, the envelopes containing the names are to be opened and the names placed opposite their respective numbers.

(5) No dishonest methods will be tolerated, and any candidate disregarding these rules shall be debarred from further examination.

(6) Each subject for examination shall be covered by ten questions, and two hours' time shall be allowed for each subject.

(7) No candidate shall be allowed to leave the examination room after the question papers have been distributed, until the questions are answered and delivered to the examiners in charge.

(8) All examinations shall be in English. Within twenty days after a license is granted or refused, the reasons shall be set forth in writing and placed with the papers used in the examination, and all of said examination papers shall be filed with the director within thirty days after said license has been granted or refused.

Sec. 60. Section 4, chapter 36, Laws of 1919 and RCW 18.36.060 are each amended to read as follows:

The following forms of certificates shall be issued by the director:

- (1) A certificate authorizing the holder thereof to practice mechanotherapy;
- (2) A certificate authorizing the holder thereof to practice suggestive therapeutics;
- (3) A certificate authorizing the holder thereof to practice food science;
- (4) A certificate authorizing the holder thereof to practice physcultopathy;
- (5) A certificate for any other separate and coordinate system of drugless practice: PROVIDED, they shall show evidence of not less than fifty graduates, practicing in this state, whose requirements shall be no less than as set forth in (~~RCW 18.36.010 through 18.36.165~~) this chapter. Practitioners hereunder shall confine their practice to the subjects and system or systems represented by their certificate or certificates granted by said director. The applicant for an

examination must file satisfactory testimonials of good moral character and a diploma issued by some legally chartered drugless college, or satisfactory evidence of having possessed such diploma, except as herein otherwise provided, and must fill out a blank application to be sworn to before some person authorized to take acknowledgments, showing that he or she is the person named in the diploma, is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made on a blank furnished by said director, and shall contain such other information concerning the instruction and preliminary education of the applicant as said director may by rule adopt.

Sec. 61. Section 7, chapter 36, Laws of 1919 and RCW 18.36.130 are each amended to read as follows:

All persons granted licenses or certificates under ~~((RCW 18.36.010 through 18.36.165;))~~ this chapter shall be subject to the state and municipal regulations, relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health; and all such reports shall be accepted as legal.

NEW SECTION. Sec. 62. The following acts or parts of acts are each repealed:

- (1) Section 34, chapter 279, Laws of 1984 and RCW 18.36.135;
- (2) Section 10, chapter 36, Laws of 1919 and RCW 18.36.140; and
- (3) Section 9, chapter 36, Laws of 1919 and RCW 18.36.150.

NEW SECTION. Sec. 63. The repeal of RCW 18.36.140 and 18.36.150 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART IX

EMBALMERS AND FUNERAL DIRECTORS

NEW SECTION. Sec. 64. A new section is added to chapter 18.39 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 65. Section 15, chapter 108, Laws of 1937 as last amended by section 39, chapter 7, Laws of 1985 and RCW 18.39.130 are each amended to read as follows:

The ~~((director))~~ board may recognize licenses issued to funeral directors or embalmers from other states if the applicant's qualifications are comparable to the requirements of this chapter. Upon presentation of the license and payment by the holder of a fee determined under RCW 43.24.086, the ~~((director))~~ board may issue a funeral director's or embalmer's license under this chapter. The license may be renewed annually upon payment of the renewal license fee as herein provided by license holders residing in the state of Washington.

Sec. 66. Section 3, chapter 93, Laws of 1977 ex. sess. as amended by section 40, chapter 7, Laws of 1985 and RCW 18.39.145 are each amended to read as follows:

The ~~((director))~~ board shall issue a funeral establishment license to any person, partnership, association, corporation, or other organization to operate a funeral establishment, at specific locations only, which has met the following requirements:

(1) The applicant has designated the name under which the funeral establishment will operate and has designated locations for which the general establishment license is to be issued;

(2) The applicant is licensed in this state as a funeral director and as an embalmer, or employs at least one person with both such qualifications or one licensed funeral director and one embalmer who will be in service at each designated location;

(3) The applicant has filed an application with the director as required by this chapter and paid the required filing fee therefor as fixed by the director pursuant to RCW 43.24.086;

(4) As a condition of applying for a new funeral establishment license, the person or entity desiring to acquire such ownership or control shall be bound by all then existing prearrangement funeral service contracts.

~~((The director shall make the determination of qualifications of all applicants within a reasonable time after the filing of an application with the director.))~~ The board may deny an application for a funeral establishment license, or issue a conditional license, if disciplinary action has previously been taken against the applicant or the applicant's designated funeral director or embalmer. No funeral establishment license shall be transferable, but an applicant may make application for more than one funeral establishment license so long as all of the requirements are met for each license. All funeral establishment licenses shall expire on June 30, or as otherwise determined by the director.

Sec. 67. Section 4, chapter 93, Laws of 1977 ex. sess. as amended by section 9, chapter 43, Laws of 1981 and RCW 18.39.148 are each amended to read as follows:

If a licensed funeral establishment does not have a licensed funeral director and embalmer in its employ at its place of business, its license shall be canceled immediately by the ~~((director or the))~~ board. Upon notification of cancellation of a funeral establishment license, the funeral establishment shall be notified of the opportunity for a hearing, which shall be conducted pursuant to chapter 34.04 RCW.

Sec. 68. Section 8, chapter 108, Laws of 1937 as last amended by section 41, chapter 7, Laws of 1985 and RCW 18.39.150 are each amended to read as follows:

Any licensed funeral director or embalmer whose license has lapsed shall reapply for a license and pay a fee as determined under RCW 43.24.086 before the license may be issued. Applications under this section shall be made within one year after the expiration of the previous license. If the application is not made within ~~((three))~~ one year((s)), the applicant shall be required to take an examination or submit other satisfactory proof of continued competency approved by the ~~((director))~~ board and pay the license fee, as required by this chapter in the case of initial applications, together with all unpaid license fees and penalties.

Sec. 69. Section 9, chapter 93, Laws of 1977 ex. sess. as last amended by section 6, chapter 402, Laws of 1985 and RCW 18.39.175 are each amended to read as follows:

Each member of the board of funeral directors and embalmers shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in connection with board duties in accordance with RCW 43.03.050 and 43.03.060.

The state board of funeral directors and embalmers shall have the following duties and responsibilities:

(1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;

(2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";

(3) To make findings and recommendations to the director on any and all matters relating to the enforcement of this chapter;

(4) To adopt, promulgate, and enforce reasonable rules. Rules regulating the cremation of human remains and establishing fees and permit requirements shall be adopted in consultation with the cemetery board; and

(5) To examine or audit or to direct the examination and audit of prearrangement funeral service trust fund records for compliance with this chapter and rules adopted by the board.

(6) To ((suspend or revoke any license, after proper hearing and notice to the licensee.)) conduct disciplinary proceedings under chapter 18.130 RCW if the licensee has violated that chapter or has committed ((any of the following:

(a) A crime involving moral turpitude and resulting in a conviction;

(b)) unprofessional conduct, which includes:

((i) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;

((ii) False or misleading advertising as a funeral director or embalmer;

((iii)) (a) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether the solicitation occurs after death or while death is impending. This chapter does not prohibit general advertising or the sale of pre-need funeral plans;

((iv)) (b) Employment by the licensee of persons known as "cappers," "steerers," or "solicitors" or other persons to obtain funeral directing or embalming business;

((v)) (c) Employment directly or indirectly of any person for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

((vi)) (d) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants, or employees, for the purpose of securing business;

((vii) Aiding or abetting an unlicensed person to practice funeral directing or embalming;

((viii)) (e) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;

((ix)) (f) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of a dead human body without the written consent of next of kin;

((x) Violation of any of the provisions of this chapter or the rules in support thereof;

((xi)) (g) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human bodies;

((xii)) (h) Fraud or misrepresentation in obtaining a license;

((xiii)) (i) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to its custody;

((xiv)) (j) Selling, or offering for sale, a share, certificate, or an interest in the business of any funeral director or embalmer, or in any corporation, firm, or association owning or operating a funeral establishment, which promises or purports to give to purchasers a right to the services of the funeral director, embalmer, or corporation, firm, or association at a charge or cost less than that offered or given to the public; or

((xv)) (k) Knowingly concealing information concerning a violation of this chapter;

((6)) (7) To adopt rules establishing mandatory continuing education requirements to be met by persons applying for license renewal.

Sec. 70. Section 5, chapter 93, Laws of 1977 ex. sess. as amended by section 13, chapter 43, Laws of 1981 and RCW 18.39.181 are each amended to read as follows:

The director shall have the following powers and duties:

(1) ~~((To determine the qualifications of applicants for all licenses under this chapter;~~
~~(2))) To issue all licenses provided for under this chapter;
 ((3)) (2) To annually renew licenses under this chapter;
 ((4)) (3) To collect all fees prescribed and required under this chapter; and
 ((5)) (4) To keep general books of record of all official acts, proceedings, and transactions of the department of licensing while acting under this chapter.~~

Sec. 71. Section 15, chapter 66, Laws of 1982 and RCW 18.39.231 are each amended to read as follows:

A funeral director or any person under the supervision of a funeral director shall not, in conjunction with any professional services performed for compensation under this chapter, provide financial or investment advice to any person other than a family member, represent any person in a real estate transaction, or act as an agent under a power of attorney for any person. However, this section shall not be deemed to prohibit a funeral establishment from entering into prearrangement funeral service contracts in accordance with this chapter or to prohibit a funeral director from providing advice about government or insurance benefits.

A violation of this section is a gross misdemeanor and is grounds for disciplinary action ~~((including suspension or revocation of the license, as provided in RCW 18.39.179)).~~

The board shall adopt such rules as the board deems reasonably necessary to prevent unethical financial dealings between funeral directors and their clients.

Sec. 72. Section 4, chapter 66, Laws of 1982 and RCW 18.39.260 are each amended to read as follows:

A funeral establishment shall not enter into prearrangement funeral service contracts in this state unless the funeral establishment has obtained a certificate of registration issued by the ~~((director))~~ board and such certificate is then in force.

Certificates of registration shall be maintained by funeral establishments until all prearrangement contract obligations have been fulfilled. The funeral establishment shall comply with all requirements related to the sale of prearrangement contracts until all obligations have been fulfilled.

Sec. 73. Section 7, chapter 66, Laws of 1982 and RCW 18.39.280 are each amended to read as follows:

To apply for an original certificate of registration, a funeral establishment must:

(1) File with the ~~((director))~~ board its request showing:

(a) Its name, location, and organization date;

(b) The kinds of funeral business it proposes to transact;

(c) A statement of its financial condition, management, and affairs on a form satisfactory to or furnished by the director; and

(d) Such other documents, stipulations, or information as the ~~((director))~~ board may reasonably require to evidence compliance with the provisions of this chapter.

(2) Deposit with the director the fees required by this chapter to be paid for filing the accompanying documents, and for the certificate of registration, if granted.

Sec. 74. Section 8, chapter 66, Laws of 1982 and RCW 18.39.290 are each amended to read as follows:

All certificates of registration issued pursuant to this chapter shall continue in force until the expiration date unless suspended((:)) or revoked((-or renewed)). A certificate shall be subject to renewal annually ((on the first day of July upon)) ninety days after the end of its fiscal year, as stated on the original application, by the funeral establishment and payment of the required fees.

The director shall determine and collect ((in advance the following)) fees((:

(1) Certificate of registration:

(a) Issuance — thirty-five dollars;

(b) Renewal — fifteen dollars;

(2) Annual statement of financial condition — ten dollars)) related to certificate of registration licensure.

All fees so collected shall be remitted by the director to the state treasurer not later than the first business day following receipt of such funds and the funds shall be credited to the ~~((general fund))~~ health professions account.

Sec. 75. Section 6, chapter 66, Laws of 1982 and RCW 18.39.300 are each amended to read as follows:

In addition to the grounds for action set forth in RCW 18.130.170 and 18.130.180, the ((director)) board may ((refuse to renew or may revoke or suspend a)) take the disciplinary action set forth in RCW 18.130.160 against the funeral establishment's license, the license of any funeral director and/or the funeral establishment's certificate of registration, if the ((funeral establishment)) licensee or registrant:

(1) Fails to comply with any provisions of this chapter, chapter 18.130 RCW, or any proper order or regulation of the ~~((director))~~ board;

(2) Is found by the ~~((director))~~ board to be in such condition that further execution of prearrangement contracts could be hazardous to purchasers or beneficiaries and the people of this state;

(3) Refuses to be examined, or refuses to submit to examination or to produce its accounts, records and files for examination by the ((director)) board when required; or

(4) Is found by the ((director)) board after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued operation hazardous to purchasers, beneficiaries, or to the public.

Sec. 76. Section 10, chapter 66, Laws of 1982 and RCW 18.39.320 are each amended to read as follows:

(1) Each authorized funeral establishment shall annually, ~~((before the first day of March))~~ at the time of its registration renewal, file with the ((director)) board a true and accurate statement of its financial condition, transactions, and affairs for ~~((the))~~ its preceding ~~((calendar))~~ fi-
scal year. The statement shall be on such forms and shall contain such information as required by this chapter and by the ((director)) board.

(2) The ((director)) board shall ~~((suspend or revoke))~~ take disciplinary action against the certificate of registration of any funeral establishment which fails to file its annual statement when due or after any extension of time which the ((director)) board has, for good cause, granted.

Sec. 77. Section 11, chapter 66, Laws of 1982 and RCW 18.39.330 are each amended to read as follows:

No prearrangement funeral contract forms shall be used without the prior approval of the ((director)) board.

The ((director)) board shall disapprove any such contract form, or withdraw prior approval, when such form:

(1) Violates or does not comply with this chapter;

(2) Contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the merchandise or service purported to be provided in the general coverage of the contract;

(3) Has any title, heading, or other part of its provisions which is misleading; or

(4) Is being solicited by deceptive advertising.

NEW SECTION. Sec. 78. The following acts or parts of acts are each repealed:

(1) Section 35, chapter 279, Laws of 1984 and RCW 18.39.176;

(2) Section 12, chapter 43, Laws of 1981 and RCW 18.39.179;

(3) Section 6, chapter 93, Laws of 1977 ex. sess., section 17, chapter 43, Laws of 1981 and RCW 18.39.223;

(4) Section 7, chapter 93, Laws of 1977 ex. sess., section 18, chapter 43, Laws of 1981 and RCW 18.39.225;

(5) Section 9, chapter 66, Laws of 1982 and RCW 18.39.310; and

(6) Section 12, chapter 66, Laws of 1982 and RCW 18.39.340.

NEW SECTION. Sec. 79. The repeal of RCW 18.39.179 and the amendment of RCW 18.39.175 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART X MIDWIFERY

NEW SECTION. Sec. 80. A new section is added to chapter 18.50 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 81. The following acts or parts of acts are each repealed:

(1) Section 7, chapter 160, Laws of 1917, section 9, chapter 53, Laws of 1981 and RCW 18.50.100;

(2) Section 9, chapter 160, Laws of 1917 and RCW 18.50.120; and

(3) Section 36, chapter 279, Laws of 1984 and RCW 18.50.125.

NEW SECTION. Sec. 82. The repeal of RCW 18.50.100 and 18.50.120 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XI NURSING HOME ADMINISTRATORS

NEW SECTION. Sec. 83. A new section is added to chapter 18.52 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 84. Section 10, chapter 57, Laws of 1970 ex. sess. as amended by section 4, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.100 are each amended to read as follows:

The board with the assistance of the director for administrative matters shall have the duty and responsibility within the limits provided in this chapter:

(1) To develop standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall include criteria to evaluate the practical experience, education, and training of applicants for licenses to determine that applicants

have the equivalent of two years of experience in the operation of a nursing home. The standards and criteria shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators as provided in this chapter.

(2) To develop appropriate techniques, including examinations and investigations to the extent necessary to determine whether an individual meets such standards for licensing.

(3) To develop, administer, and supervise an administrator-in-training program for applicants for licenses who are otherwise qualified but do not have the equivalent of two years experience in the operation of a nursing home at the time of application. Such program shall provide for supervision of each administrator-in-training by licensed nursing home administrators as preceptors. The board shall have the authority to do all acts necessary for the implementation of such a program, including, but not limited to, conducting education and training programs, establishing standards of qualification for preceptors, establishing criteria for creating and evaluating individual programs, and monitoring such programs to assure compliance with rules and regulations adopted by the board.

(4) To order the director to issue licenses to individuals determined by the board, after the application of such techniques, to meet such standards and to order the director to deny licenses to individuals who do not meet such standards or who are in violation of ~~((the provisions of RCW 18.52.126))~~ this chapter or chapter 18.130 RCW.

~~((5))~~ ~~((To assure that the goals set forth in RCW 18.52.010 are effected the board shall have the authority after any notice and hearing which may be required by law, to order a reprimand of any licensee, or the suspension, refusal to reregister, or revocation of any license. The board may defer any such order or impose conditions thereon to permit continued licensed status when such action is reasonable considering the circumstances of the case, the protection of the health and safety of patients, and fairness to the administrator.~~

~~((6))~~ ~~To investigate, and take appropriate action with respect to, any charge or complaint filed with the board or director to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of the standards for licensing.~~

~~((7))~~ To conduct a continuing study and investigation of the licensing of administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of new administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who are to be licensed.

~~((8))~~ (6) To encourage qualified educational institutions and other qualified organizations to establish, provide, and conduct and continue such training and instruction courses and programs as will enable all otherwise qualified individuals to attain the qualifications necessary to meet the standards for licensing nursing home administrators.

~~((9))~~ (7) To establish and carry out procedures, if required, designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements and standards for licensing set forth in this chapter.

~~((10))~~ (8) To establish appropriate procedures for the issuance in unusual circumstances and without examination of temporary license permits as nursing home administrators. Such permits may be issued and renewed by the director pursuant to rules and regulations which shall be established by the board. Such permits and renewals shall be subject to confirmation or rescission by order of the board upon review at the next board meeting. Any such permit or renewal thereof shall in all events expire six months from the date issued. No more than three consecutive permits shall be issued to any one person. Persons receiving such permits need not have passed the required examination but shall meet the other requirements of this chapter, except RCW 18.52.070(2). After hearing before the board and upon order of the board the director may ~~((revoke or suspend any such permit))~~ take appropriate disciplinary action for the reasons provided in this chapter ((for suspension or revocation of administrator licenses)) or chapter 18.130 RCW.

~~((11))~~ (9) To advise the relevant state agencies regarding receipt and administration of such federal funds as are made available to carry out the educational purposes of this chapter.

~~((12))~~ (10) To advise the director regarding the application forms used by the director under this chapter.

~~((13))~~ (11) To direct the granting of provisional licenses as provided in this chapter.

~~((14))~~ (12) To issue rules and regulations which are necessary to carry out the functions of the board specifically assigned to it by this chapter.

NEW SECTION, Sec. 85. The following acts or parts of acts are each repealed:

(1) Section 72, chapter 279, Laws of 1984 and RCW 18.52.055;

(2) Section 37, chapter 279, Laws of 1984 and RCW 18.52.065;

(3) Section 9, chapter 57, Laws of 1970 ex. sess., section 3, chapter 243, Laws of 1977 ex. sess., section 68, chapter 279, Laws of 1984 and RCW 18.52.090;

(4) Section 12, chapter 57, Laws of 1970 ex. sess., section 2, chapter 97, Laws of 1975 1st ex. sess., section 5, chapter 243, Laws of 1977 ex. sess., section 70, chapter 279, Laws of 1984 and RCW 18.52.120;

(5) Section 15, chapter 57, Laws of 1970 ex. sess., section 6, chapter 243, Laws of 1977 ex. sess., section 20, chapter 67, Laws of 1981 and RCW 18.52.150; and

(6) Section 7, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.155.

NEW SECTION. Sec. 86. The repeal of RCW 18.52.120 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XII
OPTOMETRY

NEW SECTION. Sec. 87. A new section is added to chapter 18.53 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter and chapter 18.54 RCW.

NEW SECTION. Sec. 88. A new section is added to chapter 18.54 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter and chapter 18.53 RCW.

Sec. 89. Section 8, chapter 144, Laws of 1919 and RCW 18.53.030 are each amended to read as follows:

The ~~((director))~~ board may at ~~((his))~~ its discretion, issue a permit to practice optometry during the interim between examinations, to any person who has filed an application for examination which has been accepted by ~~((said director))~~ the board as admitting the applicant to the next examination. Such permit shall be valid only until the date of the next examination and shall not be issued sooner than thirty days following any regular examination, and no permit shall be issued to any person who has failed before the ~~((director))~~ board, nor where a certificate has been revoked.

Sec. 90. Section 11, chapter 144, Laws of 1919 as amended by section 6, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.100 are each amended to read as follows:

~~((The optometry board may under the provisions of the administrative procedure act, chapter 34.04 RCW, upon presentation of evidence and information by the director, revoke the license of any optometrist for any of the following causes:~~

~~(1) Conviction of any crime involving moral turpitude; or~~

~~(2)) The following constitutes grounds for disciplinary action under chapter 18.130 RCW:~~

~~(1) Any form of fraud or deceit used in securing a license; or~~

~~((3)) (2) Any unprofessional conduct, of a nature likely to deceive or defraud the public;~~

or

~~((4) The obtaining of any fee by fraud or misrepresentation; or~~

~~((5)) (3) The employing either directly or indirectly of any person or persons commonly known as "cappers" or "steerers" to obtain business; or~~

~~((6)) (4) To employ any person to solicit from house to house, or to personally solicit from house to house; or~~

~~((7) The employment of any unlicensed person to perform the work covered by this chapter; or~~

~~((8)) (5) Advertisement in any way in which untruthful, improbable or impossible statements are made regarding treatments, cures or values; or~~

~~((9)) (6) The use of the term "eye specialist" in connection with the name of such optometrist; or~~

~~((10) For habits of intemperance or habitual drunkenness, addiction to the drug habit, in a manner likely to destroy the accuracy of the work of an optometrist; or~~

~~((11) Affliction with a contagious or infectious disease, or one which is likely to destroy the accuracy of the work of the afflicted; or~~

~~((12) For any cause for which the director or board of optometry might refuse to admit a candidate to his examination; or~~

~~((13)) (7) Inability to demonstrate, in a manner satisfactory to the director or the board of optometry, their practical ability to perform any function set forth in RCW 18.53.010 which they utilize in their practice; or~~

~~((14) For the violation of any provision of this chapter or any rules and regulations of the director or the optometry board)).~~

Sec. 91. Section 7, chapter 144, Laws of 1919 as last amended by section 3, chapter 58, Laws of 1981 and RCW 18.53.140 are each amended to read as follows:

It shall be unlawful for any person:

(1) To sell or barter, or offer to sell or barter any license issued by the director; or

(2) To purchase or procure by barter any license with the intent to use the same as evidence of the holder's qualification to practice optometry; or

(3) To alter with fraudulent intent in any material regard such license; or

(4) To use or attempt to use any such license which has been purchased, fraudulently issued, counterfeited or materially altered as a valid license; or

(5) To practice optometry under a false or assumed name, or as a representative or agent of any person, firm or corporation with which the licensee has no connection: PROVIDED, Nothing in this chapter nor in the optometry law shall make it unlawful for any lawfully licensed optometrist or association of lawfully licensed optometrists to practice optometry under the

name of any lawfully licensed optometrist who may transfer by inheritance or otherwise the right to use such name; or

~~(6) (To willfully make any false statements in material regard in an application for an examination before the director, or for a license; or~~

~~(7)) To practice optometry in this state either for himself or any other individual, corporation, partnership, group, public or private entity, or any member of the licensed healing arts without having at the time of so doing a valid license issued by the director of licensing; or~~

~~((8)) (7) To in any manner barter or give away as premiums either on his own account or as agent or representative for any other purpose, firm or corporation, any eyeglasses, spectacles, lenses or frames; or~~

~~((9)) (8) To use drugs in the examination of eyes except diagnostic agents, topically applied, known generally as cycloplegics, mydriatics, topical anesthetics, dyes such as fluorescein, and for emergency use only, miotics, which legend drugs a certified optometrist is authorized to purchase, possess and administer; or~~

~~((10)) (9) To use advertising whether printed, radio, display, or of any other nature, which is misleading or inaccurate in any material particular, nor shall any such person in any way misrepresent any goods or services (including but without limitation, its use, trademark, grade, quality, size, origin, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted; or~~

~~((11)) (10) To advertise the "free examination of eyes," "free consultation," "consultation without obligation," "free advice," or any words or phrases of similar import which convey the impression to the public that eyes are examined free or of a character tending to deceive or mislead the public, or in the nature of "bait advertising;" or~~

~~((12)) (11) To use an advertisement of a frame or mounting which is not truthful in describing the frame or mounting and all its component parts. Or advertise a frame or mounting at a price, unless it shall be depicted in the advertisement without lenses inserted, and in addition the advertisement must contain a statement immediately following, or adjacent to the advertised price, that the price is for frame or mounting only, and does not include lenses, eye examination and professional services, which statement shall appear in type as large as that used for the price, or advertise lenses or complete glasses, viz.: frame or mounting with lenses included, at a price either alone or in conjunction with professional services; or~~

~~((13)) (12) To use advertising, whether printed, radio, display, or of any other nature, which inaccurately lays claim to a policy or continuing practice of generally underselling competitors; or~~

~~((14)) (13) To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or~~

~~((15)) (14) To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as "down payment" and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time(---or~~

~~(16) To violate any provision of this chapter or any rules and regulations promulgated thereunder).~~

Sec. 92. Section 22, chapter 144, Laws of 1919 and RCW 18.53.150 are each amended to read as follows:

Any person violating ~~((any provision of RCW 18.53.010 through 18.53.150 shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not less than thirty days nor more than six months, or both))~~ this chapter is guilty of a misdemeanor.

Sec. 93. Section 7, chapter 25, Laws of 1963 as last amended by section 49, chapter 158, Laws of 1979 and RCW 18.54.070 are each amended to read as follows:

The board has the following powers and duties:

(1) The board shall prepare the necessary lists of examination questions, conduct examinations, either written or oral or partly written and partly oral, and shall certify to the director of licensing all lists, signed by all members conducting the examination, of all applicants for licenses who have successfully passed the examination and a separate list of all applicants for licenses who have failed to pass the examination, together with a copy of all examination questions used, and the written answers to questions on written examinations submitted by each of the applicants.

~~(2) (The director shall investigate all complaints and charges of unprofessional conduct against any licensed optometrist, and the board shall hold hearings to determine whether or not such charges are founded.~~

~~(3) The board shall take disciplinary action against any optometrist whom the board finds guilty of unprofessional conduct, and may, under appropriate circumstances, order the revocation or suspension of a license to practice optometry by filing a copy of its findings and conclusions with the director of licensing.~~

~~(4) The board may employ stenographic and clerical help, and such other assistance as may be necessary to enforce the provisions of this chapter.~~

(5)) The board shall adopt rules and regulations to promote safety, protection and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry.

NEW SECTION, Sec. 94. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 144, Laws of 1919, section 3, chapter 69, Laws of 1975 1st ex. sess., section 46, chapter 158, Laws of 1979 and RCW 18.53.020; and

(2) Section 13, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.155.

NEW SECTION, Sec. 95. The repeal of RCW 18.53.020 and the amendment of RCW 18.53.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

NEW SECTION, Sec. 96. The following acts or parts of acts are each repealed:

(1) Section 38, chapter 279, Laws of 1984 and RCW 18.54.075;

(2) Section 8, chapter 25, Laws of 1963, section 11, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54.080;

(3) Section 10, chapter 25, Laws of 1963 and RCW 18.54.100;

(4) Section 11, chapter 25, Laws of 1963 and RCW 18.54.110; and

(5) Section 12, chapter 25, Laws of 1963 and RCW 18.54.120.

NEW SECTION, Sec. 97. The repeal of RCW 18.54.080 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XIII
OCULARISTS

NEW SECTION, Sec. 98. A new section is added to chapter 18.55 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION, Sec. 99. The following acts or parts of acts are each repealed:

(1) Section 39, chapter 279, Laws of 1984 and RCW 18.55.065;

(2) Section 6, chapter 101, Laws of 1980 and RCW 18.55.070;

(3) Section 8, chapter 101, Laws of 1980 and RCW 18.55.080;

(4) Section 9, chapter 101, Laws of 1980 and RCW 18.55.090; and

(5) Section 10, chapter 101, Laws of 1980 and RCW 18.55.100.

NEW SECTION, Sec. 100. The repeal of RCW 18.55.070 and 18.55.090 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XIV
OSTEOPATHY

NEW SECTION, Sec. 101. A new section is added to chapter 18.57 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION, Sec. 102. A new section is added to chapter 18.57A RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the approval or disapproval of applications and the discipline of persons authorized to practice under this chapter.

Sec. 103. Section 3, chapter 117, Laws of 1979 and RCW 18.57.005 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To administer examinations to applicants for licensure under this chapter;

(2) ~~((To grant, deny, restrict, suspend, or revoke licenses to practice under this chapter;~~

3)) To make such rules and regulations as are not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter;

~~(((4)))~~ (3) To establish and administer requirements for continuing professional education as may be necessary or proper to insure the public health and safety as a prerequisite to granting and renewing licenses under this chapter: PROVIDED, That such rules shall not require a licensee under this chapter to engage in continuing education related to or provided by any specific branch, school, or philosophy of medical practice or its political and/or professional organizations, associations, or societies;

~~(((5) To establish rules and regulations fixing standards of professional conduct;~~

6) To adopt such rules as are necessary to establish, administer, and/or delegate a review of each malpractice action filed against a person licensed to practice under this chapter. On the basis of such review, where in its sole discretion, it deems it necessary, take such action as required to protect the public health and safety, including restriction, suspension, or revocation of a license to practice under this chapter; and

7)) (4) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

Sec. 104. Section 9, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.030 are each amended to read as follows:

An osteopathic physician's assistant as defined in this chapter may practice osteopathic medicine in this state only after authorization by the board and only to the extent permitted by

the board. An osteopathic physician's assistant shall be subject to discipline by the board under ~~((RCW 18.57.176))~~ the provisions of chapter 18.130 RCW.

Sec. 105. Section 10, chapter 30, Laws of 1971 ex. sess. as last amended by section 57, chapter 7, Laws of 1985 and RCW 18.57A.040 are each amended to read as follows:

No osteopathic physician practicing in this state shall utilize the services of an osteopathic physician's assistant without the approval of the board.

Any osteopathic physician licensed in this state may apply to the board for permission to use the services of an osteopathic physician's assistant. The application shall be accompanied by a fee determined by the director as provided in RCW 43.24.086, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the osteopathic physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the osteopathic physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee determined by the director as provided in RCW 43.24.086. Whenever it appears to the board that an osteopathic physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with ~~((RCW 18.57.180))~~ chapter 18.130 RCW.

Sec. 106. Section 11, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.050 are each amended to read as follows:

No osteopathic physician who uses the services of an osteopathic physician's assistant in accordance with and within the terms of any permission granted by the ~~((medical examining))~~ board shall be considered as aiding and abetting an unlicensed person to practice osteopathic medicine within the meaning of RCW 18.57.080 ~~((or 18.57.030))~~; PROVIDED, HOWEVER, That any physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.57.130 when performed by a physician's assistant in his employ.

NEW SECTION. Sec. 107. The following acts or parts of acts are each repealed:

- (1) Section 40, chapter 279, Laws of 1984 and RCW 18.57.009;
- (2) Section 14, chapter 4, Laws of 1919, section 16, chapter 199, Laws of 1969 ex. sess. and RCW 18.57.030;
- (3) Section 11, chapter 4, Laws of 1919, section 2, chapter 142, Laws of 1963, section 16, chapter 117, Laws of 1979 and RCW 18.57.170;
- (4) Section 4, chapter 117, Laws of 1979 and RCW 18.57.173;
- (5) Section 5, chapter 117, Laws of 1979 and RCW 18.57.175;
- (6) Section 6, chapter 117, Laws of 1979 and RCW 18.57.177;
- (7) Section 7, chapter 117, Laws of 1979 and RCW 18.57.181;
- (8) Section 8, chapter 117, Laws of 1979 and RCW 18.57.185;
- (9) Section 9, chapter 117, Laws of 1979 and RCW 18.57.195; and
- (10) Section 10, chapter 117, Laws of 1979 and RCW 18.57.205.

NEW SECTION. Sec. 108. The repeal of RCW 18.57.030, 18.57.170, 18.57.175, and 18.57.185 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XV

OCCUPATIONAL THERAPISTS

NEW SECTION. Sec. 109. A new section is added to chapter 18.59 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 110. Section 11, chapter 9, Laws of 1984 and RCW 18.59.100 are each amended to read as follows:

~~((1) The board may deny or refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions if the licensee or applicant for a license has been guilty of conduct which has endangered the health, welfare, or safety of the public. Such conduct includes:~~

~~(a) Obtaining a license by means of fraud or misrepresentation or concealment of material facts;~~

~~(b) Being guilty of unprofessional conduct or gross incompetence as defined by the rules of the board, or violating the code of ethics adopted and published by the board, which shall require that)) An occupational therapist shall, after evaluating a patient and if the case is a medical one, refer the case to a physician for appropriate medical direction if such direction is lacking. Treatment by an occupational therapist of such a medical case may take place only upon the referral of a physician or podiatrist licensed to practice medicine in this state((:~~

~~(c) Being convicted of a crime of moral turpitude or a felony which relates to the profession of occupational therapy;~~

~~(d) Violating an order or rule of the board; or~~

(e) Violating any provision of this chapter.

(2) Such denial, refusal to renew, suspension, revocation, or imposition of probationary conditions on a licensee may be ordered by the board in compliance with chapter 34.04 RCW. One year from the date of revocation of a license, application may be made to the board for reinstatement. The board has discretion to accept or reject an application for reinstatement and may, but is not required to, hold a hearing to consider the reinstatement).

Sec. 111. Section 14, chapter 9, Laws of 1984 and RCW 18.59.130 are each amended to read as follows:

(1) The board shall administer, coordinate, and enforce this chapter, evaluate qualifications under this chapter, and provide for supervision of examinations of applicants for licensure under this chapter. ((The board may issue subpoenas, examine witnesses, and administer oaths and may investigate allegations of practices violating this chapter.))

(2) The board ((shall adopt rules relating to professional conduct to carry out the policy of this chapter, including, but not limited to, rules relating to professional licensure and to the establishment of ethical standards of practice for persons holding a license to practice occupational therapy in this state in accordance with chapter 34.04 RCW:

(3) The board shall conduct such hearings and keep such records and minutes as are necessary to carry out its functions. The board shall provide at least thirty days' notice in writing to the appropriate persons of the times and places of all hearings authorized under this chapter in such a manner and at such times as it may determine by its rules)) may adopt such rules as it deems necessary in the administration of this chapter.

NEW SECTION. Sec. 112. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 9, Laws of 1984 and RCW 18.59.030;

(2) Section 17, chapter 9, Laws of 1984 and RCW 18.59.140; and

(3) Section 16, chapter 9, Laws of 1984 and RCW 18.59.200.

NEW SECTION. Sec. 113. The repeal of RCW 18.59.030 and 18.59.200 and the amendment of RCW 18.59.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XVI

PHYSICIANS AND PHYSICIANS' ASSISTANTS

NEW SECTION. Sec. 114. A new section is added to chapter 18.71 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses under this chapter.

NEW SECTION. Sec. 115. A new section is added to chapter 18.71A RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 116. A new section is added to chapter 18.72 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the discipline of licensees under this chapter.

Sec. 117. Section 1, chapter 2, Laws of 1983 and RCW 18.71.030 are each amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

(1) The furnishing of medical assistance in cases of emergency requiring immediate attention;

(2) The domestic administration of family remedies;

(3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.31 RCW, as now or hereafter amended;

(4) The practice of dentistry, osteopathy, osteopathy and surgery, nursing, chiropractic, podiatry, optometry, drugless therapeutics or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him by the laws and regulations of the United States;

(6) The practice of medicine by any practitioner licensed by another state or territory in which he resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

(7) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the board; PROVIDED, HOWEVER, That the performance of such services be only pursuant to a regular course of instruction or assignments from his instructor, or that such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(8) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state

or by a hospital accredited in this state: PROVIDED, That the performance of such services shall be only pursuant to his duties as a trainee;

(9) The practice of medicine by a person who is regularly enrolled in a physician's assistant program approved by the board: PROVIDED, HOWEVER, That the performance of such services be only pursuant to a regular course of instruction in said program: AND PROVIDED FURTHER, That such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(10) The practice of medicine by a registered physician's assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;

(11) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;

(12) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the board of medical examiners: PROVIDED, That a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist: AND PROVIDED FURTHER, That the medical disciplinary board shall have jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to the provisions of chapter 18.72 RCW and chapter 18.130 RCW;

(13) Emergency lifesaving service rendered by a physician's trained mobile intravenous therapy technician, by a physician's trained mobile airway management technician, or by a physician's trained mobile intensive care paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician.

Sec. 118. Section 3, chapter 60, Laws of 1957 as last amended by section 2, chapter 322, Laws of 1985 and RCW 18.71.050 are each amended to read as follows:

(1) Each applicant who has graduated from a school of medicine located in any state, territory or possession of the United States, the District of Columbia, or the Dominion of Canada, shall file an application for licensure with the board on a form prepared by the director with the approval of the board. Each applicant shall furnish proof satisfactory to the board of the following:

((1)) (a) That the applicant has attended and graduated from a school of medicine approved by the board;

((2)) (b) That the applicant has completed two years of postgraduate medical training in a program acceptable to the board, provided that applicants graduating before July 28, 1985, may complete only one year of post-graduate medical training;

((3)) (c) That the applicant is of good moral character;

((4)) (d) That the applicant is physically and mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine(;

~~(5) That the applicant's license to practice medicine is not at the time of the application revoked or suspended by any licensing agency and that the applicant has not been guilty of any conduct which would constitute grounds for refusal, revocation or suspension of such license under the laws of the state of Washington).~~

(2) Nothing in this section shall be construed as prohibiting the board from requiring such additional information from applicants as it deems necessary. The issuance and denial of licenses are subject to chapter 18.130 RCW, the uniform disciplinary act.

Sec. 119. Section 1, chapter 189, Laws of 1959 as last amended by section 6, chapter 322, Laws of 1985 and RCW 18.71.095 are each amended to read as follows:

The board may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The board may, upon the written request of the secretary of the department of social and health services or the secretary of corrections, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department of social and health services or the department of corrections as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services or the department of corrections.

(2) The board may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of two years of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the board, the board may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his or her duties as a resident physician and shall not authorize the physician to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

All persons licensed under this section shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapters 18.72 and 18.130 RCW ~~((and in addition, the limited license to practice medicine in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72 RCW, and determination made by the medical disciplinary board that such licensee has violated the limitations set forth herein)).~~

Persons applying for licensure pursuant to this section shall pay an application fee as determined by the director ~~((as provided in RCW 43.24.086 and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally)).~~ Licenses issued hereunder may be renewed annually pursuant to the provisions of RCW 18.71.080. Any person who obtains a limited license pursuant to this section may, without an additional application fee, apply for licensure under this chapter.

Sec. 120. Section 2, chapter 305, Laws of 1971 ex. sess. as last amended by section 1, chapter 112, Laws of 1983 and RCW 18.71.200 are each amended to read as follows:

(1) As used in ~~((RCW 18.71.020 as now or hereafter amended))~~ this chapter, a "physician's trained mobile intravenous therapy technician" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director to administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile intravenous therapy technician by the University of Washington's school of medicine or the department of social and health services;

(2) As used in ~~((RCW 18.71.020 as now or hereafter amended))~~ this chapter, a "physician's trained mobile airway management technician" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile airway management technician by the University of Washington's school of medicine or the department of social and health services; and

(3) As used in ~~((RCW 18.71.020 as now or hereafter amended))~~ this chapter, a "physician's trained mobile intensive care paramedic" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director:

(i) To carry out all phases of advanced cardiac life support;

(ii) To administer drugs under written or oral authorization of an approved licensed physician; and

(iii) To administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(iv) To perform endotracheal airway management and other authorized aids to ventilation; and

(c) Has been examined and certified as a physician's trained mobile intensive care paramedic by the University of Washington's school of medicine or by the department of social and health services.

Sec. 121. Section 2, chapter 110, Laws of 1973 1st ex. sess. as amended by section 57, chapter 158, Laws of 1979 and RCW 18.71.230 are each amended to read as follows:

A right to practice medicine and surgery by ~~((a Canadian physician))~~ an individual in this state pursuant to RCW 18.71.030 (5) through (12) shall be ~~((revocable))~~ subject to discipline by order of the ~~((director of licensing))~~ board upon a finding by the ~~((director))~~ board of an act of

unprofessional conduct as defined, in RCW ~~((18-72-030))~~ 18.130.180 or that the individual is unable to practice with reasonable skill or safety due to a mental or physical condition as described in RCW 18.130.170. Such physician shall have the same rights of notice, hearing and judicial review as provided licensed physicians generally pursuant to chapters 18.72 and 18.130 RCW.

Sec. 122. Section 4, chapter 30, Laws of 1971 ex. sess. as last amended by section 61, chapter 7, Laws of 1985 and RCW 18.71A.040 are each amended to read as follows:

No physician practicing in this state shall utilize the services of a physician's assistant without the approval of the board.

Any physician licensed in this state may apply to the board for permission to use the services of a physician's assistant. The application shall be accompanied by a fee determined by the director as provided in RCW 43.24.086, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee determined by the director as provided in RCW 43.24.086. Whenever it appears to the board that a physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with ~~((RCW 18-71-140))~~ chapter 18.130 RCW.

Sec. 123. Section 5, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.050 are each amended to read as follows:

No physician who uses the services of a physician's assistant in accordance with and within the terms of any permission granted by the medical examining board shall be considered as aiding and abetting an unlicensed person to practice medicine ~~((within the meaning of RCW 18-71-020 or 18-72-030(13)))~~; PROVIDED, HOWEVER, That any physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.71.010 when performed by a physician's assistant in his employ.

Sec. 124. Section 2, chapter 202, Laws of 1955 and RCW 18.72.020 are each amended to read as follows:

Terms used in this chapter and in RCW 18.71.040~~(;)~~ and 18.71.080~~(; 18-71-120, 18-71-140 and 18-71-180 shall)~~ have the meaning set forth in this section unless the context clearly indicates otherwise:

(1) "Board" means the medical disciplinary board.

(2) "License" means a certificate or license to practice medicine and surgery in this state as provided for in RCW 18.71.010 and 18.71.050.

(3) "Members" means members of the medical disciplinary board.

(4) "Secretary" means the secretary of the medical disciplinary board.

Sec. 125. Section 15, chapter 202, Laws of 1955 as last amended by section 5, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.150 are each amended to read as follows:

The board ~~((shall have the following powers and duties:~~

~~(1) To) may~~ adopt, amend, and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter~~(:~~

~~(2) To investigate all complaints or reports of unprofessional conduct against any holder of a license and to hold hearings to determine if unprofessional conduct has been committed;~~

~~(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;~~

~~(4) To take or cause depositions to be taken as needed in any investigation or investigative or disciplinary hearing or proceeding;~~

~~(5) To investigate complaints or reports of malpractice and unsafe conditions and practices, to analyze equipment, procedures, and training, in such cases, and to direct corrective action;~~

~~(6) To take emergency action ordering summary suspension of the license of a physician, or restricting or limiting the licensed physician's practice pending proceedings by the board, as authorized by RCW 34.04.170;~~

~~(7) To appoint a hearing officer to conduct hearings subject to final determination by the board;~~

~~(8) To enter into contracts for professional services determined by the board to be necessary;~~

~~(9) To contract with physicians or other persons or organizations to provide services necessary for the monitoring and supervising of physicians and surgeons who are placed on probation, or whose professional activities are restricted, or who are for any authorized purpose subject to being monitored by the board; and~~

~~(10) The board shall be subject to the provisions of chapter 34.04 RCW)).~~

Sec. 126. Section 15, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.265 are each amended to read as follows:

(1) ~~(The board may adopt regulations requiring any person, including, but not limited to, corporations, hospitals, organizations, and federal, state, or local governmental agencies, to report to the board any conviction, determination, or finding that a licensed physician has committed unprofessional conduct as defined by RCW 18.72.030 as now or hereafter amended; or to report information which indicates that a licensed physician may not be able to practice medicine with reasonable skill and safety to patients as the result of any mental or physical condition.~~

~~(2))~~ The contents of any report file under RCW 18.130.070 shall be confidential and exempt from public disclosure pursuant to chapter 42.17 RCW, except that it may be reviewed (a) by the licensee involved or his counsel or authorized representative who may submit any additional exculpatory or explanatory statements or other information, which statements or other information shall be included in the file, or (b) by a representative of the medical disciplinary board, or investigator thereof, who has been assigned to review the activities of a licensed physician.

~~((3))~~ Upon a determination that a report is without merit, the board's records may be purged of information relating to the report.

~~((4) if any person contumaciously refuses to furnish a required report, the board may petition the superior court of any county in which said person resides or is found, and said court shall issue to such person an order to furnish the required report. Any failure to obey such order shall be punished by the court as a civil contempt may be punished.~~

~~(5))~~ (2) Every individual, medical association, medical society, hospital, medical service bureau, health insurance carrier or agent, professional liability insurance carrier, professional standards review organization, and agency of the federal, state, or local government shall be immune from civil liability, whether direct or derivative, for providing information to the board subsequent to ~~(the regulations outlined in (subsection (1) of this section))~~ RCW 18.130.070, or for which an individual health care provider has immunity under the provisions of RCW 4.24.240, 4.24.250, or 4.24.260, as now or hereafter amended.

Sec. 127. Section 2, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.020 are each amended to read as follows:

The legislature further declares its intention to supersede all ordinances, regulations, and requirements promulgated by counties, cities and other political subdivisions of the state of Washington, insofar as they may provide for the regulation of emergency medical care, first aid, and ambulance services which do not exceed the provisions of this chapter; except that (1) license fees established in this chapter shall supersede all license fees of counties, cities and other political subdivisions of this state; and, (2) nothing in this chapter shall alter the provisions of RCW ~~((18.71.020))~~ 18.71.200, 18.71.210 and 18.71.220.

NEW SECTION, Sec. 128. The following acts or parts of acts are each repealed:

(1) Section 41, chapter 279, Laws of 1984 and RCW 18.71.018;

(2) Section 14, chapter 192, Laws of 1909, section 8, chapter 134, Laws of 1919, section 3, chapter 284, Laws of 1961, section 18, chapter 199, Laws of 1969 ex. sess., section 1, chapter 305, Laws of 1971 ex. sess., section 3, chapter 171, Laws of 1975 1st ex. sess., section 1, chapter 55, Laws of 1977 and RCW 18.71.020;

(3) Section 10, chapter 284, Laws of 1961, section 4, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.025;

(4) Section 38, chapter 202, Laws of 1955, section 12, chapter 284, Laws of 1961 and RCW 18.71.120;

(5) Section 40, chapter 202, Laws of 1955 and RCW 18.71.140;

(6) Section 17, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.145;

(7) Section 18, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.165; and

(8) Section 44, chapter 202, Laws of 1955, section 14, chapter 171, Laws of 1975 1st ex. sess., section 56, chapter 158, Laws of 1979 and RCW 18.71.180.

NEW SECTION, Sec. 129. The repeal of RCW 18.71.020 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

NEW SECTION, Sec. 130. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 202, Laws of 1955, section 1, chapter 142, Laws of 1963, section 1, chapter 61, Laws of 1975, section 1, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.030;

(2) Section 9, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.135;

(3) Section 14, chapter 202, Laws of 1955 and RCW 18.72.140;

(4) Section 42, chapter 279, Laws of 1984 and RCW 18.72.153;

(5) Section 16, chapter 202, Laws of 1955, section 8, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.160;

(6) Section 17, chapter 202, Laws of 1955, section 10, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.170;

(7) Section 2, chapter 61, Laws of 1975 and RCW 18.72.175;

(8) Section 18, chapter 202, Laws of 1955 and RCW 18.72.180;

(9) Section 7, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.201;

(10) Section 23, chapter 202, Laws of 1955, section 11, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.230;

(11) Section 24, chapter 202, Laws of 1955, section 12, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.240;

(12) Section 13, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.245;

(13) Section 25, chapter 202, Laws of 1955, section 1, chapter 58, Laws of 1969, section 60, chapter 158, Laws of 1979, section 14, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.250;

(14) Section 26, chapter 202, Laws of 1955 and RCW 18.72.260;

(15) Section 27, chapter 202, Laws of 1955 and RCW 18.72.270;

(16) Section 3, chapter 61, Laws of 1975, section 16, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.275;

(17) Section 28, chapter 202, Laws of 1955 and RCW 18.72.280;

(18) Section 29, chapter 202, Laws of 1955 and RCW 18.72.290;

(19) Section 30, chapter 202, Laws of 1955 and RCW 18.72.300;

(20) Section 32, chapter 202, Laws of 1955 and RCW 18.72.320; and

(21) Section 33, chapter 202, Laws of 1955 and RCW 18.72.330.

NEW SECTION. Sec. 131. The repeal of RCW 18.72.030, 18.72.230, and 18.72.275 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XVII

PHYSICAL THERAPY

NEW SECTION. Sec. 132. A new section is added to chapter 18.74 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 133. Section 4, chapter 116, Laws of 1983 and RCW 18.74.023 are each amended to read as follows:

The board has the following powers and duties:

(1) To administer examinations to applicants for a license under this chapter.

(2) To pass upon the qualifications of applicants for a license and to certify to the director duly qualified applicants.

(3) ~~(To approve, deny, restrict, suspend, or revoke authorization to practice under this chapter.~~

~~(4))~~ (4) To make such rules not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter.

~~((5))~~ (4) To establish and administer requirements for continuing professional education as may be necessary or proper to ensure the public health and safety and which may be a prerequisite to granting and renewing a license under this chapter.

~~((6) To establish rules fixing standards of professional conduct.~~

~~(7))~~ (5) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

~~((8))~~ (6) To adopt rules not inconsistent with the laws of this state, when it deems appropriate, in response to questions put to it by professional health associations, physical therapists, and consumers in this state concerning the authority of physical therapists to perform particular acts.

Sec. 134. Section 9, chapter 239, Laws of 1949 as last amended by section 18, chapter 116, Laws of 1983 and RCW 18.74.090 are each amended to read as follows:

A person who is not licensed with the director of licensing as a physical therapist under the requirements of this chapter shall not represent himself as being so licensed and shall not use in connection with his name the words or letters "P.T.", "R.P.T.", "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or "physiotherapist", or any other letters, words, signs, numbers, or insignia indicating or implying that he is a physical therapist. ~~((Any person who practices or attempts to practice as or hold himself out as practicing as a physical therapist in this state without having at the time of so doing, a valid, unrevoked license as provided in this chapter, shall be guilty of a gross misdemeanor. PROVIDED, That))~~ Nothing in this chapter prohibits any person licensed in this state under any other act from engaging in the practice for which he or she is licensed. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his county. The attorney general may assist in such prosecution and shall appear at all hearings when requested to do so by the board.

NEW SECTION. Sec. 135. The following acts or parts of acts are each repealed:

(1) Section 43, chapter 279, Laws of 1984 and RCW 18.74.028;

(2) Section 8, chapter 239, Laws of 1949, section 7, chapter 64, Laws of 1961, section 13, chapter 116, Laws of 1983 and RCW 18.74.080;

(3) Section 15, chapter 116, Laws of 1983 and RCW 18.74.082;

(4) Section 14, chapter 116, Laws of 1983 and RCW 18.74.084;

(5) Section 16, chapter 116, Laws of 1983 and RCW 18.74.086;

(6) Section 17, chapter 116, Laws of 1983 and RCW 18.74.088; and

(7) Section 10, chapter 239, Laws of 1949, section 20, chapter 116, Laws of 1983 and RCW 18.74.100.

NEW SECTION, Sec. 136. The repeal of RCW 18.74.080, 18.74.082, and 18.74.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XVIII

PRACTICAL NURSES

NEW SECTION, Sec. 137. A new section is added to chapter 18.78 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 138. Section 5, chapter 222, Laws of 1949 as last amended by section 6, chapter 55, Laws of 1983 and RCW 18.78.050 are each amended to read as follows:

The board shall conduct examinations for all applicants for licensure under this chapter and shall certify qualified applicants to the department of licensing for licensing. The board shall also determine and formulate what constitutes the curriculum for an approved practical nursing program preparing persons for licensure under this chapter. The board shall establish criteria for licensure by endorsement. ~~((The board or an administrative law judge appointed under chapter 34.12 RCW may conduct hearings for the suspension or revocation of licenses.))~~

The board shall adopt such rules as are necessary to fulfill the purposes of this chapter pursuant to chapter 34.04 RCW.

Sec. 139. Section 7, chapter 222, Laws of 1949 as amended by section 9, chapter 55, Laws of 1983 and RCW 18.78.070 are each amended to read as follows:

~~((The director may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed as a licensed practical nurse by examination under the laws of another state.))~~ An applicant graduated from a nursing program outside the United States and licensed by a country outside the United States shall meet all qualifications required by this chapter and by the board and shall pass an examination to be determined by the board.

Sec. 140. Section 10, chapter 222, Laws of 1949 as last amended by section 66, chapter 7, Laws of 1985 and RCW 18.78.090 are each amended to read as follows:

Every licensed practical nurse in this state shall renew the license with the department of licensing and shall pay a fee determined by the director as provided in RCW 43.24.086. Any failure to register and pay the renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor and upon payment to the state of a penalty fee determined by the director as provided in RCW 43.24.086 ~~((together with all delinquent license renewal fees)).~~

NEW SECTION, Sec. 141. The following acts or parts of acts are each repealed:

- (1) Section 44, chapter 279, Laws of 1984 and RCW 18.78.053;
- (2) Section 13, chapter 55, Laws of 1983 and RCW 18.78.135;
- (3) Section 14, chapter 55, Laws of 1983 and RCW 18.78.145;
- (4) Section 20, chapter 55, Laws of 1983 and RCW 18.78.155;
- (5) Section 18, chapter 55, Laws of 1983 and RCW 18.78.165;
- (6) Section 18, chapter 222, Laws of 1949, section 5, chapter 79, Laws of 1967, section 16, chapter 55, Laws of 1983 and RCW 18.78.170;

(7) Section 7, chapter 79, Laws of 1967, section 17, chapter 55, Laws of 1983 and RCW 18.78.175; and

(8) Section 8, chapter 222, Laws of 1949 (uncodified).

NEW SECTION, Sec. 142. The repeal of RCW 18.78.135 and 18.78.170 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XIX

PSYCHOLOGY

NEW SECTION, Sec. 143. A new section is added to chapter 18.83 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 144. Section 13, chapter 305, Laws of 1955 as last amended by section 84, chapter 279, Laws of 1984 and RCW 18.83.120 are each amended to read as follows:

Within the meaning of this chapter and in addition to those acts defined in chapter 18.130 RCW, unethical practice of psychology shall include ~~((any act or practice which violates the codes of ethics established by the board. In addition, the following conduct, acts, or conditions constitute the unethical practice of psychology for any licensee or applicant subject to this chapter:~~

~~(1) The commission of any act involving moral turpitude, dishonesty, or corruption, relating to the practice of psychology, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant of the crime described in the indictment or information and of the person's violation of the statute on which it is based. For the purposes of~~

this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this subsection abrogates rights guaranteed under chapter 9.96A RCW.

~~(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof.~~

~~(3) Advertising in a manner which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public health, safety, or welfare.~~

~~(4) Incompetency or negligence in the practice of psychology which creates an unreasonable risk of physical or mental harm or serious financial loss to the consumer.~~

~~(5) Practicing psychology while under the suspension, revocation, or restriction of the individual's license to practice by competent authority in any state, federal, or foreign jurisdiction.~~

~~(6));~~

~~(1) Violation of any state statute or administrative code specifically governing the practice of psychology((:~~

~~(7) Failure to cooperate with the committee by:~~

~~(a) Not furnishing any papers or documents requested by the committee;~~

~~(b) Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the committee;~~

~~(c) Not appearing before the committee at the time and place designated; or~~

~~(d) Not properly responding to subpoenas issued by the committee;~~

~~(8) Failure to comply with an order issued by the committee or an assurance of discontinuance entered into with the committee.~~

~~(9) Aiding or abetting an unlicensed person to practice when a license is required.~~

~~(10)); and~~

~~(2) Gross, wilful, or continued overcharging for professional services.~~

~~((11) Wilful or repeated violations of rules established by any health officer of the state or a political subdivision thereof.~~

~~(12) Practice beyond the scope of practice as defined by law.~~

~~(13) Misrepresentations or fraud in any aspect of the conduct of the profession.~~

~~(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's safety is at risk.~~

~~(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;~~

~~(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service.~~

~~(17) Conviction of any gross misdemeanor or felony relating to the practice of psychology. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW.~~

~~(18) Physically abusing or having sexual contact with a patient or client.~~

~~(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the committee.~~

~~(20) The wilful betrayal of a professional secret.~~

~~(21) Violation of chapter 19.68 RCW.))~~

Sec. 145, Section 12, chapter 305, Laws of 1955 as last amended by section 85, chapter 279, Laws of 1984 and RCW 18.83.130 are each amended to read as follows:

The board ~~((shall refuse to grant a license to any applicant and shall revoke or suspend the license of any psychologist, or place other restrictions on that psychologist's practice of psychology.)) may take disciplinary action under RCW 18.130.160 for the following reasons:~~

~~(1) ((Commission of any act involving moral turpitude, as defined by the board by rule, dishonesty, or corruption, which relates directly to a person's fitness to practice psychology; whether that act constitutes a crime or not; and if the act constitutes a crime, conviction thereof in criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction, the judgment and sentence shall be conclusive evidence at any ensuing disciplinary hearing of guilt of the psychologist of the crime described in the indictment or information and of the violation of the statute upon which it is based.~~

~~(2)) Failing to maintain the confidentiality of information under RCW 18.83.110.~~

~~((3)) (2) Violations of the ethical code developed by the board under RCW 18.83.050 and 18.83.120.~~

~~((4)) (3) Failing to inform prospective research subjects or their authorized representatives of the possible serious effects of participation in research; and failing to undertake reasonable efforts to remove possible harmful effects of participation.~~

~~((5)) (4) Practicing in an area of psychology for which the person is clearly untrained or incompetent.~~

~~((6) Being negligent in the practice of psychology.~~

~~(7)) (5) Failing to exercise appropriate supervision over persons who practice under the supervision of a psychologist.~~

~~((8)) (6) Using fraud or deceit in the procurement of the psychology license, or knowingly assisting another in the procurement of such a license through fraud or deceit.~~

~~((9) Engaging in the practice of psychology while the person's ability to perform professional services is significantly impaired by alcohol, drugs, illness, or other dysfunctions.~~

~~(10) Engaging in the practice of psychology when the person's psychology license has been suspended or revoked by competent authority in any other state, federal, or foreign jurisdiction when the reason for that suspension or revocation is a violation of this chapter or rules adopted by the board and its disciplinary committee.~~

~~(11) Unprofessional conduct as defined in chapter 19.68 RCW.~~

~~(12) Willful violation of RCW 18.83.120 or section 79 of this 1984 act or willful disregard of the subpoena or notice of the disciplinary committee.~~

~~(13) Failure to abide by the terms of corrective actions directed under RCW 18.83.150.~~

~~(14) Violation of any board rule fixing a standard of professional conduct.)~~

Sec. 146. Section 86, chapter 279, Laws of 1984 and RCW 18.83.135 are each amended to read as follows:

The disciplinary committee shall meet at least once each year or upon the call of the chairperson at such time and place as the chairperson designates. A quorum for transaction of any business shall consist of five members, including at least one public member.

The members of the disciplinary committee shall be immune from suit in any action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the committee.

In addition to the authority prescribed under RCW 18.130.050, the committee shall have the following authority:

~~(1) To order investigation of all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;~~

~~(2) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;~~

~~(3) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;~~

~~(4) To compel attendance of witnesses at hearings;~~

~~(5) In the course of investigating a complaint of unprofessional conduct, to conduct practice reviews;~~

~~(6) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the committee;~~

~~(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings; however, the disciplining authority shall make the final decision regarding disposition of the license;~~

~~(8) To use consultants or individual members of the board to assist in the direction of investigations and issuance of statements of charges; however, the member of the board shall not subsequently participate in the hearing of the case;~~

~~(9) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;~~

~~(10) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the committee;~~

~~(11) To grant or deny license application, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;~~

~~(12) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;~~

~~(13)) To maintain records of all activities, and to publish and distribute to all psychologists at least once each year abstracts of significant activities of the committee; and~~

~~((14)) (2) To obtain the written consent of the complaining client or patient or their legal representative, or of any person who may be affected by the complaint, in order to obtain information which otherwise might be confidential or privileged(;~~

~~(15) To report, when appropriate, statements of complaints and disposition of cases processed by the committee to:~~

~~(a) The person or agency initiating the action;~~

~~(b) Appropriate national and state organizations which represent the profession of psychology, including counterpart licensing boards in other states; and~~

~~(c) The public.~~

~~This subsection does not require the reporting of any information which is exempt from public disclosure pursuant to chapter 42.17 RCW or is otherwise privileged or confidential.~~

~~The committee has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.04 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions).~~

Sec. 147. Section 89, chapter 279, Laws of 1984 and RCW 18.83.155 are each amended to read as follows:

The committee shall report to appropriate national and state organizations which represent the profession of psychology any action taken pursuant to an investigation or hearing that finds a licensee has committed unprofessional or unethical conduct.

~~((In the event of an order for revocation or suspension of a psychology license, or for restriction or limitation of a licensee's practice, the committee shall report such action to the public. This public notification shall be suspended for thirty days from date of filing of any appeal.~~

~~If the committee finds that a complaint against a licensee is not substantiated, or if there is no finding of unprofessional or unethical conduct, resulting in dismissal of the complaint and exoneration of the licensee, the committee shall attempt to relieve the licensee of any possible odium that may attach by reason of the complaint by such public exoneration as is necessary.))~~

Sec. 148. Section 18, chapter 305, Laws of 1955 as amended by section 18, chapter 70, Laws of 1965 and RCW 18.83.180 are each amended to read as follows:

It shall be a gross misdemeanor for any person to:

(1) Use in connection with his or her name any designation tending to imply that he or she is a licensed psychologist unless duly licensed under or specifically excluded from the provisions of this chapter;

(2) Practice as a licensed psychologist during the time his or her license issued under the provisions of this chapter is suspended or revoked.

NEW SECTION. Sec. 149. The following acts or parts of acts are each repealed:

(1) Section 45, chapter 279, Laws of 1984 and RCW 18.83.053;

(2) Section 88, chapter 279, Laws of 1984 and RCW 18.83.145;

(3) Section 90, chapter 279, Laws of 1984 and RCW 18.83.161; and

(4) Section 91, chapter 279, Laws of 1984 and RCW 18.83.165.

PART XX

REGISTERED NURSES

NEW SECTION. Sec. 150. A new section is added to chapter 18.88 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 151. Section 27, chapter 202, Laws of 1949 as amended by section 26, chapter 133, Laws of 1973 and RCW 18.88.270 are each amended to read as follows:

It shall be a gross misdemeanor for any person to:

(1) Sell or fraudulently obtain or furnish any nursing diploma, license, record or registration, or aid or abet therein;

(2) Practice nursing as defined by this chapter under cover of any diploma, license, record or registration illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation or mistake of fact in a material regard; or

~~(3) ((Practice nursing as defined by this chapter, unless duly licensed to do so under the provisions of this chapter;~~

~~(4) Use in connection with his or her name any designation tending to imply that he or she is a registered, professional nurse unless duly licensed to practice under the provisions of this chapter;~~

~~(5) Practice as a registered nurse during the time his or her license issued under the provisions of this chapter shall be suspended or revoked; and~~

~~(6)) Otherwise violate any of the provisions of this chapter.~~

NEW SECTION. Sec. 152. The following acts or parts of acts are each repealed:

(1) Section 46, chapter 279, Laws of 1984 and RCW 18.88.085;

(2) Section 21, chapter 202, Laws of 1949 and RCW 18.88.210;

(3) Section 23, chapter 202, Laws of 1949, section 21, chapter 133, Laws of 1973 and RCW 18.88.230;

(4) Section 24, chapter 202, Laws of 1949, section 22, chapter 133, Laws of 1973 and RCW 18.88.240;

(5) Section 25, chapter 202, Laws of 1949, section 23, chapter 133, Laws of 1973 and RCW 18.88.250;

(6) Section 26, chapter 202, Laws of 1949, section 24, chapter 133, Laws of 1973 and RCW 18.88.260; and

(7) Section 15, chapter 288, Laws of 1961, section 25, chapter 133, Laws of 1973 and RCW 18.88.265.

NEW SECTION, Sec. 153. The repeal of RCW 18.88.230 and the amendment of RCW 18.88.270 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XXI
VETERINARY MEDICINE

NEW SECTION, Sec. 154. A new section is added to chapter 18.92 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 155. Section 4, chapter 71, Laws of 1941 as last amended by section 2, chapter 102, Laws of 1983 and RCW 18.92.030 are each amended to read as follows:

It shall be the duty of the board to prepare examination questions, conduct examinations, and grade the answers of applicants. ~~((The board shall supervise the conduct of those practicing veterinary medicine, surgery, and dentistry and shall make such recommendations as it deems necessary to the director in regard to the granting, suspension, or revocation of licenses; it shall be the duty of the board to adopt a code of professional conduct for the practice of the veterinary profession in this state.))~~ The board, pursuant to chapter 34.04 RCW, shall have the power to adopt such rules and regulations as may be necessary to effectuate the purposes of this chapter including the performance of the duties and responsibilities of animal technicians: PROVIDED, HOWEVER, That such rules are adopted in the interest of good veterinary health care delivery to the consuming public, and do not prevent animal technicians from inoculating an animal. The board shall further have the power to adopt, by reasonable rules and regulations, standards prescribing requirements for veterinary medical facilities and to fix minimum standards of continuing veterinary medical education.

The department shall be the official office of record.

~~((The board shall have the power to conduct all hearings pertaining to violations of this chapter and may impose appropriate sanctions on licensees or registrants following a hearing. The hearings may be conducted by an administrative law judge appointed under chapter 34.12 RCW.))~~

Sec. 156. Section 6, chapter 71, Laws of 1941 as last amended by section 3, chapter 134, Laws of 1982 and RCW 18.92.070 are each amended to read as follows:

No person, unless registered or licensed to practice veterinary medicine, surgery, and dentistry in this state at the time this chapter shall become operative, shall begin the practice of veterinary medicine, surgery and dentistry without first applying for and obtaining a license for such purpose from the director. In order to procure a license to practice veterinary medicine, surgery, and dentistry in the state of Washington, the applicant for such license shall file his or her application at least sixty days prior to date of examination upon a form furnished by the director of licensing, which, in addition to the fee provided by this chapter, shall be accompanied by satisfactory evidence that he or she is at least eighteen years of age and of good moral character, and by official transcripts or other evidence of graduation from a veterinary college satisfactory to and approved by the board. Said application shall be signed by the applicant and sworn to by him or her before some person authorized to administer oaths. When such application and the accompanying evidence are found satisfactory, the director shall notify the applicant to appear before the board for the next examination. ~~(-PROVIDED; HOWEVER, That the director of licensing must deny the application of every applicant who has been guilty of unprofessional conduct within the two years immediately preceding date of application for license)).~~ In addition, applicants shall be subject to grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

Nothing in this chapter shall preclude the board from permitting a person who has completed a portion of his or her educational program as determined by the board, in a veterinary college recognized by the board, to take the examination or any part thereof prior to satisfying the requirements for application for a license: PROVIDED HOWEVER, That no license shall be issued to such applicant until such requirements are satisfied.

Sec. 157. Section 11, chapter 124, Laws of 1907 as last amended by section 8, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.120 are each amended to read as follows:

Any person who shall make application for examination, as provided by RCW 18.92.070, and who has not previously failed to pass the veterinary examination, and whose application is found satisfactory by the director, may be given a temporary certificate to practice veterinary medicine, surgery and dentistry valid only until the results of the next examination for licenses are available. In addition, applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW. No more than one temporary certificate may be issued to any applicant. Such permittee shall be employed by a licensed veterinary practitioner or by the state of Washington.

Sec. 158. Section 6, chapter 44, Laws of 1974 ex. sess. as amended by section 5, chapter 102, Laws of 1983 and RCW 18.92.125 are each amended to read as follows:

No veterinarian who uses the services of an animal technician shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine ~~((within the meaning of RCW 18.92.166)).~~ A veterinarian shall retain professional and personal responsibility for any

act which constitutes the practice of veterinary medicine as defined in this chapter when performed by an animal technician in his employ.

NEW SECTION. Sec. 159. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 102, Laws of 1983 and RCW 18.92.033;
- (2) Section 47, chapter 279, Laws of 1984 and RCW 18.92.045;
- (3) Section 2, chapter 71, Laws of 1941 and RCW 18.92.050;
- (4) Section 13, chapter 71, Laws of 1941, section 1, chapter 157, Laws of 1961, section 10, chapter 50, Laws of 1967 ex. sess., section 7, chapter 44, Laws of 1974 ex. sess., section 8, chapter 102, Laws of 1983 and RCW 18.92.160;
- (5) Section 14, chapter 71, Laws of 1941, section 11, chapter 92, Laws of 1959, section 11, chapter 50, Laws of 1967 ex. sess., section 24, chapter 67, Laws of 1981, section 9, chapter 102, Laws of 1983 and RCW 18.92.180;
- (6) Section 15, chapter 71, Laws of 1941, section 63, chapter 81, Laws of 1971 and RCW 18.92.210;
- (7) Section 22, chapter 71, Laws of 1941 and RCW 18.92.220; and
- (8) Section 14, chapter 92, Laws of 1959 and RCW 18.92.235.

NEW SECTION. Sec. 160. The repeal of RCW 18.92.050, 18.92.160, and 18.92.180 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XXII

MESSAGE OPERATORS

NEW SECTION. Sec. 161. A new section is added to chapter 18.108 RCW to read as follows:
The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 162. The following acts or parts of acts are each repealed:

- (1) Section 48, chapter 279, Laws of 1984 and RCW 18.108.075;
- (2) Section 9, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.080; and
- (3) Section 18, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.170.

NEW SECTION. Sec. 163. The repeal of RCW 18.108.080 and 18.108.170 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XXIII

MISCELLANEOUS

Sec. 164. Section 43.24.110, chapter 8, Laws of 1965 as last amended by section 60, chapter 279, Laws of 1984 and section 79, chapter 287, Laws of 1984 and RCW 43.24.110 are each reenacted and amended to read as follows:

Whenever there is filed in a matter under the jurisdiction of the director of licensing any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of licensing shall request the governor to appoint, and the governor shall appoint within thirty days of the request, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. In addition, the governor shall appoint a consumer member of the committee.

The decision of any three members of such committee shall be the decision of the committee.

The appointed members of the committee shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses, in accordance with RCW 43.03.050 and 43.03.060.

Sec. 165. Section 3, chapter 122, Laws of 1977 ex. sess. and RCW 70.54.150 are each amended to read as follows:

No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering amygdalin (Laetrile) to a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct ~~((as defined in RCW 18.57.170 and 18.72.030)).~~

Sec. 166. Section 2, chapter 50, Laws of 1981 and RCW 70.54.190 are each amended to read as follows:

No hospital or health facility may interfere with the physician/patient relationship by restricting or forbidding the use of DMSO (dimethyl sulfoxide) when prescribed or administered by a physician licensed pursuant to chapter 18.57 or 18.71 RCW and requested by a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering DMSO (dimethyl sulfide) to a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct ((as defined in RCW 18.57.170 and 18.72.030)).

NEW SECTION, Sec. 167. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator McDermott moved that the following amendment to the Committee on Human Services and Corrections amendment be adopted:

On page 94 of the amendment, after line 20, insert the following:

"NEW SECTION, Sec. 167. The legislature recognizes that there is an increasing interest by the citizens of this state in physical fitness and that in response to such interest a wide variety of health and conditioning services are available. Therefore, the legislature declares that it is a matter of public interest that the citizens of this state be assured of reasonable protection when contracting for health and conditioning services.

NEW SECTION, Sec. 168. (1) As used in this chapter, unless the context clearly requires otherwise:

(a) "Contract for health and conditioning services" means: A contract which provides as one of its primary purposes services or facilities which assist the purchaser to improve physical condition or appearance through physical fitness programs, body building, exercising, reducing, weight loss, figure development, or any other similar activity;

(b) "Initiation or membership fee" means a fee paid either in a lump sum or installments on a one-time basis when a person first joins a health and conditioning facility for the privilege of belonging to such facility;

(c) "Use fees" means fees paid on a regular periodic basis for use of a health club. This does not preclude prepayment of use fees at the buyer's option;

(d) "Health club" or "club" means any individual, partnership, corporation, or other legal entity offering contracts for health and conditioning services to the public.

(2) A "contract for health and conditioning services" does not include:

(a) Professional services within the scope of the person's license rendered or furnished by a person licensed under Title 18 RCW;

(b) Instruction at public common schools, public institutions of higher education, private schools approved under RCW 28A.02.201, and private institutions of higher education;

(c) Instruction, training, or assistance relating to diet or control of eating habits not involving physical fitness programs, body building, exercising, figure development, or any other similar activity; or

(d) Recreational or social programs offered by organizations listed in section 168(3) of this act, which either involve no physical exercise or exercise only incidental to the program.

(3) Except for the purposes of sections 3, 8, and 9 of this act, a "contract for health and conditioning services" does not include: (a) Services rendered by bona fide nonprofit organizations which have been granted tax exempt status by the internal revenue service, including, but not limited to, the Young Men's Christian Association, the Young Women's Christian Association, or other similar organizations, whose functions as health studios are only incidental to their overall functions and purposes; or (b) services rendered by bona fide nonprofit corporations organized under chapter 24.03 RCW which have members and whose members have meaningful voting rights to elect and remove a board of directors which is responsible for the operation of the health club and corporation.

NEW SECTION, Sec. 169. Contracts for health and conditioning services shall be in writing and are subject to this chapter. A copy of the written contract shall be given to the customer when the customer signs the contract.

NEW SECTION, Sec. 170. Contracts for health and conditioning services between the same buyer and the same seller which have overlapping terms are deemed to be one contract for the purpose of this chapter.

NEW SECTION, Sec. 171. If a contract exceeds three years, the buyer shall sign or initial the provision which establishes the duration of the contract.

Contracts may not be sold, advertised, or measured by the lifetime of the buyer.

NEW SECTION, Sec. 172. A contract for health and conditioning services may be sold prior to opening of the facility. Such contract shall provide that:

(1) Agreed upon services will begin within twelve months from the date the contract is signed unless the buyer signs an extension; and

(2) A five-day period for cancellation of the contract shall begin to run from the day the facility opens for use of the buyer and the seller begins to provide the agreed upon services.

NEW SECTION, Sec. 173. (1) Except as provided in subsection (2) of this section, all moneys paid to the seller by the buyer prior to the opening of the facility shall promptly be deposited

by the seller in a trust account, maintained by the seller for the purpose of holding such moneys for the buyer, in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington. The seller shall within seven days of the first deposit notify the office of the attorney general, in writing, of the name, address, and location of the depository and any subsequent change thereof. Unless otherwise agreed in writing, the seller is entitled to receipt of interest paid on such trust account moneys. The seller shall provide the buyer with a written receipt for the moneys and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If prior to the opening of the facility the status of the seller is transferred to another, any sums in the trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor, and the successor shall promptly notify the buyer and the office of the attorney general of the transfer and of the name, address, and location of the new depository. The buyer's claim to any moneys paid under this section is prior to that of any creditor of the seller, including a trustee in bankruptcy or receiver, even if such moneys are commingled. After receipt of the notice of cancellation of the agreement or if the seller fails to open the facility and provide the agreed upon services within twelve months of the signing of the contract, the seller shall within ten days give a full refund to the buyer. The moneys on deposit shall revert to the seller on the day the facility opens.

(2) Subsection (1) of this section does not apply to any sellers who, prior to any preopening sales, have provided a bond guaranteeing performance of all contracts for health and conditioning services sold prior to the opening of the facility. The bond shall be drawn upon a surety in an amount acceptable to the office of the attorney general, running to the state of Washington. An action on the bond may be brought by the office of the attorney general or by any buyer of a contract for health and conditioning services sold prior to the opening of the facility.

NEW SECTION. Sec. 174. (1) The contract for health and conditioning services shall contain:

- (a) The name and address of the health and conditioning facilities operator;
- (b) The date the buyer signed the contract;
- (c) The current fees to be paid by the buyer and, if such fees are subject to periodic adjustment, such fact shall be disclosed;
- (d) The services to be provided under the contract; and
- (e) The duration of the contract.

(2) Unless the health and conditioning facilities operator has complied with subsection (1) of this section, the buyer may cancel the contract for health and conditioning services at any time.

NEW SECTION. Sec. 175. Contracts for health and conditioning services shall contain clauses which notify buyers of the following rights:

(1) The buyer has the right to cancel the contract at any time prior to midnight of the third calendar day after the date the contract is signed by the buyer. Cancellation under this subsection entitles the buyer to a refund of all moneys paid and relieves the buyer from any future obligations under the contract without penalty.

(2) If by reason of death or total disability the person agreeing to receive services is unable to receive services that have been contracted for, the person or person's estate may cancel the contract.

(a) For total disability, a written confirmation of total disability shall be submitted by the person's treating physician. The health and conditioning facility may require the person to be examined by a physician of their choice if requested within sixty days after a written confirmation is submitted by the treating physician. If the two physicians disagree, they shall choose a third physician to examine the person, each party bearing half the fee. The third physician's opinion shall be binding on all parties. Total disability is a condition incurred after the person signs the contract which precludes the person from physically using the facilities for the remaining term of the contract.

(b) For death, a certified copy of the death certificate shall be sufficient evidence to cancel the contract.

(3) If the health and conditioning facilities are permanently closed and comparable facilities owned and operated by the seller are not made available within a ten-mile radius of the closed facility, the person agreeing to receive health and conditioning services may cancel the contract.

(4) If a contract for health and conditioning services extends for more than one year or requires payment of an initiation or membership fee, the buyer has the right to cancel the contract for any reason upon thirty days' written notice to the seller.

(5) Upon cancellation under subsection (2), (3), or (4) of this section, the buyer is entitled to a refund and relief from future obligations for payments of one-time only initiation and membership fees and monthly use fees as follows:

(a) The buyer is entitled to a refund of the unused portion of any prepaid monthly use fees and relief from future obligations to pay use fees concerning use after the date of cancellation;

(b) If a contract includes a one-time only initiation or membership fee and the buyer cancels under subsection (2) of this section, the buyer is entitled to a pro rata refund of such fee less a predetermined fee not to exceed one-half of the initial initiation or membership fee;

(c) If the contract includes a one-time only initiation or membership fee and the buyer cancels under subsection (3) of this section, the buyer is entitled to a pro rata refund of such fee;

(d) If the contract includes a one-time only initiation or membership fee and the buyer cancels under subsection (4) of this section, the buyer is entitled to a pro rata refund of such fee and relief from future obligations for payment under the contract unless the contract clearly states that the initiation or membership fee is nonrefundable, or states what percentage of the fee is refundable, and the clause is separately signed by the buyer;

(e) To calculate the amount of the refund and relief from future obligations for payment under the contract, the fee shall be apportioned into an equal installment amount by dividing the total fee by the number of months of use contracted for by the buyer. The buyer is entitled to relief from the obligation for payment and a refund of any moneys paid in excess of the number of months of use prior to the date of cancellation multiplied by the equal installment amount; and

(f) All refunds shall be made within thirty days of receipt of the notice of cancellation by the health and conditioning facilities operator. Notice of cancellation shall be provided to the seller by mailing or delivering a signed and dated notice, or sending a telegram which states that the buyer is canceling the contract, or words of similar effect. The seller may require the buyer to return the original copy of the contract, or any membership card, or any other materials which evidence membership in the club.

(6) For any period in which a person is precluded from physically using the facilities due to a temporary total disability, the obligation of that person to pay any monthly use fees will be suspended. For a temporary total disability, a written confirmation shall be submitted by the person's treating physician. The health and conditioning facility may require, if requested within sixty days after a written confirmation is submitted by the treating physician, the person to be examined by a physician of their choice. If the two physicians disagree, they shall choose a third physician to examine the person, each party bearing half the fee. The third physician's opinion shall be binding on all parties.

NEW SECTION, Sec. 176. The provisions of this chapter are not exclusive and do not relieve the parties from compliance with all other applicable federal, state, and local laws and rules.

NEW SECTION, Sec. 177. Any contract for health and conditioning services which does not comply with the applicable provisions of this chapter or in which the buyer waives any provision of this chapter is void and unenforceable as contrary to public policy.

NEW SECTION, Sec. 178. It shall be unlawful to sell or offer for sale any contract for health and conditioning services entered into in reliance upon any false, fraudulent, or misleading information or representations.

NEW SECTION, Sec. 179. A seller who has not furnished a bond under section 173 of this act and who receives money from a buyer under a contract for services from health and conditioning facilities sold prior to the opening of the facility and the provision of the agreed upon services and who fails to deposit such moneys in a trust account maintained by the seller for the purpose of holding such funds for the buyer in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington within three business days of receipt excluding Saturday, Sunday and holidays shall be guilty of a class C felony as defined in chapter 9A.20 RCW.

NEW SECTION, Sec. 180. A violation of this chapter, for purposes of the consumer protection act, chapter 19.86 RCW, constitutes an unfair or deceptive act or practice.

NEW SECTION, Sec. 181. The provisions of this chapter shall not apply to any contracts for health and conditioning services entered into before the effective date of this act.

NEW SECTION, Sec. 182. Sections 167 through 181 of this act shall constitute a new chapter in Title 19 RCW."

Renumber the remaining section consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Cantu: "Senator Warnke, it's hard to remember all of the bill numbers that we deal with around here, but we spent quite a bit of time trying to perfect the bill that was brought about because of the fitness centers and other problems reported to the Attorney General. The bill that we heard in Commerce and Labor had been very carefully drafted to protect the private clubs, the legitimate clubs--the YMCAs had one minor concern. Is this bill essentially that bill with the minor correction to take care of the YMCA and the YWCA concerns?"

Senator Warnke: "Senator Cantu, thank you. Yes, it is identically the same bill including the provisions we worked out for the YMCAs."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott to the Committee on Human Services amendment.

The motion by Senator McDermott carried and the amendment to the Committee on Human Services amendment was adopted.

The President declared the question before the Senate to be adoption of the Committee on Human Services amendment, as amended.

The motion by Senator Kreidler carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Kreidler, the following title amendments were considered simultaneously and adopted:

On page 95, line 31 of the title amendment, after "18.130 RCW;" insert "adding a new chapter to Title 19 RCW;"

On page 1, line 2 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 18.130.010, 18.130.020, 18.130.040, 18.130.070, 18.130.080, 18.130.090, 18.130.130, 18.130.160, 18.130.170, 18.130.180, 18.130.190, 18.130.200, 18.130.210, 18.130.900, 18.22.015, 18.25.017, 18.25.090, 18.26.030, 18.26.110, 18.32.085, 18.32.290, 18.32.360, 18.32.390, 18.32.500, 18.32.520, 18.32.530, 18.32.640, 18.35.110, 18.35.161, 18.35.190, 18.35.220, 18.36.010, 18.36.020, 18.36.030, 18.36.040, 18.36.050, 18.36.060, 18.36.130, 18.39.130, 18.39.145, 18.39.148, 18.39.150, 18.39.175, 18.39.181, 18.39.231, 18.39.260, 18.39.280, 18.39.290, 18.39.300, 18.39.320, 18.39.330, 18.52.100, 18.53.030, 18.53.100, 18.53.140, 18.53.150, 18.54.070, 18.57.005, 18.57A.030, 18.57A.040, 18.57A.050, 18.59.100, 18.59.130, 18.71.030, 18.71.050, 18.71.095, 18.71.200, 18.71.230, 18.71A.040, 18.71A.050, 18.72.020, 18.72.150, 18.72.265, 18.73.020, 18.74.023, 18.74.090, 18.78.050, 18.78.070, 18.78.090, 18.83.120, 18.83.130, 18.83.135, 18.83.155, 18.83.180, 18.88.270, 18.92.030, 18.92.070, 18.92.120, 18.92.125, 70.54.150, and 70.54.190; reenacting and amending RCW 43.24.110; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.25 RCW; adding a new section to chapter 18.26 RCW; adding a new section to chapter 18.29 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.34 RCW; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.36 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.50 RCW; adding a new section to chapter 18.52 RCW; adding a new section to chapter 18.53 RCW; adding a new section to chapter 18.54 RCW; adding a new section to chapter 18.55 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.59 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.72 RCW; adding a new section to chapter 18.74 RCW; adding a new section to chapter 18.78 RCW; adding a new section to chapter 18.83 RCW; adding a new section to chapter 18.88 RCW; adding a new section to chapter 18.92 RCW; adding a new section to chapter 18.108 RCW; adding a new section to chapter 18.130 RCW; creating new sections; repealing RCW 18.130.030, 18.22.016, 18.22.017, 18.22.020, 18.22.141, 18.22.151, 18.22.215, 18.25.010, 18.25.018, 18.25.050, 18.26.027, 18.26.035, 18.26.037, 18.26.100, 18.26.120, 18.26.130, 18.26.140, 18.26.150, 18.26.160, 18.26.170, 18.26.180, 18.26.190, 18.26.200, 18.26.210, 18.26.220, 18.26.230, 18.26.240, 18.26.250, 18.26.270, 18.26.280, 18.26.290, 18.26.300, 18.26.310, 18.29.010, 18.29.075, 18.29.080, 18.29.090, 18.32.038, 18.32.055, 18.32.080, 18.32.090, 18.32.230, 18.32.380, 18.32.535, 18.32.540, 18.32.550, 18.32.630, 18.32.650, 18.32.660, 18.32.670, 18.32.680, 18.32.690, 18.32.700, 18.32.710, 18.32.720, 18.32.730, 18.32.740, 18.32.750, 18.32.760, 18.32.770, 18.32.780, 18.34.090, 18.34.100, 18.34.135, 18.34.140, 18.34.150, 18.35.173, 18.35.210, 18.36.135, 18.36.140, 18.36.150, 18.39.176, 18.39.179, 18.39.223, 18.39.225, 18.39.310, 18.39.340, 18.50.100, 18.50.120, 18.50.125, 18.52.055, 18.52.065, 18.52.090, 18.52.120, 18.52.150, 18.52.155, 18.53.020, 18.53.155, 18.54.075, 18.54.080, 18.54.100, 18.54.110, 18.54.120, 18.55.065, 18.55.070, 18.55.080, 18.55.090, 18.55.100, 18.57.009, 18.57.030, 18.57.170, 18.57.173, 18.57.175, 18.57.177, 18.57.181, 18.57.185, 18.57.195, 18.57.205, 18.59.030, 18.59.140, 18.59.200, 18.71.018, 18.71.020, 18.71.025, 18.71.120, 18.71.140, 18.71.145, 18.71.165, 18.71.180, 18.72.030, 18.72.135, 18.72.140, 18.72.153, 18.72.160, 18.72.170, 18.72.175, 18.72.180, 18.72.201, 18.72.230, 18.72.240, 18.72.245, 18.72.250, 18.72.260, 18.72.270, 18.72.275, 18.72.280, 18.72.290, 18.72.300, 18.72.320, 18.72.330, 18.74.028, 18.74.080, 18.74.082, 18.74.084, 18.74.086, 18.74.088, 18.74.100, 18.78.053, 18.78.135, 18.78.145, 18.78.155, 18.78.165, 18.78.170, 18.78.175, 18.83.053, 18.83.145, 18.83.161, 18.83.165, 18.88.085, 18.88.210, 18.88.230, 18.88.240, 18.88.250, 18.88.260, 18.88.265, 18.92.033, 18.92.045, 18.92.050, 18.92.160, 18.92.180, 18.92.210, 18.92.220, 18.92.235, 18.108.075, 18.108.080, and 18.108.170; repealing section 3, chapter 38, Laws of 1917 (uncodified); repealing section 2, chapter 48, Laws of 1935 (uncodified); repealing section 7, chapter 5, Laws of 1919 (uncodified); repealing section 30, chapter 16, Laws of 1923 (uncodified); repealing section 8, chapter 222, Laws of 1949 (uncodified); and prescribing penalties."

On motion of Senator Kreidler, the rules were suspended. Substitute House Bill No. 131, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 131, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 131, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Barr, Pullen - 2.

Excused: Senators McDonald, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 131, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1134, by Committee on Social and Health Services (originally sponsored by Representatives West, G. Nelson, Lewis, Isaacson and May)

Requiring department of social and health services to screen employees dealing with children and developmentally disabled persons.

The bill was read the second time.

MOTIONS

Senator Wojahn moved that the following Committee on Human Services and Corrections amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall investigate the conviction records or pending charges of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons. The investigation may include an examination of state and national criminal identification data and the child abuse and neglect register established under chapter 26.44 RCW. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose. If necessary, persons may be employed on a conditional basis pending completion of the background investigation.

NEW SECTION, Sec. 2. A new section is added to chapter 41.06 RCW to read as follows:

The state personnel board shall adopt rules, in cooperation with the secretary of social and health services, for the background investigation of persons applying for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons.

Sec. 3. Section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 6, chapter 97, Laws of 1984 and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of reported cases of child abuse or abuse of an adult dependent person and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter in the course of an investigation of alleged abuse or neglect; (2) protective services workers or juvenile court personnel who are investigating reported incidents of abuse or neglect; (3) department of social and health services personnel who are investigating the character and/or suitability of an agency and other persons who are applicants for licensure, registration, or certification, or applicants for employment with such an agency or persons, or under contract to or employed by an agency or persons directly responsible for the care and treatment of children, expectant mothers, or adult dependent persons pursuant to chapter 74.15 RCW; (4) department of social and health services personnel who are investigating the character, suitability, and competence of persons being considered for employment with the department in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled

persons pursuant to chapters 43.20A and 41.06 RCW; (5) department of social and health services personnel who are investigating the character or suitability of any persons with whom children may be placed under the interstate compact on the placement of children, chapter 26.34 RCW; ((5)) (6) physicians who are treating the child or adult dependent person or family; ((6)) (7) any child or adult dependent person named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; ((7)) (8) a parent, guardian, or other person legally responsible for the welfare and safety of the child or adult dependent person named in the registry; ((8)) (9) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and ((9)) (10) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor."

Senator Talmadge moved that the following amendment by Senators Talmadge and Newhouse to the Committee on Human Services and Corrections amendment be adopted:

On page 1, after line 6 of the amendment, insert the following:

"NEW SECTION, Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 6 of this act.

(1) "Applicant" means any prospective employee who will or may have access to children under sixteen years of age or developmentally disabled persons during the course of his or her employment with the business or organization.

(2) "Business or organization" means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, or provides recreation to developmentally disabled persons or children under sixteen years of age, including school districts.

(3) "Civil adjudication" means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW 13.34.030(2)(b) or in a domestic relations action under Title 26 RCW. It does not include administrative proceedings. The term "civil adjudication" is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding in which the finding was made.

(4) "Conviction record" means criminal history record information as defined in RCW 10.97.030 relating to a crime against persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Disciplinary board final decision" means any final decision issued by the disciplinary board or the director of the department of licensing for the following business or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Drugless healing;
- (e) Massage;
- (f) Midwifery;
- (g) Osteopathy;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing;
- (l) Psychology; and
- (m) Real estate brokers and salesmen.

(6) "Crime against persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnapping; first, second, or third degree assault; first, second, or third degree rape; first, second, or third degree statutory rape; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; or reckless endangerment.

NEW SECTION, Sec. 2. (1) The legislature finds that businesses and organizations providing services to children or developmentally disabled persons need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol

criminal identification system may disclose, upon the request of a business or organization as defined in section 1 of this act, a prospective employee's record for convictions of offenses against persons, adjudications of child abuse in a civil action, and disciplinary board final decisions.

(2) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child and adult abuse cases and to protect children and adults from further incidents of abuse.

(3) The legislature further finds that the department of social and health services, when considering persons for state positions directly responsible for the care, supervision, or treatment of children or the developmentally disabled or when licensing or authorizing such persons or agencies pursuant to its authority under chapter 74.15 RCW, must consider the information listed in subsection (1) of this section. However, when necessary, persons may be employed on a conditional basis pending completion of the background investigation. The state personnel board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

NEW SECTION. Sec. 3. (1) A business or organization shall not make an inquiry to the Washington state patrol under section 2 of this act or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant that an inquiry may be made.

(2) A business or organization shall require each applicant to disclose to the business or organization whether the applicant has been:

- (a) Convicted of any crime against persons;
- (b) Found in any dependency action under RCW 13.34.030(2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor;
- (c) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor; or
- (d) Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor.

The disclosure shall be made in writing and signed by the applicant and sworn under penalty of perjury. The disclosure sheet shall specify all crimes against persons as defined in section 1 of this act.

(3) Unless otherwise agreed to in a collective bargaining agreement or by the business or organization, the applicant shall bear any costs of the applicant's fingerprinting. The business or organization shall pay such reasonable fee for the records check as the state patrol may require under section 5 of this act.

(4) The business or organization shall notify the applicant of the state patrol's response within ten days after receipt by the business or organization. The employer shall provide the fingerprint card and a copy of the response to the applicant and shall notify the applicant of such availability.

(5) The business or organization shall use this record only in making the initial employment or engagement decision. Further dissemination or use of the record is prohibited. A business or organization violating this subsection is subject to a civil action for damages.

NEW SECTION. Sec. 4. An individual may contact the state patrol to ascertain whether that same individual has a civil adjudication, disciplinary board final decision, or conviction record. The state patrol shall disclose such information, subject to the fee established under section 5 of this act.

NEW SECTION. Sec. 5. (1) After July 1, 1987, and notwithstanding any provision of RCW 43.43.700 through 43.43.810 to the contrary, the state patrol shall furnish a transcript of the conviction record, disciplinary board final decision, or civil adjudication record pertaining to any person for whom the state patrol or the federal bureau of investigation has a record upon the written request of:

- (a) The subject of the inquiry;
- (b) Any business or organization for the purpose of conducting evaluations under section 2 of this act;
- (c) The department of social and health services;
- (d) Any law enforcement agency, prosecuting authority, or the office of the attorney general; or
- (e) The department of social and health services for the purpose of meeting responsibilities set forth in chapter 74.15 RCW. However, access to conviction records pursuant to this subsection (1)(e) does not limit or restrict the ability of the department to obtain additional information regarding conviction records and pending charges as set forth in RCW 74.15.030(2)(b).

After processing the request, the state patrol shall return the fingerprint card to the person or agency making the request.

(2) The state patrol shall by rule establish fees for disseminating records under this section to recipients identified in subsection (1)(a) and (b) of this section. The state patrol shall also by rule establish fees for disseminating records in the custody of the national crime information center. The fees shall cover, as nearly as practicable, the direct and indirect costs to the state

patrol of disseminating the records: PROVIDED, That no fee shall be charged to a nonprofit organization for the records check.

(3) Neither the state patrol records section, its employees, nor other agency or employee of the state, nor any employee of the business or organization is liable for defamation, invasion of privacy, negligence, or any other claim in connection with any lawful dissemination of information under sections 1 through 6 of this act or RCW 43.43.760.

(4) Before January 1, 1987, the state patrol shall adopt rules and forms to implement this section and to provide for security and privacy of information disseminated under this section, giving first priority to the criminal justice requirements of this chapter. The rules may include requirements for users, audits of users, and other procedures to prevent use of civil adjudication record information or criminal history record information inconsistent with this chapter.

(5) Nothing in sections 1 through 6 of this act shall authorize an employer to make an inquiry not specifically authorized by this chapter, or be construed to affect the policy of the state declared in chapter 9.96A RCW.

NEW SECTION, Sec. 6. (1) The supreme court shall by rule require the courts of the state to notify the state patrol of any dependency action under RCW 13.34.030(2)(b) or domestic relations action under Title 26 RCW in which the court makes specific findings of physical abuse or sexual abuse or exploitation of a child.

(2) The department of licensing shall notify the state patrol of any disciplinary board final decision that includes specific findings of physical abuse or sexual abuse or exploitation of a child.

Sec. 7. Section 23, chapter 137, Laws of 1981 and RCW 9.94A.230 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.220 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a crime against persons as defined in section 1 of this 1986 act; (d) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.220; ~~((c))~~ (e) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220; and ~~((e))~~ (f) the offense was a class C felony and less than five years have passed since the date the applicant was discharged under RCW 9.94A.220.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

Sec. 8. Section 1, chapter 152, Laws of 1972 ex. sess. as last amended by section 7, chapter 201, Laws of 1985 and RCW 43.43.700 are each amended to read as follows:

There is hereby established within the Washington state patrol a section on identification, child abuse, and criminal history hereafter referred to as the section.

In order to aid the administration of justice the section shall install systems for the identification of individuals, including the fingerprint system and such other systems as the chief deems necessary. The section shall keep a complete record and index of all information received in convenient form for consultation and comparison.

The section shall obtain from whatever source available and file for record the fingerprints, palmprints, photographs, or such other identification data as it deems necessary, of persons who have been or shall hereafter be lawfully arrested and charged with, or convicted of any criminal offense. The section may obtain like information concerning persons arrested for or convicted of crimes under the laws of another state or government.

The section shall also contain like information concerning persons, over the age of eighteen years, who have been found, pursuant to a dependency proceeding under ~~((chapter 13.34 RCW in which the person was a party, to have sexually molested, sexually abused, or sexually exploited a child))~~ RCW 13.34.030(2)(b) to have physically abused or sexually abused or exploited a child.

Sec. 9. Section 2, chapter 152, Laws of 1972 ex. sess. as last amended by section 8, chapter 201, Laws of 1985 and RCW 43.43.705 are each amended to read as follows:

Upon the receipt of identification data from criminal justice agencies within this state, the section shall immediately cause the files to be examined and upon request shall promptly return to the contributor of such data a transcript of the record of previous arrests and dispositions of the persons described in the data submitted.

Upon application, the section shall furnish to criminal justice agencies, or to the department of social and health services, hereinafter referred to as the "department", a transcript of the criminal offender record information or dependency record information available pertaining to any person of whom the section has a record.

For the purposes of RCW 43.43.700 through 43.43.800 the following words and phrases shall have the following meanings:

"Criminal offender record information" includes, and shall be restricted to identifying data and public record information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. "Criminal offender record information" shall not include intelligence, analytical, or investigative reports and files.

"Criminal justice agencies" are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication or rehabilitation of criminal offenders.

"Dependency record information" includes and shall be restricted to identifying data regarding a person, over the age of eighteen, who was a party to a dependency proceeding brought under chapter 13.34 RCW and who has been found, pursuant to such dependency proceeding, to have sexually (~~molesed, sexually abused, or sexually exploited~~) abused or exploited or physically abused a child.

~~((Applications for information shall be by a data communications network used exclusively by criminal justice agencies or the department or in writing and information applied for shall be used solely in the due administration of the criminal laws or for the purposes enumerated in RCW 43.43.700(3).))~~

The section may refuse to furnish any information pertaining to the identification or history of any person or persons of whom it has a record, or other information in its files and records, to any applicant if the chief determines that the applicant has previously misused information furnished to such applicant by the section or the chief believes that the applicant will not use the information requested solely for the purpose of due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3). The applicant may appeal such determination and denial of information to the advisory council created in RCW 43.43.785 and the council may direct that the section furnish such information to the applicant.

Sec. 10. Section 7, chapter 36, Laws of 1979 ex. sess. as amended by section 9, chapter 201, Laws of 1985 and RCW 43.43.710 are each amended to read as follows:

Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies and, for the sole purpose of investigating the cause of fires under RCW 48.48.060(2) where the cause is suspected to be arson, to the state fire marshal, upon the filing of an application as provided in RCW 43.43.705.

~~((Dependency record information contained in the files and records of the section shall be considered privileged and shall not be made public. Dependency record information may be disclosed as authorized by this chapter or may be disclosed to the same extent that information regarding dependency proceedings may generally be disclosed, as authorized by applicable laws or court rules.))~~

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it.

Sec. 11. Section 8, chapter 152, Laws of 1972 ex. sess. as amended by section 13, chapter 201, Laws of 1985 and RCW 43.43.735 are each amended to read as follows:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state, to cause the photographing and fingerprinting of all persons lawfully arrested for the commission of any criminal offense constituting a felony or gross misdemeanor: PROVIDED, That an exception may be made when the arrest is for a violation punishable as a gross misdemeanor and the arrested person is not taken into custody.

(2) It shall be the right, but not the duty, of the sheriff or director of public safety of every county, and the chief of police of every city or town, and every chief officer of other law enforcement agencies operating within this state to photograph and record the fingerprints of all persons lawfully arrested, or all persons who are the subject of dependency record information.

(3) Such sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may record, in addition to photographs and fingerprints, the palmprints, soleprints, toeprints, or any other identification data of all persons lawfully arrested for the commission of any criminal offense, or all persons who are the subject of dependency record information, when in the discretion of such law enforcement officers it is necessary for proper identification of the arrested person or the investigation of the crime with which he is charged.

(4) It shall be the duty of the department of licensing or the court having jurisdiction over the dependency action to cause the fingerprinting of all persons who are the subject of a disciplinary board final decision or dependency record information ((and) or to obtain other necessary identifying information, as specified by the section in rules promulgated pursuant to chapter 34.04 RCW to carry out the provisions of this subsection.

(5) The court having jurisdiction over the dependency action may obtain and record, in addition to fingerprints, the photographs, palmprints, soleprints, toeprints, or any other identification data of all persons who are the subject of dependency record information, when in the discretion of the court it is necessary for proper identification of the person.

Sec. 12. Section 9, chapter 152, Laws of 1972 ex. sess. as amended by section 14, chapter 201, Laws of 1985 and RCW 43.43.740 are each amended to read as follows:

Except as provided in RCW 43.43.755 relating to the fingerprinting of juveniles:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state to furnish within seventy-two hours from the time of arrest to the section the required sets of fingerprints together with other identifying data as may be prescribed by the chief, of any person lawfully arrested, fingerprinted, and photographed pursuant to RCW 43.43.735.

(2) Law enforcement agencies may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to RCW 43.43.735. Said records shall remain in the possession of the law enforcement agency as part of the identification record and are not returnable to the subjects thereof.

(3) It shall be the duty of the court having jurisdiction over the dependency action to furnish dependency record information, obtained pursuant to RCW 43.43.735, to the section within seven days, excluding Saturdays, Sundays, and holidays, from the date that the court enters a finding, pursuant to a dependency action brought under chapter 13.34 RCW, that a person over the age of eighteen, who is a party to the dependency action, has sexually ~~((molested, sexually abused, or sexually exploited))~~ abused or exploited or physically abused a child.

(4) The court having jurisdiction over the dependency action may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to RCW 43.43.735. These records shall remain in the possession of the court as part of the identification record and are not returnable to the subjects thereof.

(5) The section shall administer a compliance audit at least once annually for the department of licensing and each court having jurisdiction over dependency actions as defined in Title 13 RCW. The audit shall ensure that all dependency record information regarding persons over the age of eighteen years has been furnished to the section as required in subsection (3) of this section.

Sec. 13. Section 3, chapter 172, Laws of 1967 as last amended by section 5, chapter 188, Laws of 1984 and RCW 74.15.030 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto:

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. ((Such investigation shall include an examination of the child abuse and neglect register established under chapter 26.44 RCW on all agencies seeking a license under this chapter.)) The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or

agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons (~~and shall safeguard the information in the same manner as the child abuse registry established in RCW 26.44.070~~). Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose:

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served.

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons.

(4) To issue, revoke, or deny licenses pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(5) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(6) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(7) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the children's services advisory committee; and

(8) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. Sec. 14. (1) A committee on education on the problems of child sexual abuse is created. The committee shall consist of eleven members appointed by the governor. The governor shall appoint the members to represent the following eleven areas: Child protective service workers, law enforcement officers, judges, health care providers, prosecutors, defense attorneys, counselors working with abusers, counselors working with children, educators, citizens interested and involved in child sexual abuse prevention, and citizens interested and involved in supporting parents' rights. Members of the committee shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) The committee shall develop a course to educate child protective service workers, law enforcement officers, judges, health care providers, prosecutors, defense attorneys, counselors working with abusers, counselors working with children, educators, citizens interested and involved in child sexual abuse prevention, and citizens interested and involved in supporting parents' rights about the profile of an offender who sexually abuses children and the short-term and long-term effects of sexual abuse on a child and the child's family. An outline of the prospective course shall be developed within six months after the effective date of this act. The course development shall be completed by June 30, 1987.

(3) The committee shall develop a plan for the distribution of the course throughout the state and shall include in the plan methods to encourage the use of the course.

(4) This section shall expire June 30, 1987.

NEW SECTION. Sec. 15. Sections 1 through 6 of this act are each added to chapter 43.43 RCW.

NEW SECTION. Sec. 16. Section 6, chapter 35, Laws of 1969 ex. sess., section 1, chapter 46, Laws of 1972 ex. sess., section 7, chapter 217, Laws of 1975 1st ex. sess., section 29, chapter 80, Laws of 1977 ex. sess., section 4, chapter 164, Laws of 1981, section 6, chapter 97, Laws of 1984 and RCW 26.44.070 are each repealed.

Renumber the sections consecutively.

POINT OF ORDER

Senator Craswell: "Mr. President, a point of order. I would challenge this amendment on scope and object."

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1134 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1401, by Committee on Ways and Means (originally sponsored by Representative Grimm) (by request of Office of Financial Management)

Revising provisions relating to economic forecasts.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1401.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1401 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Rinehart - 1.

Absent: Senator Sellar - 1.

Excused: Senators McDonald, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1440, by Representatives R. King, Prince, Miller, J. Williams and P. King

Exempting from sales tax watercraft sold to residents of foreign countries for use outside this state.

The bill was read the second time.

MOTIONS

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Bluechel was adopted:

On page 1, after line 20, insert the following:

*Sec. 2. Section 9, chapter 7, Laws of 1983 as amended by section 42, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.49.010 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using a vessel upon the waters of this state, except vessels exempt under RCW 82.49.020. The annual amount of the excise tax (~~is one-half of one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater.~~) shall be as follows:

(a) For vessels sixteen feet or more in length but less than twenty feet, one dollar and thirty-five cents per foot, or fraction thereof;

(b) For vessels twenty feet or more in length but less than twenty-six feet, two dollars and forty cents per foot, or fraction thereof;

(c) For vessels twenty-six feet or more in length but less than thirty-two feet, three dollars and ten cents per foot, or fraction thereof;

(d) For vessels thirty-two feet or more in length but less than thirty-eight feet, three dollars and thirty-five cents per foot, or fraction thereof; and

(e) For vessels thirty-eight feet or more in length, three dollars and seventy cents per foot, or fraction thereof.

Length is determined by means of a straight line measurement of the overall length from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, and similar fittings or attachments are not included in the measurement.

(2) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. ~~((The excise tax on vessels required to be registered in this state on June 30, 1983, shall be paid by June 30, 1983.))~~

Sec. 3. Section 10, chapter 7, Laws of 1983 and RCW 82.49.030 are each amended to read as follows:

The excise taxes imposed under ~~((this chapter is))~~ RCW 82.49.010 and 82.49.070 are due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until ~~((the tax is))~~ these taxes are paid in full.

The excise taxes collected under ~~((this chapter))~~ RCW 82.49.010 shall be deposited in the general fund. The excise taxes collected under RCW 82.49.070 shall be deposited in the vessel local excise tax account hereby created in the state treasury. Moneys in the vessel local excise tax account may be spent only for distribution to counties imposing the local tax. Distribution to the counties shall occur on a monthly basis, not later than the fifteenth day of the succeeding month after collection.

NEW SECTION. Sec. 4. A new section is added to chapter 82.49 RCW to read as follows:

(1) Any vessel which is not less than forty years old and whose hull is substantially unmodified shall be considered to be a classic vessel for the purposes of this chapter.

(2) Owners of classic vessels as described in subsection (1) of this section may, as an alternative to paying the vessel excise tax imposed in RCW 82.49.010, have the vessel appraised by the county assessor of the county in which the vessel is moored or stored. The appraised value of the vessel shall be reported to the department on a form prescribed by the department and the excise tax due and payable each year shall be paid at the rate of one-half of one percent of the appraised value of the vessel as certified by the county assessor.

(3) The fee for such appraisal shall be twenty-five dollars, payable to the county treasurer for deposit in the county current expense fund.

(4) This section shall apply to vessel registration periods beginning in 1987 and thereafter.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 7, Laws of 1983 and RCW 82.49.040;

(2) Section 12, chapter 7, Laws of 1983 and RCW 82.49.050; and

(3) Section 13, chapter 7, Laws of 1983 and RCW 82.49.060.

NEW SECTION. Sec. 6. The act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act shall take effect July 1, 1986."

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 2 of the title, after "82.08.0266" ", 82.49.010 and 82.49.030; adding a new section to chapter 82.49 RCW; creating a new section; repealing RCW 82.49.040, 82.49.050, and 82.49.060; and providing an effective date"

On motion of Senator McDermott, the rules were suspended, House Bill No. 1440, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1440, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1440, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decio, DeJarnatt, Fleming, Gaspard, Gollz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore,

Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Garrett, Owen, Rinehart - 3.

Excused: Senators McDonald, Stratton - 2.

HOUSE BILL NO. 1440, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1441, by Representatives Appelwick, Hastings and P. King
Modifying provisions on unclaimed property.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the rules were suspended, House Bill No. 1441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1441.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1441 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDonald, Stratton - 2.

HOUSE BILL NO. 1441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447, by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Patrick, Bristow and P. King)

Modifying accounting and reporting requirements for public works contracts.

The bill was read the second time.

MOTIONS

Senator Thompson moved that the following Committee on Governmental Operations amendment be adopted:

On page 3, after line 35, insert the following:

*NEW SECTION. Sec. 5. For purposes of this chapter:

(1) "Refuse collection business" means every person who receives waste for transfer, storage, or disposal including but not limited to all collection services, public or private dumps, transfer stations, and similar operations.

(2) "Person" shall have the meaning given in RCW 82.04.030 or any later, superseding section.

(3) "Waste" means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage.

(4) "Taxpayer" means that person upon whom the refuse collection tax is imposed.

NEW SECTION. Sec. 6. There is imposed on each person using the services of a refuse collection business a refuse collection tax equal to three and six-tenths percent of the consideration charged for the services.

NEW SECTION. Sec. 7. The person collecting the charges made for using the refuse collection business shall collect the tax imposed in section 6 of this act. If any person charged with collecting the tax fails to bill the taxpayer for the tax or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax.

NEW SECTION. Sec. 8. Taxes collected under this chapter shall be held in trust until paid to the state. Taxes so received by the state shall be deposited in the public works assistance account created in RCW 43.155.050. Any person collecting the tax who appropriates or converts the tax collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

The tax shall be due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

The tax shall be due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted shall be applied first to payment of the refuse collection tax and this tax shall have priority over all other claims to the amount remitted.

NEW SECTION. Sec. 9. The refuse collection tax shall not apply to any agency, division, or branch of the federal government or to services rendered under a contract therewith.

NEW SECTION. Sec. 10. To prevent pyramiding and multiple taxation of a single transaction, this tax shall not apply to any refuse collection business using the services of another refuse collection business for the transfer, storage, or disposal of the waste collected during the transaction.

To be eligible for this exemption, a person first must be certified by the department of revenue as a refuse collection business.

NEW SECTION. Sec. 11. Chapter 82.32 RCW applies to the tax imposed under this chapter.

NEW SECTION. Sec. 12. The department of revenue shall have the power to enforce the tax imposed in this chapter through appropriate rules.

Sec. 13. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 10, chapter 471, Laws of 1985 and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, sewerage collection, light and power, and telegraph businesses: Three and six-tenths percent;

(b) Gas distribution business: Three and six-tenths percent;

(c) Urban transportation business: Six-tenths of one percent;

(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(f) Water distribution (~~and refuse collection~~) business(es): Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses (~~seventy percent of the moneys collected under subsection (1) of this section on refuse collection businesses~~) and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. Sections 5 through 12 of this act shall constitute a new chapter in Title 82 RCW."

Renumber the remaining section consecutively.

Senator Rinehart moved that the following amendment to the Committee on Governmental Operations amendment be adopted:

On page 2 of the amendment, line 9, after "tax" insert ", or in the alternative has not notified the taxpayer in writing of the imposition of the tax."

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Rinehart, can you expand a little bit on what you just said about the number of times? Senator Thompson, perhaps you can."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Senator Bottiger, as I understand the amendment, it merely provides for a different handling of this matter. In King County, it essentially solves a bookkeeping problem having to do with computer capacities."

The President declared the question before the Senate to be adoption of the amendment by Senator Rinehart to the Committee on Governmental Operations amendment.

The motion by Senator Rinehart carried and the amendment to the committee amendment was adopted.

MOTION

Senator McDermott moved that the following amendment to the Committee on Governmental Operations amendment be adopted:

On page 3, after line 35, insert the following:

***NEW SECTION, Sec. 5.** No common or contract carrier (as defined in 81.77 RCW) engaged in the collection of residential and commercial solid waste may own more than ten percent of an energy recovery or incineration facility (as defined in RCW 70.95.030 (13)) that utilizes solid waste collected by that common or contract carrier."

Debate ensued.

POINT OF INQUIRY

Senator Peterson: "Senator McDermott, Seattle is a far cry from the area I represent--San Juan Islands and Skagit County and rural Whatcom. I have some reservations what that might do or not do to the sanitation problems that we have in the rural areas as opposed to what you have in Seattle and I'm a little bit reluctant to accept this amendment for that reason unless you can enlighten me."

Senator McDermott: "I think, Senator, the whole question of what's going to happen in rural areas is not quite as pressing as it is in the urban areas--Seattle, Spokane, Everett, Pierce County--all are looking at this whole question. Right now, they are still getting by in some of the smaller counties like Whatcom and Skagit and some others with landfills. That's not to say that at some point they may not want to sell their garbage to a facility. Let's say they put one in South Snohomish County, it may soon be better for Skagit County to sell theirs to an incinerator in South Snohomish County than it is to look for a place for a landfill. I don't think this affects most of the small counties. It really is directed at the big counties who will have the resources to build an incinerator. They are very costly."

Further debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator McDermott, do you have two amendments here, because this doesn't seem to fit? This says page 2 after line 35 and you must have another amendment."

MOTION

On motion of Senator McDermott, further consideration of Engrossed Substitute House Bill No. 1447 was deferred.

SECOND READING

HOUSE BILL NO. 1635, by Representatives Wang, Hankins, Belcher, O'Brien, Allen, Hine, Jacobsen, Cole, Brekke, Brough, Miller, R. King, P. King, Armstrong, Locke, Wineberry and Todd) (by request of Governor Gardner)

Requiring a study analyzing the feasibility of providing space for day care for children of state employees.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 1635 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Thompson, does state government include all agencies of state government by the definition in this bill? In other words, what I'm trying to determine is whether or not each of our institutions of higher learning, for example, would be required or be included in this study?"

Senator Thompson: "I believe the answer is affirmative to that question. The bill, I want to stress again, provides for a survey and no further action."

Senator Patterson: "I understand that. I just wanted to make sure that it does include all of the state agencies which are a part of state government in the survey. Is that your interpretation that it would?"

Senator Thompson: "Yes, Senator."

POINT OF INQUIRY

Senator Deccio: "Senator Thompson, I haven't read the bill, but could you tell me what the cost in tax dollars will result in the study and at the end of the study?"

Senator Thompson: "No fiscal note was requested on this, Senator Deccio. I suspect that is because it was anticipated that this would not be a major undertaking in terms of man days of effort."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1635.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1635 and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Deccio, Guess, Hayner, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Sellar, Zimmerman - 14.

Excused: Senators McDonald, Stratton - 2.

HOUSE BILL NO. 1635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1656, by Representatives Unsoeld, Hankins, Belcher, O'Brien, Hine, Jacobsen, Cole, Brekke, Miller, Long, Allen, Day, Deilwo, Wang, Leonard, Winsley, R. King, Locke, Lux, Wineberry and Todd (by request of Governor Gardner)

Requiring a study in order to create a supportive atmosphere in which state employees may meet child day care needs.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 1656 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1656.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1656 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 17.

Excused: Senators McDonald, Stratton - 2.

ENGROSSED HOUSE BILL NO. 1656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1669, by Committee on Transportation (originally sponsored by Representatives Fisch, Hargrove, Gallagher, Walk, Basich and Valle)

Giving board of pilotage commission jurisdiction to regulate state licensed pilots on coastwise and enrolled vessels.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1669.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1669 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Deccio, McDermott - 2.

Excused: Senators McDonald, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1447 and the pending amendment by Senator McDermott on page 3, line 35, to the Committee on Governmental Operations amendment, deferred earlier today.

MOTION

On motion of Senator McDermott and there being no objection, the amendment to the Committee on Governmental Operations amendment was withdrawn.

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment, as amended.

The motion by Senator Thompson carried and the committee amendment, as amended, was adopted.

MOTION

Senator McDermott moved that the following amendment be adopted:

On page 3, after line 35 insert the following:

NEW SECTION, Sec. 5. No common or contract carrier (as defined in 81.77 RCW) engaged in the collection of residential and commercial solid waste in a class A or AA county may own more than ten percent of an energy recovery or incineration facility (as defined in RCW 70.95-.030 (13) that utilizes solid waste collected by that common or contract carrier."

Renumber the remaining section consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott.

The motion by Senator McDermott failed and the amendment was not adopted.

MOTION

Senator Thompson moved that the following amendment be adopted:

On page 4, after line 2, insert the following:

*Sec. 5. Section 82.16.010, chapter 15, Laws of 1961 as last amended by section 32, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.16.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale.

(6) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in RCW 82.04.065. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, warehouse, toll bridge, toll logging road, water transportation and wharf businesses.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses: PROVIDED, That gross income of a light and power business means those amounts or value accruing to a taxpayer from the last distribution of electrical energy which is a taxable event within this state; PROVIDED FURTHER, That gross income of sewerage collection business means those amounts or value accruing to the taxpayer attributable to payment for collection of sewerage from residential, commercial, public, industrial, or other buildings through a system of sewer pipes or drains to a common point for transfer to treatment or disposal and does not include transfer, treatment, or disposal of sewerage.

(13) "Sewerage collection business" means the business of gathering sewerage from residential, commercial, public, industrial, or other buildings through a system of sewerage pipes or drains to a common point for transfer to treatment or disposal and does not include transfer, treatment, or disposal of sewerage.

((13)) (14) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

NEW SECTION. Sec. 6. Section 5 of this act shall take effect July 1, 1986."

POINT OF ORDER

Senator McDermott: "Mr. President and members of the Senate, a point of order. While there may be some superficial similarities between sewage and garbage, it clearly expands the scope and object of this bill which was as the title says 'Relating to public works contracts.' This is a taxation section and, in fact, is in a totally different section of the code. I would urge the chair to find this out of scope and object."

MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 1447 was deferred.

SECOND READING

ENGROSSED HOUSE BILL NO. 1763, by Representatives Walk, Schmidt and Gallagher (by request of State Patrol)

Revising vehicle inspection law.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 46.32.010, chapter 12, Laws of 1961 as last amended by section 67, chapter 136, Laws of 1979 ex. sess. and RCW 46.32.010 are each amended to read as follows:

(1) The chief of the Washington state patrol ~~((is hereby empowered to constitute, erect,))~~ may operate, ((and)) maintain, or designate, throughout the state of Washington, stations for the inspection of school buses and private carrier buses, with respect to vehicle equipment, drivers' qualifications, and hours of service and to set ((a date, at a)) reasonable times ((subsequent to the installation of such stations:)) when inspection of vehicles shall ~~((commence, and it shall be))~~ be performed.

(2) The inspection of private, common, and contract carriers with respect to vehicle equipment, drivers' qualifications, and hours of service shall be done in conjunction with weight enforcement under RCW 46.44.100.

(3) It is unlawful for any vehicle required to be inspected to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. ~~((The chief of the Washington state patrol shall establish periods of vehicle equipment inspection in the event of any such inspection, the same))~~

(4) Inspections shall be ((in charge of)) performed by a responsible employee of the chief of the Washington state patrol, who shall be duly authorized ((as a police officer)) and who shall have authority to secure and withhold, with written notice to the director of licensing, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until ((the same)) it has been placed in a condition satisfactory to pass a subsequent equipment inspection((:)). The police officer in charge of such vehicle equipment inspection ~~((station))~~ shall grant to the operator of such defective vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

(5) In the event any insignia, sticker, or other marker ~~((should be))~~ is adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, ~~((the same))~~ it shall be displayed as required by the rules ~~((and regulations))~~ of the chief of the Washington state patrol, and it is a traffic infraction for any person to mutilate, destroy, remove, or otherwise interfere with the display thereof.

(6) It is a traffic infraction for any person to refuse to have his motor vehicle examined as required by the chief of the Washington state patrol, or, after having had it examined, to refuse to place ~~((a certificate of approval, or a certificate of condemnation))~~ an insignia, sticker, or other marker, if issued, upon ((his windshield)) the vehicle, or ((to)) fraudulently to obtain ((a certificate of approval)) any such insignia, sticker, or other marker, or to refuse to place his motor vehicle in proper condition after having had ((the same)) it examined, or ((to:)) in any manner, to fail to conform to the provisions of this chapter.

(7) It is a traffic infraction for any person to perform false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle.

Sec. 2. Section 46.32.020, chapter 12, Laws of 1961 and RCW 46.32.020 are each amended to read as follows:

The chief of the Washington state patrol ~~((is empowered to provide))~~ may adopt reasonable rules ~~((and regulations))~~ regarding types of vehicles to be inspected, inspection criteria, times for the inspection of vehicle equipment, and all other matters with respect to the conduct of vehicle equipment inspections ((stations)).

~~((In the event that any municipality or other political subdivision of this state has installed and placed in operation any station for the inspection of vehicle equipment, the operation of such inspection station shall be in strict conformity with rules, regulations, procedure and standards of inspection prescribed by the chief of the Washington state patrol. The operation of such municipally owned vehicle inspection station shall be under the direction and supervision of the chief of the Washington state patrol and there shall be maintained and submitted as and when prescribed such records and reports as shall be required by the chief of the Washington state patrol.))~~

The chief of the Washington state patrol shall prepare and furnish such stickers, tags, record and report forms, stationery, and other supplies as shall be deemed necessary. The chief of the Washington state patrol is empowered to appoint and employ such assistants as he may consider necessary and to fix hours of employment and compensation.

Sec. 3. Section 46.32.040, chapter 12, Laws of 1961 and RCW 46.32.040 are each amended to read as follows:

Vehicle equipment inspection shall be at such ~~((periodic))~~ intervals as ~~((shall be))~~ required by the chief of the Washington state patrol and shall be made without charge ~~((for such periodic inspection)).~~

Sec. 4. Section 46.32.050, chapter 12, Laws of 1961 as amended by section 68, chapter 136, Laws of 1979 ex. sess. and RCW 46.32.050 are each amended to read as follows:

It shall be unlawful for any person employed by the chief of the Washington state patrol ~~((or by any municipality or other political subdivision, in))~~ at any vehicle equipment inspection station, to ~~((directly or indirectly, or in any manner whatsoever))~~ order, direct, recommend, or influence the correction of vehicle equipment defects by any person or persons whomsoever.

It shall be unlawful for any person employed by the chief of the Washington state patrol ~~((or by any municipality or other political subdivision.))~~ while in or about any vehicle equipment inspection station, to perform any repair or adjustment upon any vehicle or any equipment or appliance of any vehicle whatsoever.

It shall be unlawful for any person to solicit in any manner the repair to any vehicle or the adjustment of any equipment or appliance of any vehicle, upon the property of any vehicle equipment inspection station or upon any public highway adjacent thereto.

Violation of the provisions of this section is a traffic infraction.

Sec. 5. Section 46.32.060, chapter 12, Laws of 1961 and RCW 46.32.060 are each amended to read as follows:

It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this title, or the equipment of which is not in a proper condition and adjustment as required by this title or rules adopted by the chief of the Washington state patrol.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state commission on equipment.

Sec. 6. Section 46.32.070, chapter 12, Laws of 1961 and RCW 46.32.070 are each amended to read as follows:

~~((In the event that any vehicle shall))~~ If a vehicle required to be inspected becomes damaged or deteriorated in such a manner that such vehicle ~~((shall have))~~ has become unsafe for operation upon the public highways of this state, it ~~((shall be))~~ is unlawful for the owner or operator thereof to cause such vehicle to be operated upon a public highway upon its return to service unless such owner or operator ~~((shall have presented))~~ presents such vehicle for inspection of equipment within twenty-four hours after its return to service.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) Section 46.32.030, chapter 12, Laws of 1961 and RCW 46.32.030;
- (2) Section 11, chapter 197, Laws of 1983 and RCW 43.131.275; and
- (3) Section 37, chapter 197, Laws of 1983 and RCW 43.131.276."

On motion of Senator Peterson, the following title amendments were considered simultaneously and adopted:

In line 2 of the title, after "46.32.020," strike "46.32.030."

In line 3 of the title, after "RCW" insert "46.32.030," and after "43.131.275" insert "."

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 1763, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1763, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1763, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Sellar - 1.

Excused: Senators McDonald, Stratton - 2.

ENGROSSED HOUSE BILL NO. 1763, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1765, by Committee on Ways and Means (originally sponsored by Representatives Braddock and Brekke) (by request of Department of Social and Health Services)

Modifying provisions of assistance available to incapacitated ineligible spouses of SSI beneficiaries.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 6, after line 27, insert:

"Sec. 2. Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 18, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

- (1) "Department" means the department of social and health services.
- (2) "Secretary" means the secretary of social and health services.
- (3) "Internal management" means the administration of medical assistance, medical care services, and the limited casualty program.
- (4) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.
- (5) "Medical care services" means the limited scope of care financed by state funds and provided to general assistance recipients and the ineligible spouses of beneficiaries of supplemental security income who meet the incapacitation criteria as provided in RCW 74.04.005(6)(a)(iii)(B).
- (6) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.
- (7) "Nursing home" means nursing home as defined in RCW 18.51.010.

Sec. 3. Section 19, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 1, chapter 5, Laws of 1985 and RCW 74.09.035 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of general assistance and the ineligible spouses of beneficiaries of supplemental security income who meet the incapacitation criteria as provided in RCW 74.04.005(6)(a)(iii)(B) in accordance with medical eligibility requirements established by the department.

(2) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(3) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the

department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(4) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

(5) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

(6) Eligibility for medical care services shall commence with the date of certification for general assistance."

Renumber the remaining sections consecutively.

On motion of Senator McDermott, the rules were suspended. Substitute House Bill No. 1765, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1765, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1765, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Deccio, Fleming, Garrett, Kiskaddon, Lee, Sellar, Warnke - 7.

Absent: Senators Bauer, Bender - 2.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1765, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1647, by Representatives Fisher, Sommers, Scott, Vander Stoep, Wineberry, Wang, Unsoeld, Miller, Walker, R. King, G. Nelson, P. King and Long

Repealing sunset termination of public disclosure commission.

The bill was read the second time.

MOTION

On motion of Senator Bottiger, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 8, chapter 197, Laws of 1983 and RCW 43.131.269 are each amended to read as follows:

The public disclosure commission and its powers and duties shall be terminated on June 30, ~~((1986))~~ 1992, as provided in RCW 43.131.270.

Sec. 2. Section 34, chapter 197, Laws of 1983 and RCW 43.131.270 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1987))~~ 1993:

(1) Section 1, chapter 1, Laws of 1973, section 1, chapter 294, Laws of 1975 1st ex. sess., and RCW 42.17.010;

(2) Section 3, chapter 1, Laws of 1973, section 2, chapter 313, Laws of 1977 ex. sess., section 2, chapter 367, Laws of 1985 and RCW 42.17.030;

(3) Section 4, chapter 1, Laws of 1973, section 3, chapter 294, Laws of 1975 1st ex. sess., section 1, chapter 336, Laws of 1977 ex. sess., section 1, chapter 147, Laws of 1982 and RCW 42.17.040;

(4) Section 5, chapter 1, Laws of 1973, section 2, chapter 147, Laws of 1982, section 3, chapter 367, Laws of 1985 and RCW 42.17.050;

(5) Section 6, chapter 1, Laws of 1973, section 4, chapter 294, Laws of 1975 1st ex. sess., section 3, chapter 313, Laws of 1977 ex. sess., section 3, chapter 147, Laws of 1982, section 4, chapter 367, Laws of 1985 and RCW 42.17.060;

(6) Section 5, chapter 294, Laws of 1975 1st ex. sess., section 4, chapter 147, Laws of 1982 and RCW 42.17.065;

- (7) Section 9, chapter 112, Laws of 1975-'76 2nd ex. sess., section 5, chapter 147, Laws of 1982 and RCW 42.17.067;
- (8) Section 7, chapter 1, Laws of 1973, section 5, chapter 367, Laws of 1985 and RCW 42.17.070;
- (9) Section 8, chapter 1, Laws of 1973, section 6, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 147, Laws of 1982 and RCW 42.17.080;
- (10) Section 9, chapter 1, Laws of 1973, section 7, chapter 294, Laws of 1975 1st ex. sess., section 3, chapter 112, Laws of 1975-'76 2nd ex. sess., section 2, chapter 336, Laws of 1977 ex. sess., section 7, chapter 147, Laws of 1982, section 1, chapter 96, Laws of 1983 and RCW 42.17.090;
- (11) Section 3, chapter 336, Laws of 1977 ex. sess., section 8, chapter 147, Laws of 1982 and RCW 42.17.095;
- (12) Section 10, chapter 1, Laws of 1973, section 4, chapter 112, Laws of 1975-'76 2nd ex. sess., section 9, chapter 147, Laws of 1982, section 6, chapter 367, Laws of 1985 and RCW 42.17.100;
- (13) Section 1, chapter 176, Laws of 1983, section 1, chapter 359, Laws of 1985 and RCW 42.17.105;
- (14) Section 11, chapter 1, Laws of 1973, section 5, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.110;
- ((14)) (15) Section 12, chapter 1, Laws of 1973, section 8, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.120;
- ((15)) (16) Section 6, chapter 336, Laws of 1977 ex. sess., section 7, chapter 367, Laws of 1985 and RCW 42.17.125;
- ((16)) (17) Section 15, chapter 1, Laws of 1973, section 10, chapter 147, Laws of 1982 and RCW 42.17.150;
- ((17)) (18) Section 21, chapter 294, Laws of 1975 1st ex. sess., section 11, chapter 147, Laws of 1982, section 8, chapter 367, Laws of 1985 and RCW 42.17.155;
- ((18)) (19) Section 16, chapter 1, Laws of 1973, section 9, chapter 294, Laws of 1975 1st ex. sess., section 4, chapter 313, Laws of 1977 ex. sess., section 12, chapter 147, Laws of 1982 and RCW 42.17.160;
- ((19)) (20) Section 17, chapter 1, Laws of 1973, section 10, chapter 294, Laws of 1975 1st ex. sess., section 5, chapter 313, Laws of 1977 ex. sess., section 13, chapter 147, Laws of 1982, section 9, chapter 367, Laws of 1985 and RCW 42.17.170;
- (21) Section 2, chapter 359, Laws of 1985 and RCW 42.17.175;
- ((20)) (22) Section 18, chapter 1, Laws of 1973, section 11, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 34, Laws of 1984 and RCW 42.17.180;
- ((21)) (23) Section 19, chapter 1, Laws of 1973, section 12, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 313, Laws of 1977 ex. sess., section 1, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.190;
- ((22)) (24) Section 20, chapter 1, Laws of 1973, section 10, chapter 367, Laws of 1985 and RCW 42.17.200;
- ((23)) (25) Section 21, chapter 1, Laws of 1973 and RCW 42.17.210;
- ((24)) (26) Section 22, chapter 1, Laws of 1973 and RCW 42.17.220;
- ((25)) (27) Section 23, chapter 1, Laws of 1973, section 14, chapter 147, Laws of 1982 and RCW 42.17.230;
- ((26)) (28) Section 9, chapter 10, Laws of 1982, section 27, chapter 161, Laws of 1983, section 1, chapter 34, Laws of 1984, section 14, chapter 125, Laws of 1984 and RCW 42.17.240;
- (29) Section 2, chapter 34, Laws of 1984, section 8, chapter 6, Laws of 1985 and RCW 42.17.2401;
- ((27)) (30) Section 42, chapter 126, Laws of 1979 ex. sess., section 3, chapter 34, Laws of 1984 and RCW 42.17.241;
- ((28)) (31) Section 4, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.242;
- ((29)) (32) Section 5, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.243;
- ((30)) (33) Section 10, chapter 112, Laws of 1975-'76 2nd ex. sess., section 1, chapter 102, Laws of 1981, section 1, chapter 213, Laws of 1983 and RCW 42.17.245;
- ((31)) (34) Section 35, chapter 1, Laws of 1973, section 23, chapter 294, Laws of 1975 1st ex. sess., section 93, chapter 34, Laws of 1975-'76 2nd ex. sess., section 8, chapter 112, Laws of 1975-'76 2nd ex. sess., section 15, chapter 147, Laws of 1982, section 74, chapter 287, Laws of 1984 and RCW 42.17.350;
- ((32)) (35) Section 36, chapter 1, Laws of 1973 and RCW 42.17.360;
- ((33)) (36) Section 37, chapter 1, Laws of 1973, section 25, chapter 294, Laws of 1975 1st ex. sess., section 7, chapter 336, Laws of 1977 ex. sess., section 7, chapter 34, Laws of 1984, section 11, chapter 367, Laws of 1985 and RCW 42.17.370;
- (37) Section 1, chapter 294, Laws of 1983 and RCW 42.17.375;
- ((34)) (38) Section 38, chapter 1, Laws of 1973, section 26, chapter 294, Laws of 1975 1st ex. sess., section 196, chapter 35, Laws of 1982 and RCW 42.17.380;
- ((35)) (39) Section 12, chapter 112, Laws of 1975-'76 2nd ex. sess., section 16, chapter 147, Laws of 1982, section 12, chapter 367, Laws of 1985 and RCW 42.17.395;

~~((36))~~ (40) Section 13, chapter 112, Laws of 1975-'76 2nd ex. sess., section 17, chapter 147, Laws of 1982 and RCW 42.17.397;

~~((37))~~ (41) Section 1, chapter 60, Laws of 1982, section 13, chapter 367, Laws of 1985 and RCW 42.17.405;

~~((38))~~ (42) Section 42, chapter 1, Laws of 1973, section 2, chapter 176, Laws of 1983 and RCW 42.17.420;

~~((39))~~ (43) Section 43, chapter 1, Laws of 1973 and RCW 42.17.430; and

~~((40))~~ (44) Section 45, chapter 1, Laws of 1973 and RCW 42.17.450."

MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1647 was deferred.

President Pro Tempore Goltz assumed the chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1838, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Barnes and Fisher)

Changing provisions relating to campaign financing disclosure.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

On page 1, line 29, after "contributor" and before the semicolon, insert "PROVIDED FURTHER. That the money value of contributions of postage shall be the face value of such postage".

Senator Thompson moved that the following Committee on Governmental Operations amendment be adopted:

On page 3, after line 25, insert the following:

"Sec. 2. Section 1, chapter 176, Laws of 1983 as amended by section 1, chapter 359, Laws of 1985 and RCW 42.17.105 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

(a) Exceeds five hundred dollars;

(b) Is from a single person or entity;

(c) Is received before a primary or general election; and

(d) Is received: (i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before a primary or general election and: (a) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.

(3) Except as provided in subsection (4), the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) shall be delivered to the commission within forty-eight hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) of this section and RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3).

(5) The special report shall include at least:

(a) The amount of the contribution;

(b) The date of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and RCW 42.17.175.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for state-wide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a major political party as defined in RCW 29.01.090.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Thompson, doesn't this actually increase the amount that can be contributed to a statewide campaign during the last twenty-one days? As I read the existing language in law, the limit was a five thousand dollars contribution and it appears this amendment increases it to fifty thousand dollars in the last twenty-one days if it is a statewide campaign."

Senator Thompson: "You are right, Senator Pullen."

Senator Pullen: "Would this also apply to an initiative campaign? For example, on the second line of the underlined language on page 3, the underlined language says 'fifty thousand dollars per any campaign for statewide office.' It would appear to me we may be excluding initiative campaigns which can be very, very expensive and our statewide campaigns in themselves by using the word 'office.' I wonder if that was really your intent?"

Senator Thompson: "It is, Senator Pullen, but fifty thousand dollars is a very substantial contribution from any one individual and a reasonable limitation I represent."

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment.

The motion by Senator Thompson carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Thompson, the following title amendment was adopted: In line 2 of the title, after "42.17.090" and before the semicolon, insert "and 42.17.105"

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1838, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1838, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1838, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn - 36.

Voting nay: Senators Barr, Benitz, Craswell, Hayner, McDonald, Metcalfe, Pullen, Saling, Sellar, Zimmerman - 10.

Absent: Senators Guess, McCaslin - 2.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1838, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:58 p.m., on motion of Senator Vognilid, the Senate recessed until 4:05 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 4:07 p.m. by President Pro Tempore Goltz.

MOTION

On motion of Senator Zimmerman, Senator Guess was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, by Committee on Social and Health Services (originally sponsored by Representatives J. King and Brooks)

Creating Washington health care project commission.

The bill was read the second time.

MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds that:

- (a) Good health care for indigent persons is of importance to the state;
- (b) To ensure the availability of a good level of health care, efforts must be made to encourage cost consciousness on the part of providers and consumers, while maintaining medical assistance recipients within the mainstream of health care delivery;
- (c) Managed health care systems have been found to be effective in controlling costs while providing good health care services;
- (d) By enrolling medical assistance recipients within managed health care systems, the state's goal is to ensure that medical assistance recipients receive at least the same quality of care they currently receive.

(2) It is the intent of the legislature to develop and implement new strategies that promote the use of managed health care systems for medical assistance recipients by establishing prepaid capitated programs for both in-patient and out-patient services.

NEW SECTION, Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) For the purposes of this section, "managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under RCW 74.09.520 and rendered by licensed providers, on a prepaid capitated case management basis.

(2) No later than July 1, 1991, the department of social and health services shall enter into agreements with managed health care systems to provide health care services to recipients of aid to families with dependent children under the following conditions:

(a) Agreements shall be made within one class A county in the eastern part of the state for at least ten thousand recipients; and one class AA county for at least fifteen thousand recipients in the western part of the state; and one first class county of at least five thousand recipients in the western part of the state;

(b) At least one of the agreements shall include enrollment of all recipients of aid to families with dependent children residing in a defined geographical area;

(c) The department shall, to the extent possible, ensure that recipients have a choice of systems in which to enroll and, if necessary and medically appropriate treatment for a recipient is not available from or through a participating managed health care system, the department shall exempt the recipient from any requirement to receive some or all of their medical services from such a system;

(d) To the extent possible, the department shall ensure that participating managed health care systems do not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems;

(e) Prior to negotiating with any managed health care system, the department shall estimate, on an actuarially sound basis, the expected cost of providing the health care services expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems the department shall adopt a uniform procedure that includes at least request for proposals, including standards regarding the quality of services to be provided; and financial integrity of the responding system. The department may negotiate with respondents to the extent necessary to refine any proposals;

(f) The department shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The department shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the department may enter into prepaid capitation contracts that do not include inpatient care;

(h) The department shall define those circumstances under which a managed health care system is responsible for out-of-system services and assure that recipients shall not be charged for such services; and

(1) Nothing in this section prevents the department from entering into similar agreements in additional counties or for other groups of people eligible to receive services under chapter 74.09 RCW.

The department shall seek to obtain a large number of contracts with providers of health services to medicaid recipients. The department shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems are seriously considered as providers in the project.

(3) The department shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

NEW SECTION. Sec. 3. The department shall report to the legislature not later than January 1, 1987, on progress toward implementation of the requirements of this chapter, but shall not delay implementation on account of this reporting requirement.

The report shall also include an analysis of the possible expansion of the use of managed health care within other medical assistance programs, including making it available to certain recipients of general assistance and supplemental security income.

NEW SECTION. Sec. 4. The sum of one hundred fifty thousand dollars, of which ninety thousand is from the general fund—state and sixty thousand is from the general fund—federal, or so much thereof as may be necessary, is appropriated to the department of social and health services for the biennium ending June 30, 1987, for the purposes identified in sections 2 and 3 of this act."

On motion of Senator Vognil, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 6, after line 5, insert the following:

"NEW SECTION. Sec. 5. The department of social and health services shall not require a certificate of need for the commencement of obstetrical services by an existing hospital as defined in RCW 70.41.020."

MOTION

Senator McDermott moved that the following amendment by Senators McDermott and Sellar to the Committee on Ways and Means amendment be adopted:

On page 5, after line 30, insert the following:

"NEW SECTION. Sec. 4. As used in this chapter:

(1) "Washington basic health project" or "project" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the board through participating managed health care systems, created by this chapter.

(2) "Board" means the Washington basic health project board created under section 6 of this act.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the board and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population by enrollment in the project and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five, who resides in a project area, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the board, and who, at the time of enrollment, does not have access to employer-sponsored health care coverage.

(5) "Subsidy" means the difference between the amount of periodic payment the board makes, from funds appropriated from the basic health project trust account, to a managed health care system on behalf of an enrollee and the amount the board determines to be the enrollee's responsibility under section 10(2) of this act.

(6) "Project area" means one of not more than twelve distinct geographical areas within the state selected by the board as a demonstration site for the Washington basic health project. To the extent possible, the board shall select at least one project area in each congressional district of the state, define project areas coterminously with individual or adjacent cities, counties, or hospital districts, and take into special consideration any formal requests received from local governments or health care providers for selection of particular project areas.

NEW SECTION. Sec. 5. The basic health project trust account is hereby established in the state treasury. All revenue received under RCW 82.08.020(2) shall be deposited in the basic

health project trust account. Disbursements from the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health project board. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the project and payment of costs of administering the project. The earnings on any surplus balances in the basic health project trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1987, the legislature shall not appropriate for an ensuing fiscal period amounts exceeding ninety percent of the revenues anticipated to accrue to the account during the fiscal period.

NEW SECTION. Sec. 6. There is created the Washington basic health project board, which shall be a separate and independent board of the state. For efficiencies in operation and consultation, the offices of the board may be collocated with those of the hospital commission. The board shall be composed of five members appointed by the governor. The governor shall select one member to serve as chairman. Not more than one member may have any fiduciary obligation to any health care provider or facility or any material financial interest in the provision of health care services.

Members of the board shall serve for four-year terms. However, of the members initially appointed after the effective date of this act, two shall be appointed to four-year terms, one to a three-year term, one to a two-year term, and one to a one-year term. Appointments shall require senate confirmation. No member of the board may serve for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes.

NEW SECTION. Sec. 7. Meetings of the board shall be held as frequently as its duties require. The board shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions. Three members of the board constitute a quorum, but a vacancy on the board shall not impair its power to act. No action of the board shall be effective unless three members concur therein. The board may, consistent with the procedural requirements of chapter 42.30 RCW, meet in executive session with representatives of prospective or participating managed health care systems to discuss matters of a proprietary or sensitive nature.

The members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 8. The board shall employ a full-time executive director, who shall be the chief administrative officer of the board and shall be subject to its direction. The executive director, medical director, and up to three other employees shall be exempt from the civil service law, chapter 41.06 RCW.

The board shall employ such other staff as are necessary to fulfill the responsibilities and duties of the board, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the board may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the board. The board may call upon other agencies of the state to provide available information as necessary to assist the board in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

The board may create committees from its membership, and may appoint such technical or other advisory committees as it deems necessary. The board shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, including consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or advisory committee shall serve without compensation for their services as members, but may be reimbursed for their expenses in the same manner as members of the board.

The board may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

NEW SECTION. Sec. 9. The board may promulgate and adopt, under chapter 34.04 RCW, rules consistent with this chapter to carry out the purposes of this chapter.

NEW SECTION. Sec. 10. The board has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health project shall be entitled to receive in return for periodic payments to the board. The schedule of services shall emphasize

preventive and primary health care, shall include all services necessary for prenatal, post-natal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the project only for their dependent children. In designing and revising the schedule of services, the board shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080.

(2) To design and implement a structure of periodic payments due from enrollees. The payment structure shall be based upon enrollee family size and shall include a sliding scale whereby payments vary according to enrollee family income. The structure shall be designed so as to include payment amounts for enrollment of children without requiring enrollment of their parents. In each project area, the board shall not enroll such numbers of enrollees who qualify for subsidies as might reasonably be expected to result in an overexpenditure of appropriations for such purposes in the area. Whenever the board finds that there is danger of such an overexpenditure, the board shall close project enrollment in the area until the board finds the danger no longer exists. Payments to the board by the department of social and health services on behalf of any person eligible for medical coverage under chapter 74.09 RCW, subject to section 17 of this act, shall not be less than the payments the board makes to managed health care systems for coverage of those persons.

(3) To select not more than twelve project areas in the state as sites for the project. In selecting the areas, the board shall take into account the need for geographic, demographic, and economic diversity among project sites, the actual and potential availability of managed health care systems in different parts of the state, levels and rates of unemployment in possible project areas, and the need to assess the financial ability of the project to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks basic health care coverage.

(4) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the project. The board shall endeavor to assure that covered basic health care services are available through the project from among a selection of participating managed health care systems in at least some project areas. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the board shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the project areas.

(5) To receive periodic payments from enrollees, deposit the payments in the basic health project operating account, keep records of enrollee payments and status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(6) To accept applications from individuals residing in project areas, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health project, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale payments that will be the responsibility of the enrollee. An enrollee who remains current in making periodic sliding-scale payments, as determined by the board under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above two and one-half times the poverty level for twelve consecutive months, by making payment at the maximum rate established in the sliding fee schedule. No subsidy shall be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to section 17 of this act, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW.

(7) To require that prospective enrollees who may be eligible for medical coverage under chapter 74.09 RCW apply for such coverage.

(8) To determine, on a community rating basis, the amount of each periodic per capita or per family payment to a participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the periodic per capita or per family payments to participating managed health care systems may vary among the systems. In negotiating payment levels with participating systems, the board shall consider the characteristics of the populations served by the respective systems, economic circumstances of the project area, and other factors the board finds relevant.

(9) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic reports on health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the board shall endeavor to minimize costs, both to the managed health

care systems and to the board. The board shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the hospital commission, to minimize duplication of effort.

(10) To initiate, at the option of the board, a matching grant program, in up to three project areas, to demonstrate the potential that better coordination of all local primary health care resources in the provision of necessary care to low-income residents who are unlikely or unable to enroll in the project can be more cost-effective. The board may award grants to local governments that sponsor consortia of health care providers, including at least one hospital in each area. Any grant proposal must meet minimum standards set by the board, including requirements for coordination of care by local providers and for coordination of local funding sources, which may include in-kind charity care provided by hospitals and physicians as well as public or private funds and sliding-scale payments from individuals served. Any grants awarded under this subsection shall be made from funds appropriated for such purpose from the Washington basic health project trust account, may be extended for up to three years, and shall be on the basis of one dollar from the board for every four dollars of local or private funds expended in the demonstration program.

(11) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as it deems appropriate.

NEW SECTION. Sec. 11. The benefits available under the project shall be subject to RCW 48.21.200 and shall be excess to the benefits payable under the terms of any insurance policy issued to or on the behalf of an enrollee that provides payments toward medical expenses without a determination of liability for the injury.

NEW SECTION. Sec. 12. In each project area, on and after a date set by the board for the area, but in no case before March 31, 1987, enrollees whose payments to the board are current are entitled to receive covered basic health care services as defined by the board from the respective managed health care systems in which they are enrolled. The board shall not at any time maintain enrollment of more than thirty thousand enrollees who are eligible for subsidies. The board shall closely monitor growth patterns so as not to exceed that consistent with the orderly development of the project as a whole and in each project area.

NEW SECTION. Sec. 13. Any enrollee whose payments to the board are delinquent or who moves his or her residence out of a project area may be dropped from enrollment status. The board shall make reasonable efforts to notify delinquent enrollees of their removal from the project and shall provide for a hearing under chapters 34.04 and 34.12 RCW for any enrollee who contests the board's decision to drop the enrollee from the project. Upon removal of an enrollee from the project, the board shall promptly notify the managed health care system in which the enrollee has been enrolled, and shall not be responsible for payment for health care services provided to the enrollee (including, if applicable, members of the enrollee's family) after the date of notification. A managed health care system may contest the denial of payment for coverage of an enrollee through a hearing under chapters 34.04 and 34.12 RCW.

NEW SECTION. Sec. 14. Managed health care systems participating in the project shall do so by contract with the board and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee as long as payments from the board on behalf of the enrollee are current. Subject to board approval and with full disclosure to enrollees and prospective enrollees, a managed health care system may impose nominal copayments upon enrollees as an incentive for proper utilization of services. A participating managed health care system may offer, but not require acceptance of, additional health care benefits or services not included in the schedule of covered services under the project, that will be the sole responsibility of the enrollee. Any action by or on behalf of any enrollee based on a claim of professional negligence shall, at the option of the enrollee, be submitted for arbitration under chapter 7.04 RCW. The board may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than copayments authorized under this section, for covered services directly from enrollees, but nothing in this chapter empowers the board to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

The project shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective project areas. The board shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care systems the board shall endeavor to establish a uniform period for such opportunity.

Prior to negotiating with any managed health care system, the board shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems for participation in the project, the board shall adopt a uniform procedure that includes at least the following:

(1) The board shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(2) The board shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(3) The board may then select one or more systems to provide the covered services within a project area; and

(4) The board may adopt a policy that gives preference, in one or more project areas, to systems substantially supported by public revenues or involving public agencies.

NEW SECTION, Sec. 15. Enrollees of any participating managed health care system may, if offered, execute an agreement on behalf of themselves and/or any dependents enrolled in the project to arbitrate any dispute, controversy, or issue arising out of health care or treatment rendered by or through the managed health care system. The agreement to arbitrate shall provide that its execution is not a prerequisite to enrollment in the project or the provision of any services and shall provide that the enrollee may revoke the agreement within sixty days after execution by notifying the managed health care system in writing.

The agreement shall contain the following provision in at least nine-point boldface type immediately above the space for signature of the parties:

"This agreement to arbitrate is not a prerequisite to enrollment or the provision of any services and may be revoked by the enrollee within sixty days after execution by notification in writing."

Participating managed health care systems that use arbitration agreements shall furnish to the enrollee at the time of enrollment a copy of an information brochure, prepared and approved by the board, which clearly outlines the arbitration process as an alternative dispute resolution process to that of a court and/or jury trial.

NEW SECTION, Sec. 16. The board shall submit to the 1987 session of the legislature the design plan for a schedule of basic health care services as outlined in section 10 of this act, including appropriate co-payments and/or deductibles, and the schedule of periodic payments that will be the responsibility of any enrollee. For this project to remain in effect it must be approved by the legislature by June 30, 1987, and the level of benefits and periodic payments cannot be changed without legislative approval.

NEW SECTION, Sec. 17. The department of social and health services shall make periodic payments to the project on behalf of any enrollee who is a recipient of medical assistance or medical care services under chapter 74.09 RCW, at the maximum rate established in the sliding fee scale, for the services covered by the project, and no premium may be charged to such an enrollee. With respect to enrollees eligible for medical assistance under RCW 74.09.510, the periodic amount payable to the project shall not be greater than the amount with respect to which full federal financial participation is available under Title XIX of the federal social security act. Any enrollee on whose behalf the department of social and health services makes payments to the project under this section and chapter 74.09 RCW may continue as an enrollee, making periodic payments based on the enrollee's own income as determined under the sliding scale, after eligibility for coverage under chapter 74.09 RCW has ended. Nothing in this section affects the right of any person eligible for coverage under chapter 74.09 RCW to receive the services offered to other persons under that chapter but not included in the schedule of basic health care services covered by the project. The board and the department of social and health services shall cooperatively adopt procedures to facilitate the transition of project enrollees and payments on their behalf between the project and the programs established under chapter 74.09 RCW.

NEW SECTION, Sec. 18. In addition to the powers and duties specified in sections 8 and 10 of this act, the board has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the board in its duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems.

(3) With health care service contractors registered under RCW 48.44.015 and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the board, and other administrative functions ordinarily performed by health care service contractors, other than insurance. Any activities of a health care service contractor pursuant to a contract with the board under this section shall be exempt from the provisions and requirements of Title 48 RCW.

(4) With any public hospital district established under chapter 70.44 RCW or with any county or city, to administer the project as the board's agent with respect to enrollees residing and managed health care systems serving a project area within the boundaries of the district,

county, or city: PROVIDED, That the district, county, or city shares with the board, on a dollar for dollar matching basis, the cost of payments to participating managed health care systems for coverage of enrollees residing within the boundaries of the district, county, or city less the amounts payable by enrollees to the district, county, or city as agent for the board. However, if the unemployment rate of a participating county exceeds by twenty percent or more the state average as determined by the employment security department, the board may increase the level of its contribution to not more than two dollars for each local dollar.

(5) With any community health center or other public or private nonprofit health care provider participating in a managed health care system under the project and demonstrating financial need, to furnish direct financial assistance in meeting the start-up costs of providing covered basic health care services under the project, for a period not exceeding one year after the managed health care system commences coverage of enrollees.

NEW SECTION, Sec. 19. The activities and operations of the Washington basic health project under this chapter, including those of managed health care systems to the extent of their participation in the project, are exempt from the provisions and requirements of Title 48 RCW.

NEW SECTION, Sec. 20. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION, Sec. 21. A new section is added to chapter 50.20 RCW to read as follows:

The commissioner shall notify in writing any person filing a claim under this chapter who resides in a project area of the availability of basic health care coverage to qualified enrollees in the Washington basic health project under chapter 70.____ RCW (sections 4 through 20 of this act), unless the Washington basic health project board has notified the commissioner of a closure of enrollment in the area. The commissioner shall maintain a supply of Washington basic health project enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate employment service office for the use of persons wishing to apply for enrollment in the Washington basic health project.

NEW SECTION, Sec. 22. A new section is added to chapter 74.08 RCW to read as follows:

The department shall notify in writing any applicant for public assistance who resides in a project area and is under sixty-five years of age of the availability of basic health care coverage to qualified enrollees in the Washington basic health project under chapter 70.____ RCW (sections 4 through 20 of this act), unless the Washington basic health project board has notified the department of a closure of enrollment in the area. The department shall maintain a supply of Washington basic health project enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate community service office for the use of persons wishing to apply for enrollment in the Washington basic health project.

Sec. 23. Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) An additional tax is imposed, effective January 1, 1987, through June 30, 1992, equal to one-twentieth of one percent. The moneys collected under this subsection shall be deposited in the basic health project trust account of the state treasury.

(3) The tax imposed under this chapter shall apply to successive retail sales of the same property.

~~((3))~~ (4) The rates provided in this section ~~((applies))~~ apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

NEW SECTION, Sec. 24. The Washington basic health project board shall be appointed and commence operations as promptly as practicable after the effective date of this act. Not later than December 1, 1986, the board shall submit to the legislature a progress report including:

(1) The schedule of covered basic health care services adopted under section 10 of this act;

(2) A descriptive listing of managed health care systems expected to participate in the Washington basic health project, along with an identification of prospective project areas;

(3) The approximate amount of funds estimated to be on deposit in the basic health project trust account as of March 31 and June 30, 1987;

(4) An estimate of the number of enrollees whose basic health care coverage under this chapter can be expected to be financed during the 1987-88 and 1988-1989 state fiscal years by combining revenue received under RCW 82.08.020(2) with payments from the enrollees;

(5) A description of the sliding fee schedule for periodic enrollee payments adopted by the board under section 10 of this act;

(6) Any proposals for statutory changes which the board deems necessary to implement the purposes of this chapter;

(7) A draft of the brochure on arbitration that may be used under section 15 of this act by participating managed health care systems; and

(8) Any other information which the board deems appropriate.

Not later than January 1, 1988, the board shall submit to the legislature a further progress report, updating its 1986 report, and covering the same items provided for therein, with projections based upon implementation of the project to date. Further, the report shall include a description of the performance of the first managed health care systems included as eligible providers as provided in section 12 of this act. The board shall submit an annual report to the legislature by January 1 of each year thereafter.

NEW SECTION. Sec. 25. Sections 4 through 20 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 26. There is appropriated from the general fund to the basic health project trust account, for the biennium ending June 30, 1987, the sum of one million dollars, to carry out the purposes of sections 4 through 30 of this act. Such appropriation shall be repaid to the general fund as soon as practicable, but not later than June 30, 1987, from the revenue accruing to the basic health project trust account under RCW 82.08.020(2).

There is appropriated from the basic health project trust account of the state treasury to the Washington basic health project board, for the biennium ending June 30, 1987, the sum of five million dollars, or as much thereof as shall be necessary, not exceeding funds deposited in the account, to carry out the purposes of chapter 70.____ RCW (sections 4 through 20 of this act).

NEW SECTION. Sec. 27. A new section is added to chapter 43.131 RCW to read as follows:

The Washington basic health project board and its powers and duties shall be terminated on June 30, 1991, as provided in section 28 of this act.

NEW SECTION. Sec. 28. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1992:

- (1) Section 4 of this act and RCW 70.____;
- (2) Section 5 of this act and RCW 70.____;
- (3) Section 6 of this act and RCW 70.____;
- (4) Section 7 of this act and RCW 70.____;
- (5) Section 8 of this act and RCW 70.____;
- (6) Section 9 of this act and RCW 70.____;
- (7) Section 10 of this act and RCW 70.____;
- (8) Section 11 of this act and RCW 70.____;
- (9) Section 12 of this act and RCW 70.____;
- (10) Section 13 of this act and RCW 70.____;
- (11) Section 14 of this act and RCW 70.____;
- (12) Section 15 of this act and RCW 70.____;
- (13) Section 16 of this act and RCW 70.____;
- (14) Section 17 of this act and RCW 70.____;
- (15) Section 18 of this act and RCW 70.____;
- (16) Section 19 of this act and RCW 70.____;
- (17) Section 20 of this act and RCW 70.____;
- (18) Section 21 of this act and RCW 50.20.____; and
- (19) Section 22 of this act and RCW 74.08.____.

Sec. 29. Section 1, chapter 138, Laws of 1943 as amended by section 1, chapter 209, Laws of 1947 and RCW 7.04.010 are each amended to read as follows:

Two or more parties may agree in writing to submit to arbitration, in conformity with the provisions of this chapter, any controversy which may be the subject of an action existing between them at the time of the agreement to submit, or they may include in a written agreement a provision to settle by arbitration any controversy thereafter arising between them out of or in relation to such agreement. Any contract providing prepaid health care services may include an agreement to settle by arbitration any controversy thereafter arising between the consumer and a health care provider with respect to personal injury or wrongful death.

Such agreement shall be valid, enforceable and irrevocable save upon such grounds as exist in law or equity for the revocation of any agreement.

The provisions of this chapter shall not apply to any arbitration agreement between employers and employees or between employers and associations of employees, and as to any such agreement the parties thereto may provide for any method and procedure for the settlement of existing or future disputes and controversies, and such procedure shall be valid, enforceable and irrevocable save upon such grounds as exist in law or equity for the revocation of any agreement.

NEW SECTION. Sec. 30. An impartial and thorough review of past and current practices in dealing with the costs of charity care rendered by health care providers, both institutional and individual, is necessary in view of the increasing use of prospective payment systems by major purchasers of health care. The governor, in consultation with officials in appropriate state agencies such as the department of social and health services, the hospital commission, the basic health project board, and others, including members of the legislature, such as the chairman and ranking minority members of the committees on ways and means, human services and corrections, and social and health services, as well as the officers of any organizations of health care providers and the major insurers or purchasers of health care in the state,

shall initiate such a review that includes recommendations of possible solutions for legislative consideration. The review and report will include, as a priority item, recommendations on how to address the incidence of charity care that may be provided by hospitals, including those amounts that patients and/or their families are unable to pay, but not those amounts that anyone able to pay shall refuse to pay. Up to fifty thousand dollars of the funds appropriated to the basic health project by section 26 of this act may be expended, upon certification by the director of financial management, in connection with the review, including consultant services that might be required. A report to the legislature shall be submitted by December 1, 1986.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 32. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the sections consecutively.

Debate ensued.

There being no objection, further consideration of Engrossed Substitute House Bill No. 2021 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1815, by Committee on Transportation (originally sponsored by Representatives Ebersole, Crane, Walk, Patrick, Lundquist, Prince, Brough, Wang, Hankins, Isaacson, S. Wilson, Taylor, Tilly and Sanders)

Permitting vehicles operated by nursing homes to get disabled parking privileges.

The bill was read the second time.

MOTION

On motion of Senator Bender, the rules were suspended, Substitute House Bill No. 1815 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1815.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1815 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Guess, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1815, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2021 and the pending amendment by Senators McDermott and Sellar on page 5, line 30, to the Committee on Ways and Means amendment, deferred earlier today.

POINT OF ORDER

Senator McDonald: "Mr. President and members of the Senate, a point of order. One of my most unpleasant tasks, I guess, is that to be kind of a hit man for over here. I guess one of those tasks is to ask if the amendment is within the scope and object of House Bill 2021. In reviewing House Bill 2021, it is looking at management health care systems within the existing programs of health care delivery in the state. It does not have a tax. It does have a commission that would be set up to look into that, although the committee amendment does not have that commission. The bill before us does have a tax. It does have a considerable increase in powers and

duties of the commission and it appears to me to be far beyond the scope and object of the original bill."

Debate ensued.

There being no objection, further consideration of Engrossed Substitute House Bill No. 2021 was deferred.

President Cherberg assumed the chair.

SECOND READING

HOUSE BILL NO. 1954, by Representatives J. King, Appelwick and Holland (by request of Governor Gardner)

Authorizing the use of the local tax on lodging for capital improvements the debt for which has already been incurred.

The bill was read the second time.

MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 11, chapter 236, Laws of 1967 as last amended by section 1, chapter 272, Laws of 1985 and RCW 67.28.180 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property; PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this chapter shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this chapter upon the same taxable event((:)).

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of subsection (a), so long as, and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, ~~((maintaining, operating;))~~ and equipping stadium capital improvement projects ~~((to)), and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred.~~

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto(~~); and to pay for any engineering, planning, financial, legal and professional services incident to the development and operation of such stadium capital improvement projects~~)). The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county((:)).

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used for art and cultural museums.

(b) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(c) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(d) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a non-public entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

(e) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(e) does not apply to contracts in existence on the effective date of this 1986 section.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect April 1, 1986."

Debate ensued.

POINT OF INQUIRY

Senator DeJarnatt: "Senator McDermott, in all the money you were listing there for various things, is there any money for a good right handed starting pitcher or a good designated hitter?"

Senator McDermott: "We specifically excluded the use of this money for operation and maintenance."

POINT OF INQUIRY

Senator Talmadge: "Senator McDermott, the first question I have is on this million dollars worth of future capital projects. Do we have any language in the bill that ties down the authority that is given to King County with respect to those future capital projects to things like the astro turf or things like that or could it be anything that just kind of happened into the head of the administration of King County, should they engage in future negotiations with some other sports franchise owner?"

Senator McDermott: "Senator Talmadge, I worked long and hard trying to find some language to differentiate operating and maintenance from capital expenditure. It says on page 4, line 36, 'expenditures for maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span or operating economy of existing fixed assets.' We tried to tie it down as tightly as possible to those things that are truly capital."

Senator Talmadge: "The second question is, should this bill come back from the House of Representatives on the concurrence calendar and they should not agree with the striking amendment from the Senate on this issue, what would your disposition be with respect to this bill? I remember one time King County did this to us before. We just kind of want to make certain that we don't see this happen again--where we don't get the full story told to us by the people proposing the legislation."

Senator McDermott: "Well, Senator, I was trained in my profession never to say 'never.' Say, 'hardly, seldom, if ever,' but I can't think of any reason why if the House won't accept these amendments, we ought to pass this bill."

Senator Talmadge: "But if they do come back to the Senate without the amendments on, would it be your disposition as Chairman of the Ways and Means Committee to oppose such a bill without these kinds of restrictions on the ability of King County to dip into the state sales tax revenues?"

Senator McDermott: "I would think it would be something that would make a good interim study, Senator Talmadge."

Further debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Perhaps I wasn't paying attention as I should have. It seems to me that Senator McDermott said that this was removing money from the General Fund or would be declining money in the General Fund and Senator Lee said it wasn't. I would like to have this straightened up. I suppose at this time I should ask Senator McDermott to clarify the statement. Is Senator Lee right or not? I'll ask Senator Lee. Senator Lee, would you comment further on Senator McDermott's statement? I would like to know."

Senator Lee: "Senator Metcalf, when we imposed the hotel/motel tax on the various hotels and motels, we said you may take that as a credit against the sales tax and that's what Senator McDermott was talking about, but this does not change that at all."

POINT OF INQUIRY

Senator Metcalf: "I'm still a little confused. Senator McDermott would you have a comment?"

Senator McDermott: "Senator Metcalf, it's no wonder you're confused, because I think the people who wrote this--there weren't very many of us here when it was written. It was originally written to give money for debt service to pay off the Kingdome. They set the rate at two percent and said that will do it. It was supposed to raise to 2.6 million dollars that it takes to pay off this facility over the course of the next thirty years or twenty-five years or whatever. Unfortunately or fortunately--depending on how you look at it, the two percent rate has increased the amount of money beyond the 2.6 million dollars for debt service, so its gradually been accumulating more and more money in that fund. By the year 2000 or 2006, there will be almost 268 million dollars in that fund and it would have only taken about 60 million dollars to pay off the Kingdome. There is gradually accumulating in that fund more than 200 million dollars.

"What is happening here, is that the Kingdome is saying, give us access to a little bit more of that 200 million dollars beyond the 2.6 that is necessary to pay off the facility. Now, we could have put an amendment on here and said anything more than debt service comes back into the General Fund. That might be what we will do some of these days when we need a little money, but we are giving money from the sales tax to the county to do this. Not only King County--there are a lot of other counties who are getting the same amount of money, so it is a direct deduct off your sales tax and from that standpoint, it is sales tax money that is going back to the county."

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried and the amendment was adopted by the following vote: Yeas, 34; nays, 12; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Talmadge, Vognild, von Reichbauer, Williams, Zimmerman - 34.

Voting nay: Senators Bauer, Cantu, Craswell, Granlund, McCaslin, McDonald, Metcalf, Rinehart, Saling, Sellar, Warnke, Wojahn - 12.

Absent: Senator Thompson - 1.

Excused: Senators Guess, Stratton - 2.

MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 3 of the title, after "1986," strike the remainder of the title and insert "amending RCW 67.28.180; providing an effective date; and declaring an emergency."

On motion of Senator McDermott, the rules were suspended, House Bill No. 1954, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1954, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1954, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Pullen, Sellar, Thompson, von Reichbauer, Zimmerman - 27.

Voting nay: Senators Bauer, Cantu, Deccio, Hansen, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn - 20.

Excused: Senators Guess, Stratton - 2.

HOUSE BILL NO. 1954, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1134 and the pending amendment by Senators Talmadge and Newhouse on page 1, line 6, to the Committee on Human Services and Corrections amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Craswell, the President finds that Substitute House Bill No. 1134 is a measure requiring the Department of Social and Health Services to screen employees dealing with children and developmentally disabled persons.

"The amendment proposed by Senators Talmadge and Newhouse authorizes the State Patrol to disclose to businesses and organizations dealing with children or developmentally disabled persons, information about a prospective employee's record of child abuse offenses.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Talmadge and Newhouse was ruled out of order.

MOTION

Senator McDermott moved that the following amendment to the Committee on Human Services and Corrections amendment be adopted:

On page 4, after line 23, insert the following:

NEW SECTION, Sec. 4. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of eligible foods which are purchased with coupons issued under the Food Stamp Act of 1977, notwithstanding anything to the contrary in RCW 82.08.0293.

When a purchase of eligible foods is made with a combination of coupons issued under the Food Stamp Act of 1977 and cash, check, or similar payment, the cash, check, or similar payment shall be applied first to food products exempt from tax under RCW 82.08.0293 whenever possible.

As used in this section, "eligible foods" shall have the same meaning as that established under federal law for purposes of the Food Stamp Act of 1977.

NEW SECTION, Sec. 5. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of eligible foods which are purchased with coupons issued under the Food Stamp Act of 1977, notwithstanding anything to the contrary in RCW 82.12.0293.

As used in this section, "eligible foods" shall have the same meaning as that established under federal law for purposes of the Food Stamp Act of 1977.

NEW SECTION. Sec. 6. The governor shall petition the secretary of the United States department of agriculture for a delay in the date section 1505(a) of the federal Food Security Act of 1985 takes effect with respect to this state.

NEW SECTION. Sec. 7. (1) Section 5 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 3 and 4 of this act shall take effect on the day section 1505(a) of the federal Food Security Act of 1985 takes effect with respect to this state."

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator McDermott, I am told that since we passed that bill in the Senate that there is a great deal of concern by the grocers as to how this is going to be implemented and that they simply do not have the equipment right now to do it and that they would like a few months and, possibly, if you could put a delayed effective date on it, they would not object to it, but I understand that there is a big problem there."

Senator McDermott: "Senator Hayner, we have a consultant that we have consulted at some length on this matter and while it does create some problems, we've been assured by the Clerk of the Senate that it is possible to do it even in a very small mom and pop grocery store. I think it can be done--it needs to be done--and I think that we ought to go ahead and do it."

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott to the Committee on Human Services and Corrections amendment.

The motion by Senator McDermott carried and the amendment to the committee amendment was adopted.

MOTIONS

On motion of Senator Wojahn, the following amendment to the Committee on Human Services and Corrections amendment was adopted:

On page 2, line 7, after "persons" strike "applying" and insert "being considered"

On motion of Senator Warnke, the following amendment to the Committee on Human Services and Corrections amendment was adopted:

On page 4 of the amendment, after line 23, insert the following:

"NEW SECTION. Sec. 4. Section 5, chapter 151, Laws of 1981 and RCW 43.20A. 700 are each repealed."

The President declared the question before the Senate to be adoption of the Committee on Human Services and Corrections amendment, as amended.

The motion by Senator Wojahn carried and the Committee on Human Services and Corrections amendment, as amended, was adopted.

MOTIONS

On motion of Senator Wojahn, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 43.20A RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date."

On page 1, line 2 of the title, after "RCW;" strike "and adding a new section to chapter 41.06 RCW" and insert "adding a new section to chapter 41.06 RCW; and repealing RCW 43.20A.700"

On page 1, line 1 of the title, after "services;" insert "amending RCW 26.44.070;"

On motion of Senator Wojahn, the rules were suspended, Substitute House Bill No. 1134, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1134, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1134, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Hayner, Pullen - 2.

Excused: Senators Guess, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1134, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1447 and the pending amendment by Senator Thompson on page 4, line 2, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDermott, the President finds that Engrossed Substitute House Bill No. 1447 is a measure modifying certain requirements for public works contracts and revising the taxation of refuse collection businesses for purposes of financing public works.

"The amendment proposed by Senator Thompson redefines gross income for sewerage collection businesses and provides a definition of sewerage collection business for purposes of the public utility tax.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Thompson was ruled out of order.

MOTIONS

On motion of Senator Thompson, the following title amendment was adopted:

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 39.04.010, 39.04.020, 39.04.050, 39.04.070, and 82.16.020; adding a new chapter to Title 82 RCW; creating a new section; repealing RCW 39.04.090; and prescribing penalties."

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 1447, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1447, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1447, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Guess, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1709, by Committee on State Government (originally sponsored by Representatives Belcher, Hankins, Peery, Brooks and Unsoeld) (by request of Governor Gardner)

Consolidating agencies into the department of community development.

The bill was read the second time.

MOTION

Senator Zimmerman moved that the following amendment by Senators Zimmerman, Bailey, Saling and McCaslin be adopted:

On page 17, after line 14, insert the following:

"(9) The governor shall determine the qualifications of and appoint a coordinator of emergency management who shall be an assistant director in the department of community development.

(10) In times of an emergency, when immediate response is necessary to protect life and property and to facilitate response and recovery measures, the coordinator of emergency management shall have direct access to the governor and shall have full authority to coordinate all necessary response and recovery measures with affected federal, state, and local agencies."

Debate ensued.

Senator Zimmerman demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Zimmerman, Bailey, Saling and McCaslin.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Excused: Senator Stratton - 1.

MOTION

Senator Benitz moved that the following amendment be adopted:

On page 46, following line 8, insert the following:

"(5) The director of fire protection shall designate a deputy who shall be known as the state coordinator for radioactive and hazardous waste emergency response programs. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency;

(d) Undertaking other duties in this area that are deemed appropriate by the board and the director."

Renumber the remaining subsections consecutively.

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Benitz.

ROLL CALL

The Secretary called the roll and the motion by Senator Benitz carried and the amendment was adopted by the following vote: Yeas, 24; nays, 23; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Goltz, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 23.

Absent: Senator Patterson - 1.

Excused: Senator Stratton - 1.

MOTION

Senator Vognild moved that the following amendment by Senators Vognild and Thompson be adopted:

On page 42, beginning on line 7, strike everything through "(uncodified)," on page 88, line 12 and insert the following:

*FIRE PROTECTION BOARD

NEW SECTION, Sec. 54. A new section is added to chapter 43.63A RCW to read as follows:

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. It is the intent of the legislature to consolidate fire protection services into a single state agency and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the director of community development and the director of fire protection on matters relating to their duties under state law. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy.

NEW SECTION, Sec. 55. A new section is added to chapter 43.63A RCW to read as follows:

There is created the state fire protection policy board consisting of ten members appointed by the governor:

(1) Three representatives of fire chiefs. At least one shall be from a fire department east of the Cascade mountains and at least one shall be from a fire department west of the Cascade mountains. One shall be from a fire protection district:

- (2) One insurance industry representative;
- (3) One representative of cities and towns;
- (4) One representative of counties;
- (5) Two full-time, paid, career fire fighters;
- (6) One volunteer fire fighter; and
- (7) One representative of fire commissioners.

The governor, the commissioner of public lands, the insurance commissioner, the chairperson of the commission for vocational education or its successor organization, and the director of fire protection or their designees, shall be nonvoting ex officio members of the board. If an ex officio member of the board elects to send a designee to any or all meetings of the board, then that designee shall be selected from the immediate staff of that ex officio member and may not be a person who otherwise serves as a member of the board.

In making the appointments required under subsections (1) through (7) of this section, the governor shall (a) seek the advice of and consult with organizations involved in fire protection; and (b) ensure that racial minorities, women, and persons with disabilities are represented.

The terms of the appointed members of the board shall be three years and until a successor is appointed and qualified. However, initial board members shall be appointed as follows: Three members to terms of one year, three members to terms of two years, and four members to terms of three years. In the case of a vacancy of a member appointed under subsections (1) through (7) of this section, the governor shall appoint a new representative to fill the unexpired term of the member whose office has become vacant. A vacancy shall occur whenever an appointed member ceases to be employed in the occupation the member was appointed to represent.

The appointed members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

The board shall select its own chairperson and shall meet at the request of the governor or the chairperson and at least four times per year.

NEW SECTION, Sec. 56. A new section is added to chapter 43.63A RCW to read as follows:

Except for matters relating to the statutory duties of the director of community development which are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

- (1) Adopt a state fire protection master plan;
- (2) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens;
- (3) Establish and promote state arson control programs and ensure development of local arson control programs;

(4) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials;

(5) Seek and solicit grants, gifts, bequests, devices, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;

(6) Promote mutual aid and disaster planning for fire services in this state;

(7) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention;

(8) Submit annually a report to the governor containing a statement of its official acts pursuant to this chapter, and make such studies, reports, and recommendations to the governor and the legislature as are requested;

(9) Adopt a state fire training and education master plan;

(10) Develop and adopt a master plan for the construction, equipping, maintaining, and operation of necessary fire service training and education facilities, but the authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;

(11) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary to establish and operate fire service training and education facilities in a manner provided by law;

(12) Adopt standards for state-wide fire service training and education courses including courses in arson detection and investigation for personnel of fire, police, and prosecutor's departments;

(13) Assure the administration of any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of Congress insofar as the provisions thereof may apply;

(14) Cooperate with the common schools, community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of Congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule.

NEW SECTION, Sec. 57. A new section is added to chapter 43.63A RCW to read as follows:

In regards to the statutory duties of the director of community development which are to be carried out through the director of fire protection, the board shall serve in an advisory capacity in order to enhance the continuity of state fire protection services. In this capacity, the board shall:

(1) Advise the director of community development and the director of fire protection on matters pertaining to their duties under law; and

(2) Advise the director of community development and the director of fire protection on all budgeting and fiscal matters pertaining to the duties of the director of fire protection and the board.

NEW SECTION, Sec. 58. A new section is added to chapter 43.63A RCW to read as follows:

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The director of community development shall appoint an assistant director who shall be known as the director of fire protection. The board, after consulting with the director, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the director a list containing the names of three persons whom the board believes meet its qualifications. If requested by the director, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The director of community development, through the director of fire protection, shall, after consultation with the board, prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the department's budget request.

(5) The director of community development, through the director of fire protection, shall implement and administer, within the constraints established by budgeted resources, the policies of the board and all duties of the director of community development which are to be carried out through the director of fire protection.

(6) The director of community development, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

NEW SECTION, Sec. 59. A new section is added to chapter 43.63A RCW to read as follows:

The department may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in section 56 of this act.

NEW SECTION, Sec. 60. A new section is added to chapter 43.63A RCW to read as follows:

The department may: (1) Impose and collect fees for fire service training; and (2) establish and set fee schedules for fire service training.

NEW SECTION. Sec. 61. A new section is added to chapter 43.63A RCW to read as follows:

The fire service training account is hereby established in the state treasury. The department shall deposit in the account all fees received by the department for fire service training. Moneys in the account may be appropriated only for fire service training.

Sec. 62. Section 1, chapter 349, Laws of 1977 ex. sess. as amended by section 12, chapter 470, Laws of 1985 and RCW 28C.50.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the (~~state fire protection board~~) department of community development, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 63. Section 5, chapter 349, Laws of 1977 ex. sess. as amended by section 13, chapter 470, Laws of 1985 and RCW 28C.50.050 are each amended to read as follows:

The 1977 state fire service training center bond retirement fund is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the (~~state fire protection board~~) department of community development.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

Sec. 64. Section 1, chapter 225, Laws of 1979 ex. sess. as last amended by section 14, chapter 470, Laws of 1985 and RCW 28C.51.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the (~~state fire protection board~~) department of community development, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of six million dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 65. Section 5, chapter 225, Laws of 1979 ex. sess. as amended by section 15, chapter 470, Laws of 1985 and RCW 28C.51.050 are each amended to read as follows:

The 1977 state fire service training center bond retirement fund in the state treasury shall be used for the purpose of the payment of principal of and interest on the bonds and notes authorized under this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the (~~state fire protection board~~) department of community development.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Sec. 66. Section .05.32, chapter 79, Laws of 1947 as amended by section 16, chapter 470, Laws of 1985 and RCW 48.05.320 are each amended to read as follows:

(1) Each authorized insurer shall promptly report to the (~~state fire protection board~~) director of community development, through the director of fire protection, upon forms as prescribed and furnished by (~~the board~~) him or her, each fire loss of property in this state reported to it and whether the loss is due to criminal activity or to undetermined causes.

(2) Each such insurer shall likewise report to the (~~board~~) director of community development, through the director of fire protection, upon claims paid by it for loss or damage by fire in this state. Copies of all reports required by this section shall be promptly transmitted to the state insurance commissioner.

Sec. 67. Section .33.03, chapter 79, Laws of 1947 as amended by section 17, chapter 470, Laws of 1985 and RCW 48.48.030 are each amended to read as follows:

(1) ~~The ((state fire protection board, through the state fire marshal or any deputy state fire marshal))~~ director of community development, through the director of fire protection or his or her authorized deputy, shall have authority at all times of day and night, in the performance of duties imposed by this chapter, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near thereto.

(2) ~~The ((state fire protection board, through the state fire marshal or any deputy state fire marshal))~~ director of community development, through the director of fire protection or his or her authorized deputy, shall have authority at any reasonable hour to enter into any public building or premises or any building or premises used for public purposes to inspect for fire hazards.

~~((3) Within his or her jurisdiction a resident fire marshal may exercise like powers as are conferred by subsections (1) and (2) of this section upon the state fire protection board. Such power in a resident fire marshal shall not be to the exclusion of any power of the state fire protection board.))~~

Sec. 68. Section .33.04, chapter 79, Laws of 1947 as amended by section 18, chapter 470, Laws of 1985 and RCW 48.48.040 are each amended to read as follows:

(1) ~~((In jurisdictions within this state other than those in which there is in force a comprehensive local fire prevention and safety code, the state fire protection board, through the state fire marshal or any deputy fire marshal))~~ The director of community development, through the director of fire protection or his or her authorized deputy, shall have authority to enter upon all premises and into all buildings except private dwellings for the purpose of inspection to ascertain if any fire hazard exists, and to require conformance with minimum standards for the prevention of fire and for the protection of life and property against fire and panic as to use of premises, and may adopt by reference nationally recognized standards applicable to local conditions.

(2) ~~((A resident fire marshal shall have authority to enforce within his or her jurisdiction such ordinances and laws relative to fire prevention and safety and use of premises as may be in force therein. In areas outside those covered by such local fire prevention and safety codes, the jurisdiction of any such resident fire marshal shall be subordinate to that of the state fire protection board.))~~

~~((3) In areas covered by such fire prevention and safety codes the state fire protection board))~~ The director of community development, through the director of fire protection or his or her authorized deputy, may, upon request by the chief fire official or the local governing body or of taxpayers of such area, assist in the enforcement of any such code.

Sec. 69. Section 1, chapter 70, Laws of 1972 ex. sess. as last amended by section 19, chapter 470, Laws of 1985 and RCW 48.48.045 are each amended to read as follows:

Standards for construction relative to fire prevention and safety for all schools under the jurisdiction of the superintendent of public instruction and state board of education shall be established by the state fire protection board~~((which)).~~ The director of community development, through the director of fire protection, shall adopt such nationally recognized fire and building codes and standards as may be applicable to local conditions. After the approval of such standards by the superintendent of public instruction and the state board of education, the ~~((state fire protection board))~~ director of community development, through the director of fire protection, shall make or cause to be made plan reviews and construction inspections as may be necessary to insure compliance with said codes and standards.

Political subdivisions of the state having and enforcing such fire and building codes and standards at least equal to or higher than those ~~((by the state fire protection board))~~ adopted as provided for in this section shall be exempted from the plan review and construction inspection provisions of this section within their respective subdivision for as long as such codes and standards are enforced.

Sec. 70. Section .33.05, chapter 79, Laws of 1947 as amended by section 20, chapter 470, Laws of 1985 and RCW 48.48.050 are each amended to read as follows:

(1) If the ~~((state fire marshal or the marshal's))~~ director of community development, through the director of fire protection or his or her authorized deputy, finds in any building or premises subject to their inspection under this chapter, any combustible material or flammable conditions or fire hazards dangerous to the safety of the building, premises, or to the public, he or she shall by written order require such condition to be remedied, and such order shall forthwith be complied with by the owner or occupant of the building or premises.

(2) An owner or occupant aggrieved by any such order made by the ~~((state fire marshal or a deputy state fire marshal))~~ director of community development, through the director of fire protection or his or her deputy, may ~~((within five days after the date of the order appeal to the state fire protection board))~~ appeal such order pursuant to chapter 34.04 RCW. If the ~~((state fire protection board confirms the))~~ order is confirmed, the order shall remain in force and be complied with by the owner or occupant.

(3) Any owner or occupant failing to comply with any such order not appealed from or with any order so confirmed shall be punishable by a fine of not less than ten dollars nor more than fifty dollars for each day such failure exists.

Sec. 71. Section .33.06, chapter 79, Laws of 1947 as last amended by section 21, chapter 470, Laws of 1985 and RCW 48.48.060 are each amended to read as follows:

(1) The chief of each organized fire department, the sheriff or other designated county official, and the designated city or town official shall investigate the cause, origin, and extent of loss of all fires occurring within their respective jurisdictions, as determined by this subsection, and shall forthwith notify the ~~((state fire protection board))~~ director of community development, through the director of fire protection, of all fires of criminal, suspected, or undetermined cause occurring within their respective jurisdictions. The county fire marshal shall also be notified of and investigate all such fires occurring in unincorporated areas of the county. Fire departments shall have the responsibility imposed by this subsection for areas within their jurisdictions. Sheriffs or other designated county officials shall have responsibility imposed by this subsection for county areas not within the jurisdiction of a fire department, unless such areas are within the boundaries of a city or town, in which case the designated city or town official shall have the responsibility imposed by this subsection. For the purposes of this subsection, county officials shall be designated by the county legislative authority, and city or town officials shall be designated by the appropriate city or town legislative or executive authority. In addition to the responsibility imposed by this subsection, any sheriff or chief of police may assist in the investigation of the cause, origin, and extent of loss of all fires occurring within his or her respective jurisdiction.

(2) The ~~((state fire protection board))~~ director of community development, through the director of fire protection or his or her deputy, may investigate any fire for the purpose of determining its cause, origin, and the extent of the loss. The ~~((state fire protection board))~~ director of community development, through the director of fire protection or his or her deputy, shall assist in the investigation of those fires of criminal, suspected, or undetermined cause when requested by the reporting agency. In the investigation of any fire of criminal, suspected, or undetermined cause, the ~~((state fire protection board, the state fire marshal, deputy state fire marshals, or resident fire marshals, acting within their jurisdiction, are))~~ director of community development and the director of fire protection or his or her deputy, are vested with police powers to enforce the laws of this state. To exercise these powers, ~~((state deputy and resident fire marshals))~~ authorized deputies must receive prior written authorization from the ~~((state fire protection board))~~ director of community development, through the director of fire protection, and shall have completed a course of training prescribed by the Washington state criminal justice training commission.

Sec. 72. Section 2, chapter 181, Laws of 1980 as amended by section 22, chapter 470, Laws of 1985 and RCW 48.48.065 are each amended to read as follows:

(1) ~~((Beginning September 1, 1980,))~~ The chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the ~~((state fire protection board))~~ director of community development, through the director of fire protection, on each fire occurring within the official's jurisdiction. Reports shall be consistent with the national fire incident reporting system developed by the United States fire administration and rules established by the ~~((state fire marshal))~~ director of community development, through the director of fire protection. The ~~((state fire protection board))~~ director of community development, through the director of fire protection, and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The ~~((state fire protection board))~~ director of community development, through the director of fire protection, shall analyze the information and data reported, compile a report, and distribute a copy annually by January 31 to each chief fire official in the state. Upon request, the ~~((state fire protection board))~~ director of community development, through the director of fire protection, shall also furnish a copy of the report to any other interested person at cost.

Sec. 73. Section .33.07, chapter 79, Laws of 1947 as amended by section 23, chapter 470, Laws of 1985 and RCW 48.48.070 are each amended to read as follows:

In the conduct of any investigation into the cause, origin, or loss resulting from any fire, the ~~((state fire protection board))~~ director of community development and the director of fire protection shall have the same power and rights relative to securing the attendance of witnesses and the taking of testimony under oath as is conferred upon the insurance commissioner under RCW 48.03.070. False swearing by any such witness shall be deemed to be perjury and shall be subject to punishment as such.

Sec. 74. Section .33.08, chapter 79, Laws of 1947 as amended by section 24, chapter 470, Laws of 1985 and RCW 48.48.080 are each amended to read as follows:

If as the result of any such investigation, or because of any information received ~~((by it, the state fire protection board))~~, the director of community development, through the director of fire protection, is of the opinion that there is evidence sufficient to charge any person with any crime, ~~((it))~~ he or she may cause such person to be arrested and charged with such offense, and shall furnish to the prosecuting attorney of the county in which the offense was committed,

the names of witnesses and all pertinent and material evidence and testimony within ~~((its))~~ his or her possession relative to the offense.

Sec. 75. Section .33.09, chapter 79, Laws of 1947 as amended by section 25, chapter 470, Laws of 1985 and RCW 48.48.090 are each amended to read as follows:

The ~~((state fire protection board))~~ director of community development, through the director of fire protection, shall keep on file all reports of fires made to ~~((it or to the commissioner))~~ him or her pursuant to this code. Such records shall at all times during business hours be open to public inspection; except, that any testimony taken in a fire investigation may, in the discretion of the ~~((state fire protection board))~~ director of community development, through the director of fire protection, be withheld from public scrutiny. The ~~((state fire protection board))~~ director of community development, through the director of fire protection, may destroy any such report after five years from its date.

Sec. 76. Section .33.11, chapter 79, Laws of 1947 as last amended by section 26, chapter 470, Laws of 1985 and RCW 48.48.110 are each amended to read as follows:

The ~~((state fire protection board))~~ director of community development, through the director of fire protection, shall submit annually a report to the governor of this state. The report shall contain a statement of ~~((its))~~ his or her official acts pursuant to this chapter.

Sec. 77. Section 2, chapter 80, Laws of 1979 ex. sess. as amended by section 27, chapter 470, Laws of 1985 and RCW 48.50.020 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Authorized agency" means a public agency or its official representative having legal authority to investigate the cause of a fire and to initiate criminal proceedings or further investigations if the cause was not accidental, including the following persons and agencies:

(a) The ~~((state fire protection board))~~ director of community development and the director of fire protection;

(b) The prosecuting attorney of the county where the fire occurred;

(c) The state attorney general, when engaged in a prosecution which is or may be connected with the fire;

(d) The Federal Bureau of Investigation, or any other federal agency; and

(e) The United States attorney's office when authorized or charged with investigation or prosecution concerning the fire.

(2) "Insurer" means any insurer, as defined in RCW 48.01.050, which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan.

(3) "Relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the cause of any fire more probable or less probable than it would be without the information.

Sec. 78. Section 4, chapter 174, Laws of 1975 1st ex. sess. as last amended by section 89, chapter 370, Laws of 1985 and RCW 28C.04.040 are each amended to read as follows:

The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the higher education coordinating board and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: PROVIDED, That the commission shall review and approve state plan development proposals or special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

~~(4) ((Fire service training program. The commission may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in RCW 28C.04.140.~~

(5)) Job skills program. The commission shall have the following powers and duties for the job skills program:

(a) To collect and disseminate to interested individuals, in cooperation with and through any agencies of federal, state, and municipal government, information concerning areas of present and projected employment need, programs of skills training and education consistent therewith, and any other relevant information;

(b) To apply for, utilize, and accept grants from other federal, state, and local agencies for the purposes of matching requirements and to facilitate the purposes of RCW 28C.04.420 through 28C.04.480;

(c) To help identify, upon the request of business and industry, those educational institutions which could provide the training services sought by business and industry and to identify any existing programs which could serve the particular needs of business and industry;

(d) To provide job skills grants to educational institutions to facilitate the development of programs of job skills training and education consistent with employment needs;

(e) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(f) To adopt rules to carry out its powers and duties for the job skills program.

Sec. 79. Section 1, chapter 320, Laws of 1981 and RCW 4.24.400 are each amended to read as follows:

No building warden, who acts in good faith, with or without compensation, shall be personally liable for civil damages arising from his or her negligent acts or omissions during the course of assigned duties in assisting others to evacuate industrial, commercial, governmental or multi-unit residential buildings or in attempting to control or alleviate a hazard to the building or its occupants caused by fire, earthquake or other threat to life or limb. The term "building warden" means an individual who is assigned to take charge of the occupants on a floor or in an area of a building during an emergency in accordance with a predetermined fire safety or evacuation plan; and/or an individual selected by a municipal fire chief or the ~~((state fire marshal))~~ director of community development, through the director of fire protection, after an emergency is in progress to assist in evacuating the occupants of such a building or providing for their safety. This section shall not apply to any acts or omissions constituting gross negligence or wilful or wanton misconduct.

Sec. 80. Section 1, chapter 204, Laws of 1967 and RCW 9.40.100 are each amended to read as follows:

Any person who wilfully and without cause tampers with, molests, injures or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment, or who wilfully and without having reasonable grounds for believing a fire exists, sends, gives, transmits, or sounds any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone, is guilty of a misdemeanor. This provision shall not prohibit the testing of fire alarm systems by persons authorized to do so, by a fire department or ~~((state fire marshal official))~~ the director of community development, through the director of fire protection.

Sec. 81. Section 13, chapter 253, Laws of 1957 and RCW 18.20.130 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all boarding homes to be licensed hereunder, shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to boarding homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the ~~((state fire marshal))~~ director of community development,

through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ((state fire marshal)) director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the boarding home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ((state fire marshal)) director of community development, through the director of fire protection, he or she shall promptly make a written report to the boarding home and the department or authorized department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, authorized department, applicant or licensee shall notify the ((state fire marshal)) director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the ((state fire marshal)) director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the boarding home to be licensed meets with the approval of the ((state fire marshal)) director of community development, through the director of fire protection, he or she shall submit to the department or authorized department, a written report approving same with respect to fire protection before a full license can be issued. The ((state fire marshal)) director of community development, through the director of fire protection, shall make or cause to be made inspections of such homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ((state fire marshal)) director of community development, through the director of fire protection, to be equal to the minimum standards of the ((state fire marshal's)) code for boarding homes adopted by the director of community development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ((state fire marshal)) director of community development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 82. Section 12, chapter 168, Laws of 1951 and RCW 18.46.110 are each amended to read as follows:

Fire protection with respect to all maternity homes to be licensed hereunder, shall be the responsibility of the ((state fire marshal)) director of community development, through the director of fire protection, who shall adopt by reference, such recognized standards as may be applicable to nursing homes, places of refuge, and maternity homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the ((state fire marshal)) director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ((state fire marshal)) director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the maternity home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ((state fire marshal)) director of community development, through the director of fire protection, he or she shall promptly make a written report to the department as to the manner in which the premises may qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the ((state fire marshal)) director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the ((state fire marshal)) director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the maternity home to be licensed meets with the approval of the ((state fire marshal)) director of community development, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a license can be issued. The ((state fire marshal)) director of community development, through the director of fire protection, shall make or cause to be made such inspection of such maternity homes as he or she deems necessary.

In cities which have in force a comprehensive building code, the regulation of which is equal to the minimum standards of the ((state fire marshal's)) code for maternity homes adopted by the director of community development, through the director of fire protection, the building inspector and the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection and shall approve the premises before a license can be issued.

In cities where such building codes are in force, the ((state fire marshal)) director of community development, through the director of fire protection, may, upon request by the chief fire official, or the local governing body, or of a taxpayer of such city, assist in the enforcement of any such code pertaining to maternity homes.

Sec. 83. Section 15, chapter 117, Laws of 1951 as amended by section 9, chapter 160, Laws of 1953 and RCW 18.51.140 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the ((state fire marshal)) director of

community development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to nursing homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the ((state fire marshal)) director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ((state fire marshal)) director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the nursing home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ((state fire marshal)) director of community development, through the director of fire protection, he or she shall promptly make a written report to the nursing home and the department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the ((state fire marshal)) director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the ((state fire marshal)) director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the nursing home to be licensed meets with the approval of the ((state fire marshal)) director of community development, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a full license can be issued. The ((state fire marshal)) director of community development, through the director of fire protection, shall make or cause to be made inspections of such nursing homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ((state fire marshal)) director of community development, through the director of fire protection, to be equal to the minimum standards of the ((state fire marshal's)) code for nursing homes adopted by the director of community development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ((state fire marshal)) director of community development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 84. Section 16, chapter 2, Laws of 1981 1st ex. sess. as amended by section 45, chapter 67, Laws of 1983 1st ex. sess. and RCW 18.51.145 are each amended to read as follows:

Inspections of nursing homes by local authorities shall be consistent with the requirements of chapter 19.27 RCW, the state building code. Findings of a serious nature shall be coordinated with the department and the ((state fire marshal)) director of community development, through the director of fire protection, for determination of appropriate actions to ensure a safe environment for nursing home residents. The ((state fire marshal)) director of community development, through the director of fire protection, shall have exclusive authority to determine appropriate corrective action under this section.

Sec. 85. Section 5, chapter 134, Laws of 1983 as amended by section 16, chapter 360, Laws of 1985 and RCW 19.27A.110 are each amended to read as follows:

The ((state fire marshal)) director of community development, through the director of fire protection, is the only authority having jurisdiction over the approval of portable oil-fueled heaters. The sale and use of portable oil-fueled heaters is governed exclusively by RCW 19.27A.080 through 19.27A.120: PROVIDED, That cities and counties may adopt local standards as provided in RCW 19.27.040.

Sec. 86. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 40, Laws of 1984 and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Accredited, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to

exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(10) By rule or regulation promulgated upon the advice of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(11) Hear and decide appeals as otherwise provided by law.

Sec. 87. Section 7, chapter 36, Laws of 1979 ex. sess. as amended by section 9, chapter 201, Laws of 1985 and RCW 43.43.710 are each amended to read as follows:

Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies and, for the sole purpose of investigating the cause of fires under RCW 48.48.060(2) where the cause is suspected to be arson, to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon the filing of an application as provided in RCW 43.43.705.

Dependency record information contained in the files and records of the section shall be considered privileged and shall not be made public. Dependency record information may be disclosed as authorized by this chapter or may be disclosed to the same extent that information regarding dependency proceedings may generally be disclosed, as authorized by applicable laws or court rules.

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it.

Sec. 88. Section 2, chapter 237, Laws of 1983 as amended by section 1, chapter 145, Laws of 1984 and RCW 46.37.467 are each amended to read as follows:

(1) Every automobile, truck, motorcycle, motor home, or off-road vehicle that is fueled by an alternative fuel source shall bear a reflective placard issued by the national fire protection association indicating that the vehicle is so fueled. Violation of this subsection is a traffic infraction.

(2) As used in this section "alternative fuel source" includes propane, compressed natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.

(3) If a placard for a specific alternative fuel source has not been issued by the national fire protection association, a placard issued by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall be required. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall develop rules for the design, size, and placement of the placard which shall remain effective until a specific placard is issued by the national fire protection association.

Sec. 89. Section 1, chapter 50, Laws of 1980 and RCW 48.48.140 are each amended to read as follows:

(1) Smoke detection devices shall be installed inside all dwelling units:

(a) Occupied by persons other than the owner on and after December 31, 1981; or

(b) Built or manufactured in this state after December 31, 1980.

(2) The smoke detection devices shall be designed, manufactured, and installed inside dwelling units in conformance with:

(a) Nationally accepted standards; and

(b) As provided by the administrative procedure act, chapter 34.04 RCW, rules and regulations promulgated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

(3) Installation of smoke detection devices shall be the responsibility of the owner. Maintenance of smoke detection devices shall be the responsibility of the tenant, who shall maintain the device as specified by the manufacturer. At the time of a vacancy, the owner shall insure that the smoke detection device is operational prior to the reoccupancy of the dwelling unit.

(4) Any owner or tenant failing to comply with this section shall be punished by a fine of not more than fifty dollars.

(5) For the purposes of this section:

(a) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation; and

(b) "Smoke detection device" means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm-sounding device, operated from a power supply either in the unit or obtained at the point of installation.

Sec. 90. Section 1, chapter 258, Laws of 1983 and RCW 48.48.150 are each amended to read as follows:

(1) All premises guarded by guard animals, which are animals professionally trained to defend and protect premises or the occupants of the premises, shall be registered with the local fire department. Front entrances to residences and all entrances to business premises shall be posted in a visible location with signs approved by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, indicating that guard animals are present.

(2) A fire fighter, who reasonably believes that his or her safety is endangered by the presence of a guard animal, may without liability: (a) Refuse to enter the premises, or (b) take any reasonable action necessary to protect himself or herself from attack by the guard animal.

(3) If the person responsible for the guard animal being on the premises does not comply with subsection (1) of this section, that person may be held liable for any injury to the fire fighter caused by the presence of the guard animal.

Sec. 91. Section 4, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.040 are each amended to read as follows:

(1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in the manner prescribed under RCW 48.05.320 concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, under subsection (1) of this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency.

Sec. 92. Section 2, chapter 110, Laws of 1982 and RCW 48.53.020 are each amended to read as follows:

(1) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may designate certain classes of occupancy within a geographic area or may designate geographic areas as having an abnormally high incidence of arson. This designation shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy.

(2) A fire insurance policy may not be issued to insure any property within a class of occupancy within a geographic area or within a geographic area designated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, as having an abnormally high incidence of arson until the applicant has submitted an anti-arson application and the insurer or the insurer's representative has inspected the property. The application shall be prescribed by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, and shall contain but not be limited to the following:

(a) The name and address of the prospective insured and any mortgagees or other parties having an ownership interest in the property to be insured;

(b) The amount of insurance requested and the method of valuation used to establish the amount of insurance;

(c) The dates and selling prices of the property, if any, during the previous three years;

(d) Fire losses exceeding one thousand dollars during the previous five years for property in which the prospective insured held an equity interest or mortgage;

(e) Current corrective orders pertaining to fire, safety, health, building, or construction codes that have not been complied with within the time period or any extension of such time period authorized by the authority issuing such corrective order applicable to the property to be insured:

(f) Present or anticipated occupancy of the structure, and whether a certificate of occupancy has been issued:

(g) Signature and title, if any, of the person submitting the application.

(3) If the facts required to be reported by subsection (2) of this section materially change, the insured shall notify the insurer of any such change within fourteen days.

(4) An anti-arson application is not required for: (a) Fire insurance policies covering one to four-unit owner-occupied residential dwellings; (b) policies existing as of June 10, 1982; or (c) the renewal of these policies.

(5) An anti-arson application shall contain a notice stating: "Designation of a class of occupancy within a geographic area or geographic areas as having an abnormally high incidence of arson shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy."

Sec. 93. Section 6, chapter 110, Laws of 1982 and RCW 48.53.060 are each amended to read as follows:

Rules designating geographic areas or classes of occupancy as having an abnormally high incidence of arson, and any other rules necessary to implement this chapter shall be adopted by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, under chapter 34.04 RCW.

Sec. 94. Section 8, chapter 267, Laws of 1955 as amended by section 19, chapter 213, Laws of 1985 and RCW 70.41.080 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all hospitals to be licensed hereunder shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt, after approval by the department, such recognized standards as may be applicable to hospitals for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the state fire marshal in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the hospital to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as adopted pursuant to this chapter, he or she shall promptly make a written report to the hospital and to the department listing the corrective actions required and the time allowed for accomplishing such corrections. The applicant or licensee shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon completion of any corrections required by him or her, and the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the hospital to be licensed meets with the approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall submit to the department a written report approving the hospital with respect to fire protection, and such report is required before a full license can be issued. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall make or cause to be made inspections of such hospitals at least once a year.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, to be equal to the minimum standards of the ~~((state fire marshal's))~~ code for hospitals adopted by the director of community development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 95. Section 11, chapter 239, Laws of 1971 ex. sess. and RCW 70.62.290 are each amended to read as follows:

Rules and regulations establishing fire and life safety requirements, not inconsistent with the provisions of this chapter, shall continue to be promulgated and enforced by the ~~((state fire marshal's office))~~ director of community development, through the director of fire protection.

Sec. 96. Section 2, chapter 152, Laws of 1967 and RCW 70.75.020 are each amended to read as follows:

The standardization of existing fire protection equipment in this state shall be arranged for and carried out by or under the direction of the ~~((state fire marshal))~~ director of community development, through the director of fire protection. He or she shall provide the appliances necessary for carrying on this work, shall proceed with such standardization as rapidly as possible, and shall require the completion of such work within a period of five years from June 8, 1967: PROVIDED, That the ~~((state fire marshal))~~ director of community development, through the

director of fire protection, may exempt special purpose fire equipment and existing fire protection equipment from standardization when it is established that such equipment is not essential to the coordination of public fire protection operations.

Sec. 97. Section 3, chapter 152, Laws of 1967 and RCW 70.75.030 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall notify industrial establishments and property owners having equipment, which may be necessary for fire department use in protecting the property or putting out fire, of any changes necessary to bring their equipment up to the requirements of the standard established by RCW 70.75.020, and shall render such assistance as may be available for converting substandard equipment to meet standard specifications and requirements.

Sec. 98. Section 4, chapter 152, Laws of 1967 and RCW 70.75.040 are each amended to read as follows:

Any person who, without approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, sells or offers for sale in Washington any fire hose, fire engine or other equipment for fire protection purposes which is fitted or equipped with other than the standard thread is guilty of a misdemeanor: PROVIDED, That fire equipment for special purposes, research, programs, forest fire fighting, or special features of fire protection equipment found appropriate for uniformity within a particular protection area may be specifically exempted from this requirement by order of the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

Sec. 99. Section 11, chapter 228, Laws of 1961 as amended by section 7, chapter 230, Laws of 1982 and RCW 70.77.170 are each amended to read as follows:

"License" means a nontransferable formal authorization which the ~~((state fire marshal is))~~ director of community development and the director of fire protection are permitted to issue under this chapter to engage in the act specifically designated therein.

Sec. 100. Section 27, chapter 228, Laws of 1961 as last amended by section 7, chapter 249, Laws of 1984 and RCW 70.77.250 are each amended to read as follows:

(1) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall enforce and administer this chapter.

(2) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter.

(3) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may prescribe such rules relating to fireworks as may be necessary for the protection of life and property and for the implementation of this chapter.

(4) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall prescribe such rules as may be necessary to ensure state-wide minimum standards for the enforcement of this chapter. Counties, cities, and towns shall comply with such state rules. Any local rules adopted by local authorities that are more restrictive than state law as to the types of fireworks that may be sold shall have an effective date no sooner than one year after their adoption.

(5) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may exercise the necessary police powers to enforce the criminal provisions of this chapter. This grant of police powers does not prevent any other state agency or local government agency having general law enforcement powers from enforcing this chapter within the jurisdiction of the agency or local government.

Sec. 101. Section 38, chapter 228, Laws of 1961 as last amended by section 18, chapter 249, Laws of 1984 and RCW 70.77.305 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, has the power to issue licenses for the manufacture, importation, sale, and use of all fireworks in this state. A person may be licensed as a manufacturer, importer, or wholesaler under this chapter only if the person has a designated agent in this state who is registered with the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

Sec. 102. Section 40, chapter 228, Laws of 1961 as amended by section 20, chapter 230, Laws of 1982 and RCW 70.77.315 are each amended to read as follows:

Any person who desires to engage in the manufacture, importation, sale, or use of fireworks shall make a written application to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, on forms provided by him or her. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

Sec. 103. Section 42, chapter 228, Laws of 1961 as last amended by section 20, chapter 249, Laws of 1984 and RCW 70.77.325 are each amended to read as follows:

(1) Application for a license shall be made annually by every person holding an existing license who wishes to continue the activity requiring the license. The application shall be accompanied by the annual license fee as prescribed in RCW 70.77.340.

(2) A person applying for an annual license as a retailer under this chapter shall file an application by June 10 of the current year. The ~~((state fire marshal))~~ director of community

development, through the director of fire protection, shall grant or deny the license within fifteen days of receipt of the application.

(3) A person applying for an annual license as a manufacturer, importer, or wholesaler under this chapter shall file an application by January 31 of the current year. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall grant or deny the license within ninety days of receipt of the application.

Sec. 104. Section 43, chapter 228, Laws of 1961 as amended by section 22, chapter 230, Laws of 1982 and RCW 70.77.330 are each amended to read as follows:

If the ~~((state fire marshal))~~ director of community development, through the director of fire protection, finds that the granting of such license would not be contrary to public safety or welfare, he or she shall issue a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license.

Sec. 105. Section 48, chapter 228, Laws of 1961 as last amended by section 21, chapter 249, Laws of 1984 and RCW 70.77.355 are each amended to read as follows:

(1) Any adult person may secure a general license from the ~~((state fire marshal))~~ director of community development, through the director of fire protection, for the public display of fireworks within the state of Washington. A general license is subject to the provisions of this chapter relative to the securing of local permits for the public display of fireworks in any city, county, or fire protection district, except that in lieu of filing the bond or certificate of public liability insurance with the appropriate local official under RCW 70.77.260 as required in RCW 70.77.285, the same bond or certificate shall be filed with the ~~((state fire marshal))~~ director of community development, through the director of fire protection. The bond or certificate of insurance for a general license in addition shall provide that: (a) The insurer will not cancel the insured's coverage without fifteen days prior written notice to the ~~((state fire marshal))~~ director of community development, through the director of fire protection; (b) the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the state of Washington, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned; and (c) the state is not responsible for any premium or assessments on the policy.

(2) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may issue such general licenses. The holder of a general license shall file a certificate from the ~~((state fire marshal))~~ director of community development, through the director of fire protection, evidencing the license with any application for a local permit for the public display of fireworks under RCW 70.77.260.

Sec. 106. Section 49, chapter 228, Laws of 1961 as last amended by section 22, chapter 249, Laws of 1984 and RCW 70.77.360 are each amended to read as follows:

If the ~~((state fire marshal))~~ director of community development, through the director of fire protection, finds that an application for any license under this chapter contains a material misrepresentation or that the granting of any license would be contrary to the public safety or welfare, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, may deny the application for the license.

Sec. 107. Section 50, chapter 228, Laws of 1961 as last amended by section 23, chapter 249, Laws of 1984 and RCW 70.77.365 are each amended to read as follows:

A written report by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or a local fire official, or any of their authorized representatives, disclosing that the applicant for a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license constitutes grounds for the denial by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, of any application for a license.

Sec. 108. Section 52, chapter 228, Laws of 1961 as amended by section 30, chapter 230, Laws of 1982 and RCW 70.77.375 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this chapter, if he or she finds that:

(1) The licensee has violated any provisions of this chapter or any rule or regulations made by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, under and with the authority of this chapter;

(2) The licensee has created or caused a fire nuisance;

(3) Any licensee has failed or refused to file any required reports; or

(4) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in refusing originally to issue such license.

Sec. 109. Section 60, chapter 228, Laws of 1961 as last amended by section 25, chapter 249, Laws of 1984 and RCW 70.77.415 are each amended to read as follows:

Every public display of fireworks shall be handled or supervised by a pyrotechnic operator licensed by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, under RCW 70.77.255.

Sec. 110. Section 63, chapter 228, Laws of 1961 as last amended by section 28, chapter 249, Laws of 1984 and RCW 70.77.430 are each amended to read as follows:

Notwithstanding RCW 70.77.255, following the revocation or expiration of a license, a licensee in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks, but only under supervision of the ~~((state fire marshal))~~ director of community development, through the director of fire protection. Any sale under this section shall be solely to persons who are authorized to buy, possess, sell, or use such fireworks.

Sec. 111. Section 64, chapter 228, Laws of 1961 as amended by section 37, chapter 230, Laws of 1982 and RCW 70.77.435 are each amended to read as follows:

Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or the rules or regulations of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall be subject to seizure by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or ~~((any))~~ his or her deputy ((state fire marshal)). Any fireworks seized under this section may be disposed of by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, by summary destruction at any time subsequent to thirty days from such seizure or ten days from the final termination of proceedings under the provisions of RCW 70.77.440, whichever is later.

Sec. 112. Section 65, chapter 228, Laws of 1961 as amended by section 29, chapter 249, Laws of 1984 and RCW 70.77.440 are each amended to read as follows:

(1) Any person whose fireworks are seized under the provisions of RCW 70.77.435 may within ten days after such seizure petition the ~~((state fire marshal))~~ director of community development, through the director of fire protection, to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, within fifteen days after filing and an oral hearing granted the petitioner, if requested. Notice of the decision of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall be served upon the petitioner. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, is final unless within sixty days an action is commenced in a court of competent jurisdiction in the state of Washington for the recovery of the fireworks seized by the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

(2) If the fireworks are not returned to the petitioner or destroyed pursuant to RCW 70.77.435, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, may sell confiscated common fireworks and special fireworks that are legal for use and possession under this chapter to wholesalers licensed by the ~~((state fire marshal))~~ director of community development, through the director of fire protection. Sale shall be by public auction after publishing a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the auction is to be held, at least three days before the date of the auction. The proceeds of the sale of the seized fireworks under this section shall be deposited in the general fund. Fireworks that are not legal for use and possession in this state shall be destroyed by the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

Sec. 113. Section 67, chapter 228, Laws of 1961 and RCW 70.77.450 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this chapter. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the ~~((state fire marshal))~~ director of community development, through the director of fire protection, his or her deputies, his or her salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section.

Sec. 114. Section 68, chapter 228, Laws of 1961 as amended by section 38, chapter 230, Laws of 1982 and RCW 70.77.455 are each amended to read as follows:

All licensees shall maintain and make available to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, full and complete records showing all production, imports, exports, purchases, sales, and consumption of fireworks items by kind and class.

Sec. 115. Section 69, chapter 228, Laws of 1961 and RCW 70.77.460 are each amended to read as follows:

When reports on fireworks transactions or the payments of license fees or penalties are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

Sec. 116. Section 70, chapter 228, Laws of 1961 and RCW 70.77.465 are each amended to read as follows:

In addition to any other reports required under this chapter, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, may, by rule or otherwise, require additional, other, or supplemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports.

Sec. 117. Section 8, chapter 249, Laws of 1984 and RCW 70.77.575 are each amended to read as follows:

(1) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall adopt by rule a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall file the list by October 1st of each year with the code reviser for publication, unless the previously published list has remained current.

(2) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall provide the list adopted under subsection (1) of this section by November 1st of each year to all manufacturers, wholesalers, and importers licensed under this chapter, unless the previously distributed list has remained current.

Sec. 118. Section 9, chapter 249, Laws of 1984 and RCW 70.77.580 are each amended to read as follows:

Retailers required to be licensed under this chapter shall post prominently at each retail outlet a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The posted list shall be in a form approved by the ~~((state fire marshal))~~ director of community development, through the director of fire protection. The ~~((fire marshal))~~ director of community development, through the director of fire protection, shall make available the list.

Sec. 119. Section 2, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.020 are each amended to read as follows:

The department after notice and public hearing shall:

(1) Adopt regulations designating as extremely hazardous wastes subject to the provisions of this chapter those substances which exhibit characteristics consistent with the definition provided in RCW 70.105.010(6);

(2) Adopt and may revise when appropriate, minimum standards and regulations for disposal of extremely hazardous wastes to protect against hazards to the public, and to the environment. Before adoption of such standards and regulations, the department shall consult with appropriate agencies of interested local governments and secure technical assistance from the department of agriculture, the department of social and health services, the department of game, the department of natural resources, the department of fisheries, the department of labor and industries, and the ~~((state fire marshal))~~ department of community development, through the director of fire protection.

Sec. 120. Section 23, chapter 302, Laws of 1971 ex. sess. as amended by section 1, chapter 123, Laws of 1972 ex. sess. and RCW 70.108.040 are each amended to read as follows:

Application for an outdoor music festival permit shall be in writing and filed with the clerk of the issuing authority wherein the festival is to be held. Said application shall be filed not less than ninety days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:

(1) The name of the person or other legal entity on behalf of whom said application is made: PROVIDED, That a natural person applying for such permit shall be eighteen years of age or older;

(2) A financial statement of the applicant;

(3) The nature of the business organization of the applicant;

(4) Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;

(5) The principal place of business of applicant;

(6) A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;

(7) The scheduled performances and program;

(8) Written confirmation from the local health officer that he or she has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the state board of health. Such rules and regulations shall include criteria as to the following and such other matters as the state board of health deems necessary to protect the public's health:

- (a) Submission of plans
- (b) Site
- (c) Water supply
- (d) Sewage disposal
- (e) Food preparation facilities
- (f) Toilet facilities
- (g) Solid waste
- (h) Insect and rodent control
- (i) Shelter
- (j) Dust control
- (k) Lighting
- (l) Emergency medical facilities
- (m) Emergency air evacuation
- (n) Attendant physicians
- (o) Communication systems

(9) A written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:

(a) One person for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control.

(b) The names and addresses of all traffic and crowd control personnel shall be provided to the appropriate law enforcement authority; PROVIDED, That not less than twenty percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs; PROVIDED FURTHER, That on and after February 25, 1972 any commissioned police officer or deputy sheriff who is employed and compensated by the promoter of an outdoor music festival shall not be eligible and shall not receive any benefits whatsoever from any public pension or disability plan of which he or she is a member for the time he is so employed or for any injuries received during the course of such employment.

(c) During the hours that the festival site shall be open to the public there shall be at least one regularly commissioned police officer employed by the jurisdiction wherein the festival site is located for every one thousand persons in attendance and said officer shall be on duty within the confines of the actual outdoor music festival site.

(d) All law enforcement personnel shall be charged with enforcing the provisions of this chapter and all existing statutes, ordinances and regulations.

(10) A written confirmation from the appropriate law enforcement authority that sufficient access roads are available for ingress and egress to the parking areas of the outdoor music festival site and that parking areas are available on the actual site of the festival or immediately adjacent thereto which are capable of accommodating one auto for every four persons in estimated attendance at the outdoor music festival site.

(11) A written confirmation from the department of natural resources, where applicable, and the ~~((office of the state fire marshal))~~ director of community development, through the director of fire protection, that all fire prevention requirements have been complied with.

(12) A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor music festival.

(13) A statement that the applicant will abide by the provisions of this chapter.

(14) The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury.

Sec. 121. Section 6, chapter 236, Laws of 1985 and RCW 70.160.060 are each amended to read as follows:

This chapter is not intended to regulate smoking in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or by other law, ordinance, or regulation.

Sec. 122. Section 1, chapter 224, Laws of 1959 as amended by section 135, chapter 141, Laws of 1979 and RCW 71.12.485 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all establishments to be licensed hereunder, shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to such establishments for the protection of life against the cause and spread of fire and fire hazards. The department of social and health services, upon receipt of an application for a license, or renewal of a license, shall submit to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy shall make an inspection of the establishment to be licensed, and if it is found that the premises do not comply

with the required safety standards and fire regulations as promulgated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall promptly make a written report to the establishment and the department of social and health services as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department of social and health services, applicant or licensee shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the state fire marshal or his or her deputy shall make a reinspection of such premises. Whenever the establishment to be licensed meets with the approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall submit to the department of social and health services a written report approving same with respect to fire protection before a full license can be issued. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall make or cause to be made inspections of such establishments at least annually. The department of social and health services shall not license or continue the license of any establishment unless and until it shall be approved by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, as herein provided.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, to be equal to the minimum standards of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, for such establishments, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, and they shall jointly approve the premises before a full license can be issued.

Sec. 123. Section 5, chapter 172, Laws of 1967 as last amended by section 8, chapter 118, Laws of 1982 and RCW 74.15.050 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the children's services advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he or she deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030(6) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of social and health services before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120.

Sec. 124. Section 8, chapter 172, Laws of 1967 as amended by section 359, chapter 141, Laws of 1979 and RCW 74.15.080 are each amended to read as follows:

All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall accord the department of social and health services ~~((and the state fire marshal))~~ the director of community development, and the director of fire protection, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted thereunder.

NEW SECTION. Sec. 125. All reports, documents, surveys, books, records, files, papers, or other written material in the possession of the insurance commissioner or the state fire protection board pertaining to the office of the state fire marshal or the state fire protection board shall be delivered to the custody of the department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the insurance commissioner or the state fire protection board in carrying out the powers and duties of the state fire marshal or the state fire protection board shall be transferred to the department. All funds, credits, or other assets held in connection with the state fire marshal's office or the state fire protection board shall be assigned to the department.

Any appropriations made to the insurance commissioner or the state fire protection board for the purpose of carrying out the powers and duties of the state fire marshal or the state fire protection board, shall, on the effective date of this section, be transferred and credited to the department for the purpose of carrying out the transferred powers and duties.

Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions of the state fire marshal's office or the state fire protection board, the director of financial management shall make a determination as to the proper allocation and

certify the same to the state agencies concerned. All transfers made under this section shall be used to carry out the purposes of sections 54 through 124 of this act.

NEW SECTION. Sec. 126. All employees of the state fire marshal's office and the state fire protection board are transferred to the jurisdiction of the department. All classified employees subject to chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. All transfers made under this section shall be used to carry out the purposes of sections 54 through 124 of this act.

NEW SECTION. Sec. 127. All rules and all pending business before the state fire marshal's office or the state fire protection board on the effective date of this section shall be continued and acted upon in accordance with the provisions of sections 54 through 124 of this act. All existing contracts and obligations shall remain in full force and effect and shall be performed in accordance with the provisions of this act.

NEW SECTION. Sec. 128. The transfer of the powers, duties, functions, and personnel of the state fire marshal's office and the state fire protection board shall not affect the validity of any act performed by such employee prior to the effective date of this section.

NEW SECTION. Sec. 129. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission for vocational education or the state fire protection board and pertaining to fire service training shall be delivered to the custody of the department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission for vocational education or the state fire protection board in fire service training shall be transferred to the department. All funds, credits, or other assets held in connection with fire service training shall be assigned to the department.

Any appropriations made to the commission for vocational education or the state fire protection board for fire service training shall, on the effective date of this section, be transferred and credited to the department.

Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned. All transfers made under this section shall be used to carry out the purposes of sections 54 through 124 of this act.

NEW SECTION. Sec. 130. All employees of the commission for vocational education and the state fire protection board engaged in fire service training are transferred to the department. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. All transfers made under this section shall be used to carry out the purposes of sections 54 through 124 of this act.

NEW SECTION. Sec. 131. All rules and all pending business before the commission for vocational education or the state fire protection board pertaining to fire service training shall be continued and acted upon in accordance with the provisions of sections 54 through 124 of this act. All existing contracts and obligations shall remain in full force and effect and shall be performed in accordance with sections 54 through 124 of this act.

NEW SECTION. Sec. 132. The transfer of the powers, duties, functions, and personnel of the commission for vocational education or the state fire protection board pertaining to fire service training shall not affect the validity of any act performed by such employee prior to the effective date of this section.

NEW SECTION. Sec. 133. If apportionments of budgeted funds are required because of the transfers directed by sections 125 through 132 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 134. As used in sections 125 through 133 of this act, "department" means the department of community development.

NEW SECTION. Sec. 135. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 312, Laws of 1985 and RCW 28C.04.142;
- (2) Section 2, chapter 312, Laws of 1985 and RCW 28C.04.144;
- (3) Section 1, chapter 470, Laws of 1985 and RCW 48.48.001;
- (4) Section 2, chapter 470, Laws of 1985 and RCW 48.48.005;
- (5) Section 4, chapter 470, Laws of 1985 and RCW 48.48.011;
- (6) Section 6, chapter 470, Laws of 1985 and RCW 48.48.015;
- (7) Section 7, chapter 470, Laws of 1985 and RCW 48.48.021;
- (8) Section 8, chapter 470, Laws of 1985 and RCW 48.48.025;
- (9) Section 10, chapter 470, Laws of 1985 and RCW 48.48.028;
- (10) Section 11, chapter 470, Laws of 1985 and RCW 41.06.091;

- (11) Section 28, chapter 470, Laws of 1985 (uncodified);
- (12) Section 29, chapter 470, Laws of 1985 (uncodified);
- (13) Section 30, chapter 470, Laws of 1985 (uncodified);
- (14) Section 31, chapter 470, Laws of 1985 (uncodified);
- (15) Section 32, chapter 470, Laws of 1985 (uncodified);
- (16) Section 33, chapter 470, Laws of 1985 (uncodified);
- (17) Section 34, chapter 470, Laws of 1985 (uncodified);
- (18) Section 35, chapter 470, Laws of 1985 (uncodified); and
- (19) Section 36, chapter 470, Laws of 1985 (uncodified)."

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, I believe that the amendment by Senator Benitz was adopted, is that correct?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes."

Senator Vognild: "This amendment that I have would strike the amendment that was just adopted?"

President Cherberg: "If you have the votes, Senator."

MOTION

On motion of Senator Benitz, the following amendment to the amendment by Senators Vognild and Thompson was adopted:

On page 5, following line 20, insert the following:

"(5) The director of fire protection shall designate a deputy who shall be known as the state coordinator for radioactive and hazardous waste emergency response programs. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency;

(d) Undertaking other duties in this area that are deemed appropriate by the board and the director."

Renumber the remaining subsections consecutively.

The President declared the question before the Senate to be adoption of the amendment by Senators Vognild and Thompson, as amended.

The motion by Senator Vognild carried and the amendment, as amended, was adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1709, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1709, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1709, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Sellar - 1.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1709, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1825, by Representatives Vekich, Basich, McMullen, Peery and May (by request of Department of Community Development)

Authorizing the use of the local hotel/motel tax to develop strategies to expand tourism.

The bill was read the second time.

MOTION

Senator McDermott moved that the following amendment be adopted:

On page 1, line 23 after "43.165.010" insert ": PROVIDED, That any county, and any city within a county, bordering upon Grays Harbor shall use the proceeds of such taxes solely for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to the effective date of this act"

Debate ensued.

POINT OF INQUIRY

Senator Owen: "Senator McDermott, there seems to be a difference of opinion back here in the hinterlands of where that money starts from. The way I read the amendment if, in fact, we in Mason County or Jefferson County or Pacific County collect this tax, that it shall be used for that project in Grays Harbor County. Is that correct?"

Senator McDermott: "Your question was if it's collected in Grays Harbor County?"

Senator Owen: "The way I read the amendment that the proceeds that are collected from this tax shall go to the project in Grays Harbor County, if you are a county or city that borders Grays Harbor."

Senator McDermott: "Senator Owen, if you read the language, it is only the county that borders Grays Harbor not Grays Harbor County--Grays Harbor the geographical. We were trying to write a general description rather than say specifically legislation for one area, so we said any county and city within a county bordering upon Grays Harbor, which is essentially Grays Harbor County if you read through all the--I had an attorney draw this up--that's why it looks like this."

Senator Owen: "So it's that tax that is collected in that county?"

Senator McDermott: "That's correct."

Senator Owen: "What I've been told back here and what I'm trying to get a clarification from is that somehow, by this amendment, we would get revenue back from somebody else and I don't see that happening."

Senator McDermott: "It's Grays Harbor County money being used on a Grays Harbor County project."

Senator Owen: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Halsan: "Senator McDermott, I would assume that this hotel/motel tax currently exists in Grays Harbor County. Is the revenue therefrom being used for any particular purpose to your knowledge?"

Senator McDermott: "The bill, when it was originally passed in 1967, was supposed to be for debt service. Now, what we've done since 1967, since a lot of people weren't building anything, was gradually open this up and it is used in the county general operating fund for parks and a variety of other things and that is not what it was intended for in the first place, so this amendment is to say, 'if you want this project, here's the place you ought to put the money' rather than using it for whatever other purposes they decide they want to do."

Senator Halsan: "So in effect what this would do would be to grab all the money that is being used presently for other noble services in Grays Harbor County and put it into this project?"

Senator McDermott: "Except, Senator, for the debt service, because we excluded that. If you look at the amendment, it says on the last line, 'except to the extent that such proceeds are used for payment of principal and interest on debts

incurred prior to the effective date of this act.' The city of Ocean Shores is using about six million dollars for--the amount that they get in that area is being used for the debt service. The other places are just using it in the county general fund."

Further debate ensued.

MOTION

On motion of Senator Hayner, the following amendment to the amendment by Senator McDermott was adopted:

On line 4 of Senator McDermott's amendment strike "shall" and insert "may"

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott, as amended.

The motion by Senator McDermott carried and the amendment, as amended, was adopted.

MOTION

Senator DeJarnatt moved that the following amendment be adopted:

On page 1, line 23, after "RCW 43.165.010" insert ", in the following manner: A special fund shall be set up within the state general fund to be called the historic preservation tourism account. Ten percent of the revenues from the taxes levied pursuant to RCW 67.28.180 in class AA counties shall be transferred by said counties to the historic preservation tourism account in the state general fund. Moneys from this account shall be distributed pursuant to grant by the department of community development to projects in distressed areas promoting tourism through historic preservation or reconstruction of historic structures or vessels."

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator DeJarnatt, would you define what RCW 67.28.180 is?"

Senator DeJarnatt: "I believe that's the hotel/motel tax."

Senator Bluechel: "In King County?"

Senator DeJarnatt: "You could be right, yes."

Further debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator DeJarnatt.

ROLL CALL

The Secretary called the roll and the motion by Senator DeJarnatt carried and the amendment was adopted by the following vote: Yeas, 23; nays, 22; absent, 3; excused, 1.

Voting yea: Senators Benitz, Deccio, DeJarnatt, Garrett, Gaspard, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, McCaslin, McManus, Metcalf, Moore, Owen, Patterson, Saling, Sellar, Thompson, Warnke, Wojahn, Zimmerman - 23.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Fleming, Goltz, Hansen, Kreidler, Lee, McDermott, McDonald, Newhouse, Peterson, Pullen, Rasmussen, Talmadge, Vognild, von Reichbauer - 22.

Absent: Senators Conner, Rinehart, Williams - 3.

Excused: Senator Stratton - 1.

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 1825, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1825, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1825, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon,

Kreidler, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.
 Voting nay: Senators Barr, Bluechel, Cantu, Craswell, Guess, Lee, McDermott, McDonald, Moore, Pullen, Rasmussen, Sellar - 12.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1825, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:15 p.m., on motion of Senator Vognild, the Senate recessed until 6:30 p.m.

EVENING SESSION

The Senate was called to order at 6:37 p.m. by President Cherberg.

SECOND READING

HOUSE BILL NO. 1450, by Representative Baugher

Authorizing performance standards for motor vehicle equipment.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1450.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1450 and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Benitz, Hansen, Sellar - 3.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1795, by Representatives Belcher, Long, Thomas, Wineberry, Armstrong and Brough

Requiring additional information in child support orders.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered simultaneously and adopted:

On page 1, line 20, after "or" strike the remainder of the subsection and insert "the formula by which the calculation of support is made;"

On page 1, line 27, after "has" insert "or parties have"

On page 2, line 18, after "or" strike the remainder of the subsection and insert "the formula by which the calculation of support is made;"

On page 2, line 25, after "has" insert "or parties have"

On page 3, line 10, after "or" strike the remainder of the subsection and insert "the formula by which the calculation of support is made;"

On page 3, line 17, after "has" insert "or parties have"

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1795, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1795, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1795, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1795, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1992, by Committee on Ways and Means (originally sponsored by Representatives Wineberry, Grimm, Vander Stoep, J. King, Holland, Allen, Niemi, Tilly, O'Brien, Appelwick, Basich, Unsoeld, Jacobsen, Hine, Fisher, McMullen, Smitherman, Locke, Belcher, Lux, D. Nelson, Braddock, Madsen, Rust, Kremen, Addison, Cole, Sayan, Leonard, Todd, Lewis, Vekich, Hargrove, Bristow and Hankins)

Restricting state investments in countries with apartheid policies.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 1, line 12, delete "or any provision of funds which support the operation of a business firm"

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 2, line 4, after "policy" insert "such"

Senator Lee moved that the following amendment be adopted:

On page 1, line 11, following "the" insert "direct"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee carried and the amendment was adopted by the following vote: Yeas, 24; nays, 21; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Rinehart, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn - 21.

Absent: Senators Bottiger, Conner, Peterson - 3.

Excused: Senator Stratton - 1.

MOTION

Senator Bailey moved that the following amendments be considered simultaneously and adopted:

On page 1, line 13, following "firm" insert "except where such purchases enable meaningful progress toward achieving the economic advancement of the peoples of South Africa without regard to color, creed, nationality, or race. Economic advancement is to include, but

not be limited to, the provision of gainful employment for those who would otherwise be unemployed or underemployed and which results in greater personal and family incomes and standards of living"

On page 2, line 1 following "loans" insert "except where such activity enables meaningful progress toward achieving the economic advancement of the peoples of South Africa without regard to color, creed, nationality, or race. Economic advancement is to include, but not be limited to, the provision of gainful employment for those who would otherwise be unemployed or underemployed and which results in greater personal and family incomes and standards of living"

Debate ensued.

MOTION

Senator McDermott moved that further consideration of Engrossed Substitute House Bill No. 1992 be deferred.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McDermott that further consideration of Engrossed Substitute House Bill No. 1992 be deferred.

The motion by Senator McDermott carried and further consideration of Engrossed Substitute House Bill No. 1992 was deferred.

SECOND READING

HOUSE BILL NO. 1462, by Representatives Lux, Winsley, Nutley, Holland, Locke, Zellinsky, Grimm, Dellwo, Van Luven, P. King, Addison, Crane, Fisch, Leonard, D. Nelson, Cole, Unsoeld, Fisher, Tilly, Allen, R. King, Wineberry, Wang, Vekich and Rayburn

Establishing regulations to govern the sale of nursing home insurance policies.

The bill was read the second time.

MOTION

Senator Moore moved that the following Committee on Financial Institutions amendment not be adopted:

On page 2, line 21, strike subsection "(1)"

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Moore to not adopt the Committee on Financial Institutions amendment on page 2, line 21.

The motion by Senator Moore carried and the committee amendment was not adopted.

MOTION

Senator Moore moved that the following Committee on Financial Institutions amendment be adopted:

On page 2, line 34, strike subsection "(6)"

Renumber the remaining subsection accordingly

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Moore, for clarification of the rest of the body, would you advise what a 'yes' vote does and what a 'no' vote does?"

Senator Moore: "Senator Deccio, you will recall what I told you when you asked that question."

Senator Deccio: "For my benefit and for the others."

The President declared the question before the Senate to be adoption of the Committee on Financial Institutions amendment.

The motion by Senator Moore carried and the committee amendment was adopted.

MOTION

On motion of Senator Zimmerman, Senator Cantu was excused.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1462, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1462, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1462, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Guess - 1.

Absent: Senator Conner - 1.

Excused: Senators Cantu, Stratton - 2.

HOUSE BILL NO. 1462, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1382 and the pending amendment by Senator Pullen on page 13, line 25, deferred earlier today.

MOTION

On motion of Senator Pullen, and there being no objection, the amendment was withdrawn.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 1382, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1382, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1382, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Conner - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1382, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Talmadge served notice that he would move to reconsider the vote by which House Bill No. 1462, as amended by the Senate, passed the Senate earlier today.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1403, by Committee on Natural Resources (originally sponsored by Representatives Sutherland, Lundquist, Cole, Sanders and Leonard)

Clarifying the forest protection statutes.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1403.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1403 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Conner - 1.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1415, by Representatives Locke, Wang, Belcher, Niemi, Miller, Vander Stoep, Allen, Prince, Unsoeld, Jacobsen and Lux

Authorizing the redress of civil right restrictions resulting from federal Executive Order 9066.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Talmadge, is this supposed to respond directly to the Seattle School District?"

Senator Talmadge: "Senator McDermott, it is."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1415.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1415 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Deccio - 1.

Absent: Senators Conner, Newhouse - 2.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1458, by Committee on Local Government (originally sponsored by Representatives Zellinsky, Haugen, Fisch, Hargrove, Schmidt, Bristow, P. King and Unsoeld)

Providing penalties for violations of laws relating to public water supply systems.

The bill was read the second time.

MOTION

Senator Thompson moved that the following Committee on Governmental Operations amendments be considered simultaneously and not be adopted:

On page 2, line 23, after "than" strike "five" and insert "one"

On page 2, line 23, after "day" strike all material through "offense," on line 25 and insert "": PROVIDED, That any person operating as a public water supplier who is subject to regulation by the utilities and transportation commission shall be subject to a penalty of five thousand dollars per day for every violation of the provisions of section 3 of this act."

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Thompson, in connection with the non-adoption of this amendment, would we then be deciding that we would have the 5,000 dollar a day fine and would be the only fine open then to be applied to all sized water systems that are included in the bill? O.K. We have no other way of reducing that in terms of any other--well, until we bring another bill another year? I see."

The President declared the question before the Senate to be the motion by Senator Thompson to not adopt the two Committee on Governmental Operations amendments.

The motion by Senator Thompson carried and the committee amendments were not adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Bender, Senator Conner was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1458.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1458 and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Bauer, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Moore, Owen, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Williams, Zimmerman - 26.

Voting nay: Senators Bailey, Barr, Bender, Benitz, Bottiger, Deccio, Gaspard, Guess, Halsan, Hansen, Hayner, McDermott, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, von Reichbauer, Warnke, Wojahn - 21.

Excused: Senators Conner, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1505, by Committee on Ways and Means (originally sponsored by Representatives Smitherman, Wineberry, Hargrove, Brekke, McMullen, Schoon, Unsoeld, J. King, Jacobsen, B. Williams, D. Nelson, Zellinsky, Tanner, Ballard, S. Wilson, Fisher, Kremen, Braddock, Peery, Long, Silver, Addison, Brough, May, Doty, Wang, P. King, Todd and Niemi)

Establishing a pilot project to employ those hard to employ.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 3, line 33, after "benefits," insert "No program participant shall be entitled to participate in the program more than nine months."

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 5, beginning on line 16, strike all of Section 11 and renumber the remaining sections accordingly.

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 2 of the title strike "": and making an appropriation"

On motion of Senator Warnke, the rules were suspended, Second Substitute House Bill No. 1505, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 1505, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 1505, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Hayner, Pullen, Sellar - 3.

Excused: Senators Conner, Stratton - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1505, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1687, by Committee on Higher Education (originally sponsored by Representatives Sommers, Prince and Silver)

Regulating private vocational schools.

The bill was read the second time.

MOTION

Senator Gaspard moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of this chapter to protect against practices by private vocational schools which are false, deceptive, misleading, or unfair, and to help ensure adequate educational quality at private vocational schools.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means the commission for vocational education or its successor.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers

to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "To grant" includes to award, issue, sell, confer, bestow, or give.

(9) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

NEW SECTION. Sec. 3. This chapter does not apply to:

(1) Bona fide trade, business, professional, or fraternal organizations sponsoring educational programs primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Entities offering education that is exclusively avocational or recreational;

(3) Education not requiring payment of money or other consideration if this education is not advertised or promoted as leading toward educational credentials;

(4) Entities that are established, operated, and governed by this state or its political subdivisions under Title 28A, 28B, or 28C RCW;

(5) Degree-granting programs in compliance with the rules of the higher education coordinating board;

(6) Any other entity to the extent that it has been exempted from some or all of the provisions of this chapter under section 10 of this act;

(7) Entities not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives and represented accurately in institutional catalogs or other official publications;

(8) Entities certified by the federal aviation administration;

(9) Barber and cosmetology schools licensed under chapter 18.16 RCW;

(10) Entities which only offer courses approved to meet the continuing education requirements for licensure under chapters 18.04, 18.78, 18.88, or 48.17 RCW; and

(11) Entities not otherwise exempt offering only workshops or seminars lasting no longer than three calendar days.

NEW SECTION. Sec. 4. The agency:

(1) Shall maintain a list of private vocational schools licensed under this chapter;

(2) Shall adopt rules in accordance with chapter 34.04 RCW to carry out this chapter;

(3) May investigate any entity the agency reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the agency may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the agency deems relevant or material to the investigation. The agency, including its staff and any other authorized persons, may conduct site inspections and examine records of all schools subject to this chapter;

(4) Shall develop an interagency agreement with the higher education coordinating board to regulate degree-granting private vocational schools with respect to nondegree programs.

NEW SECTION. Sec. 5. (1) The agency shall adopt by rule minimum standards for private vocational schools. The minimum standards shall include, but not be limited to, requirements for each school to:

(a) Disclose to the agency information about its ownership and financial position and to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.17 RCW.

(b) Follow a uniform state-wide cancellation and refund policy as specified by the agency.

(c) Disclose through use of a school catalog, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what information is required.

(d) Use an enrollment contract or agreement that includes: (i) The cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries may be made to the agency, and (iii) other necessary information as determined by the agency.

(2) The agency shall deny, revoke, or suspend the license of any school that does not meet or maintain the minimum standards.

NEW SECTION. Sec. 6. Any entity desiring to operate a private vocational school shall apply for a license to the agency on a form provided by the agency. The agency shall issue a license if the school:

(1) Files a completed application with information satisfactory to the agency. Misrepresentation by an applicant shall be grounds for the agency, at its discretion, to deny or revoke a license.

(2) Files the surety bond or other security required under this chapter.

(3) Pays the required fees.

(4) Meets the minimum standards adopted by the agency under section 5 of this act.

Licenses shall be valid for one year from the date of issue unless revoked or suspended. If a school fails to file a completed renewal application at least thirty days before the expiration date of its current license the school shall be subject to payment of a late filing fee fixed by the agency.

NEW SECTION. Sec. 7. The agency shall establish fees by rule at a level necessary to approximately recover the staffing costs incurred in administering this chapter. All fees collected under this section shall be deposited in the state general fund.

NEW SECTION. Sec. 8. (1) Each private vocational school shall have on file with the agency an approved surety bond or other security in lieu of a bond. The bond or other security shall be in an amount not less than five thousand dollars but no more than two hundred thousand dollars. Security shall be determined on an incremental scale based on the average amount of unearned prepaid tuition in possession of the school, as determined by the agency.

(2) In lieu of a surety bond, a private vocational school may deposit with the agency a cash deposit or other negotiable security acceptable to the agency. The security deposited with the agency in lieu of the surety bond shall be returned to the school one year after the school's license has expired or been revoked if legal action has not been instituted against the school or the security deposit at the expiration of the year. The obligations and remedies relating to surety bonds authorized by this section, including but not limited to the settlement of claims procedure in subsection (5) of this section, shall apply to deposits filed with the agency, as applicable.

(3) Each bond shall:

(a) Be executed by the private vocational school as principal and by a corporate surety licensed to do business in the state;

(b) Be payable to the state for the benefit and protection of any student or enrollee of a private vocational school, or, in the case of a minor, his or her parents or guardian;

(c) Be conditioned on compliance with all provisions of this chapter and the agency rules adopted under this chapter;

(d) Require the surety to give written notice to the agency at least thirty-five days before cancellation of the bond; and

(e) Remain in effect for one year following the effective date of its cancellation or termination as to any obligation occurring on or before the effective date of cancellation or termination.

(4) Upon receiving notice of a bond cancellation, the agency shall notify the school that the license will be suspended on the effective date of the bond cancellation unless the school files with the agency another approved surety bond or other security.

(5) If a complaint is filed under section 12(1) of this act against a private vocational school, the agency may file a claim against the surety and settle claims against the surety by following the procedure in this subsection.

(a) The agency shall attempt to notify all potential claimants. If the absence of records or other circumstances makes it impossible or unreasonable for the agency to ascertain the names and addresses of all the claimants, the agency after exerting due diligence and making reasonable inquiry to secure that information from all reasonable and available sources, may make a demand on a bond on the basis of information in the agency's possession. The agency is not liable or responsible for claims or the handling of claims that may subsequently appear or be discovered.

(b) Thirty days after notification, if a claimant fails, refuses, or neglects to file with the agency a verified claim, the agency shall be relieved of further duty or action under this chapter on behalf of the claimant.

(c) After reviewing the claims, the agency may make demands upon the bond on behalf of those claimants whose claims have been filed. The agency may settle or compromise the claims with the surety and may execute and deliver a release and discharge of the bond.

(d) If the surety refuses to pay the demand, the agency may bring an action on the bond in behalf of the claimants. If an action is commenced on the bond, the agency may require a new bond to be filed.

(e) Within ten days after a recovery on a bond or other posted security has occurred, the private vocational school shall file a new bond or otherwise restore its security on file to the required amount.

(6) The liability of the surety shall not exceed the amount of the bond.

NEW SECTION. Sec. 9. A private vocational school, whether located in this state or outside of this state, shall not conduct business of any kind, make any offers, advertise or solicit, or enter into any contracts unless the private vocational school is licensed under this chapter.

NEW SECTION. Sec. 10. The executive director of the agency may suspend or modify any of the requirements under this chapter in a particular case if the agency finds that:

(1) The suspension or modification is consistent with the purposes of this chapter; and

(2) The education to be offered addresses a substantial, demonstrated need among residents of the state or that literal application of this chapter would cause a manifestly unreasonable hardship.

NEW SECTION. Sec. 11. It is an unfair business practice for a private vocational school or agent to:

(1) Fail to comply with the terms of a student enrollment contract or agreement;

(2) Use an enrollment contract form, catalog, brochure, or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the agency and authorized for use;

(3) Represent falsely, directly or by implication, that the school is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a school;

(4) Represent falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation, or profession;

(5) Enroll a student without reasonably determining that the student is likely to complete successfully a program of study and is likely to qualify for employment in the field for which the education is designed, unless any limiting conditions determined to exist are affirmatively disclosed in writing to the student;

(6) Represent falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer credit for the course or program to any institution of higher education;

(7) Represent falsely, directly or by implication, in advertising or in any other manner, the school's size, location, facilities, equipment, faculty qualifications, or the extent or nature of any approval received from an accrediting association;

(8) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated;

(9) Provide prospective students with any testimonial, endorsement, or other information which has the tendency to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, or probable earnings in the occupation for which the education was designed;

(10) Designate or refer to sales representatives as "counselors," "advisors," or similar terms which have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of the sales representatives;

(11) Make or cause to be made any statement or representation in connection with the offering of education if the school or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate, or misleading; or

(12) Engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair, as determined by the agency by rule.

It is a violation of this chapter for a private vocational school to engage in an unfair business practice.

NEW SECTION. Sec. 12. (1) A person claiming loss of tuition or fees as a result of an unfair business practice may file a complaint with the agency. The complaint shall set forth the alleged violation and shall contain information required by the agency. A complaint may also be filed with the agency by an authorized staff member of the agency or by the attorney general.

(2) The agency shall investigate any complaint under this section and may attempt to bring about a settlement. The agency may hold a contested case hearing pursuant to the administrative procedure act, chapter 34.04 RCW, in order to determine whether a violation

has occurred. If the agency prevails, the private vocational school shall pay the costs of the administrative hearing.

(3) If, after the hearing, the agency finds that the private vocational school or its agent engaged in or is engaging in any unfair business practice, the agency shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under section 13 of this act. If the agency finds that the complainant has suffered loss as a result of the act or practice, the agency may order full or partial restitution for the loss. The complainant is not bound by the agency's determination of restitution and may pursue any other legal remedy.

NEW SECTION. Sec. 13. Any private vocational school or agent violating section 6, 9, or 11 of this act or the applicable agency rules is subject to a civil penalty of not more than one hundred dollars for each separate violation. Each day on which a violation occurs constitutes a separate violation. Multiple violations on a single day may be considered separate violations. The fine may be imposed by the agency under section 12 of this act, or in any court of competent jurisdiction.

NEW SECTION. Sec. 14. Any entity or any owner, officer, agent, or employee of such entity who willfully violates section 6 or 9 of this act is guilty of a gross misdemeanor and, upon conviction, shall be punished by a fine of not to exceed one thousand dollars or by imprisonment in the county jail for not to exceed one year, or by both such fine and imprisonment.

Each day on which a violation occurs constitutes a separate violation. The criminal sanctions may be imposed by a court of competent jurisdiction in an action brought by the attorney general of this state.

NEW SECTION. Sec. 15. A private vocational school, whether located in this state or offers, advertises, solicits, or enters into any contracts in this state or with a resident of this state is subject to the jurisdiction of the courts of this state for any cause of action arising from the acts.

NEW SECTION. Sec. 16. If any private vocational school discontinues its operation, the chief administrative officer of the school shall file with the agency the original or legible true copies of all educational records required by the agency. If the agency determines that any educational records are in danger of being made unavailable to the agency, the agency may seek a court order to protect and if necessary take possession of the records. The agency shall cause to be maintained a permanent file of educational records coming into its possession.

NEW SECTION. Sec. 17. If a student or prospective student is a resident of this state at the time any contract relating to payment for education or any note, instrument, or other evidence of indebtedness relating thereto is entered into, section 18 of this act shall govern the rights of the parties to the contract or evidence of indebtedness. If a contract or evidence of indebtedness contains any of the following agreements, the contract is voidable at the option of the student or prospective student:

- (1) That the law of another state shall apply;
- (2) That the maker or any person liable on the contract or evidence of indebtedness consents to the jurisdiction of another state;
- (3) That another person is authorized to confess judgment on the contract or evidence of indebtedness; or
- (4) That fixes venue.

NEW SECTION. Sec. 18. A note, instrument, or other evidence of indebtedness or contract relating to payment for education is not enforceable in the courts of this state by a private vocational school or holder of the instrument unless the private vocational school was licensed under this chapter at the time the note, instrument, or other evidence of indebtedness or contract was entered into.

NEW SECTION. Sec. 19. The attorney general or the prosecuting attorney of any county in which a private vocational school or agent of the school is found may bring an action in any court of competent jurisdiction for the enforcement of this chapter. The court may issue an injunction or grant any other appropriate form of relief.

NEW SECTION. Sec. 20. The agency may seek injunctive relief, after giving notice to the affected party, in a court of competent jurisdiction for a violation of this chapter or the rules adopted under this chapter. The agency need not allege or prove that the agency has no adequate remedy at law. The right of injunction provided in this section is in addition to any other legal remedy which the agency has and is in addition to any right of criminal prosecution provided by law. The existence of agency action with respect to alleged violations of this chapter and rules adopted under this chapter does not operate as a bar to an action for injunctive relief under this section.

NEW SECTION. Sec. 21. A violation of this chapter or the rules adopted under this chapter affects the public interest and is an unfair or deceptive act or practice in violation of RCW 19.86.020 of the consumer protection act. The remedies and sanctions provided by this section shall not preclude application of other remedies and sanctions.

NEW SECTION. Sec. 22. The remedies and penalties provided for in this chapter are non-exclusive and cumulative and do not affect any other actions or proceedings.

NEW SECTION. Sec. 23. The agency shall, within sixty days after the effective date of this act and annually thereafter, empanel a private vocational school advisory committee. Said

committee shall serve as advisors in the implementation of this chapter and for such other liaison purposes as the agency may determine. It shall consist of no less than seven and no more than eleven persons who are practitioners in proprietary education but one of whom is a recent graduate of a proprietary school. Consideration in making appointments shall be given to maintaining a geographic balance among areas of the state and achieving a balanced representation of occupational specialties offered among private vocational schools statewide. The committee shall meet at least quarterly. Members shall serve without pay but be reimbursed for travel expenses as provided under RCW 43.03.050 and 43.03.060 as now or hereafter amended. The committee shall adopt bylaws and elect officers from among its members annually.

Sec. 24. Section 2, chapter 160, Laws of 1917 as amended by section 6, chapter 53, Laws of 1981 and RCW 18.50.040 are each amended to read as follows:

(1) Any person seeking to be examined shall present to the director, at least forty-five days before the commencement of the examination, a written application on a form or forms provided by the director setting forth under affidavit such information as the director may require and proof the candidate has received a high school degree or its equivalent; that the candidate is twenty-one years of age or older; that the candidate has received a certificate or diploma from a midwifery program accredited by the director and (~~registered~~) licensed under chapter (~~20B-05 RCW~~) 28C.— RCW (sections 1 through 23 of this 1986 act), when applicable, or a certificate or diploma in a foreign institution on midwifery of equal requirements conferring the full right to practice midwifery in the country in which it was issued. The diploma must bear the seal of the institution from which the applicant was graduated. Foreign candidates must present with the application a translation of the foreign certificate or diploma made by and under the seal of the consulate of the country in which the certificate or diploma was issued.

(2) The candidate shall meet the following conditions:

(a) Obtaining a minimum period of midwifery training for at least three years including the study of the basic nursing skills that the department shall prescribe by rule. However, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience, the required period of training may be reduced depending upon the extent of the candidate's qualifications as determined under rules adopted by the department. In no case shall the training be reduced to a period of less than two years.

(b) Meeting minimum educational requirements which shall include studying obstetrics; neonatal pediatrics; basic sciences; female reproductive anatomy and physiology; behavioral sciences; childbirth education; community care; obstetrical pharmacology; epidemiology; gynecology; family planning; genetics; embryology; neonatology; the medical and legal aspects of midwifery; nutrition during pregnancy and lactation; breast feeding; nursing skills, including but not limited to injections, administering intravenous fluids, catheterization, and aseptic technique; and such other requirements prescribed by rule.

(c) For a student midwife during training, undertaking the care of not less than fifty women in each of the prenatal, intrapartum, and early postpartum periods, but the same women need not be seen through all three periods. A student midwife may be issued a permit upon the satisfactory completion of the requirements in (a), (b), and (c) of this subsection and the satisfactory completion of the licensure examination required by RCW 18.50.060. The permit permits the student midwife to practice under the supervision of a midwife licensed under this chapter, a physician licensed under chapter 18.57 or 18.71 RCW, or a certified nurse-midwife licensed under the authority of chapter 18.88 RCW. The permit shall expire within one year of issuance and may be extended as provided by rule.

(d) Observing an additional fifty women in the intrapartum period before the candidate qualifies for a license.

The training required under this section shall include training in either hospitals or alternative birth settings or both with particular emphasis on learning the ability to differentiate between low-risk and high-risk pregnancies.

Sec. 25. Section 31, chapter 1, Laws of 1973 as last amended by section 8, chapter 414, Laws of 1985 and RCW 42.17.310 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial disclosures filed by private vocational schools under chapter 28C.— RCW (sections 1 through 23 of this 1986 act).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.010;

(2) Section 2, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.020;

(3) Section 3, chapter 188, Laws of 1979 ex. sess., section 1, chapter 283, Laws of 1981, section 44, chapter 370, Laws of 1985 and RCW 28B.05.030;

(4) Section 4, chapter 188, Laws of 1979 ex. sess., section 1, chapter 82, Laws of 1980, section 2, chapter 283, Laws of 1981, section 1, chapter 266, Laws of 1983, section 96, chapter 7, Laws of 1985 and RCW 28B.05.040;

(5) Section 5, chapter 188, Laws of 1979 ex. sess., section 45, chapter 370, Laws of 1985 and RCW 28B.05.050;

(6) Section 6, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.060;

(7) Section 7, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.070;

(8) Section 8, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.080;

- (9) Section 9, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.090;
 (10) Section 10, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.100;
 (11) Section 11, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.110;
 (12) Section 12, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.120;
 (13) Section 13, chapter 188, Laws of 1979 ex. sess., section 3, chapter 283, Laws of 1981, section 46, chapter 370, Laws of 1985 and RCW 28B.05.130;
 (14) Section 14, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.140;
 (15) Section 15, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.150;
 (16) Section 16, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.160;
 (17) Section 17, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.170;
 (18) Section 18, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.180;
 (19) Section 19, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.190;
 (20) Section 20, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.200;
 (21) Section 21, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.210;
 (22) Section 22, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.220;
 (23) Section 23, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.230;
 (24) Section 24, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.240;
 (25) Section 27, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.900;
 (26) Section 28, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.950;
 (27) Section 19, chapter 197, Laws of 1983 and RCW 43.131.291; and
 (28) Section 45, chapter 197, Laws of 1983 and RCW 43.131.292.

NEW SECTION. Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. A private vocational school registered under chapter 188, Laws of 1979, as amended, as of June 30, 1986, shall be considered to be licensed under chapter 28C.--RCW (sections 1 through 23 of this act) until January 31, 1987.

NEW SECTION. Sec. 29. Sections 1 through 23 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. Sec. 30. (1) The sum of thirty-five thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the agency for the biennium ending June 30, 1987. Subject to approval by the director of financial management, not more than \$31,300 may be used to employ one additional full time equivalent employee to administer this chapter. Not more than \$3,700 may be used for travel expenses under RCW 43.03.050 and 43.03.060.

(2) This section shall take effect when the director of financial management determines that the agency has established the fees under section 7 of this act.

NEW SECTION. Sec. 31. This act shall take effect July 1, 1986."

MOTION

On motion of Senator Kiskaddon, the following amendments by Senators Kiskaddon and Fleming to the Committee on Education amendment were considered simultaneously and adopted:

On page 6, after line 18, add a new subsection to read as follows:

"(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed."

On page 12, line 11, strike all of subsection "(5)" and renumber the remaining subsections accordingly.

The President declared the question before the Senate to be adoption of the Committee on Education amendment, as amended.

The motion by Senator Gaspard carried and the Committee on Education amendment, as amended, was adopted.

MOTIONS

On motion of Senator Gaspard, the following title amendment was adopted:
 On page 1, line 2 of the title, after "18.50.040" insert "and 42.17.310"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute House Bill No. 1687, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1687, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1687, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, Pullen - 2.

Absent: Senator McDonald - 1.

Excused: Senators Conner, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1687, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1804, by Committee on Local Government (originally sponsored by Representative Vander Stoep)

Modifying provisions regulating port commission formation.

The bill was read the second time.

MOTION

Senator Saling moved that the following amendment be adopted:

On page 2, beginning on line 22, strike everything through "29.21.370." on line 34

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Saling.

The motion by Senator Saling carried and the amendment was adopted.

MOTION

Senator Saling moved that the following amendment be adopted:

On page 3, line 11, after "equal" strike "one-third" and insert "forty percent"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Saling.

The motion by Senator Saling carried and the amendment was adopted.

MOTIONS

On motion of Senator Thompson, the following title amendment was adopted:

On page 1, line 1 of the title, after "53.04.020" strike "and 53.12.020"

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 1804, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1804, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1804, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators McDonald, Pullen - 2.

Excused: Senators Conner, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1804, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1762, by Committee on Transportation (originally sponsored by Representatives Hargrove, Smitherman, McMullen, Zellinsky, R. King, Valle, Fisch and Lundquist)

Revising vessel pilot regulation.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 8, chapter 18, Laws of 1935 as last amended by section 1, chapter 303, Laws of 1981 and RCW 88.16.090 are each amended to read as follows:

(1) No person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter unless such a person is appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) No person is eligible to be appointed a pilot unless such a person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years and a resident of the state of Washington at the time of appointment, nor unless the pilot applicant holds as a minimum, a United States government license as a master of freight and towing vessels not more than one thousand gross tons (inspected vessel), such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, nor unless the pilot applicant meets such other qualifications as may be required by the board.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee established by the board of pilotage commissioners pursuant to chapter 34.04 RCW, but not to exceed one thousand five hundred dollars, to be placed in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications.

(5) On and after September 21, 1977, the board shall have developed five examinations and grading sheets for the Puget Sound pilotage district, and two for each other pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants on a random basis and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who wilfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties.

(7) The board shall prescribe, pursuant to chapter 34.04 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot

applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board shall prescribe, pursuant to chapter 34.04 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

Sec. 2. Section 9, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.103 are each amended to read as follows:

(1) Pilots, after completion of an assignment or assignments which are seven hours or longer in duration, shall receive a mandatory rest period of seven hours.

(2) A pilot shall refuse a pilotage assignment if ~~((said))~~ the pilot is physically or mentally fatigued or if ~~((said))~~ the pilot has a reasonable belief that the assignment cannot be carried out in a competent and safe manner. Upon refusing an assignment as herein provided a pilot shall submit a written explanation to the board within forty-eight hours. If the board finds that the pilot's written explanation is without merit, or reasonable cause did not exist for the assignment refusal, such pilot may be subject to the provisions of RCW 88.16.100 ~~((as now existing or hereafter amended))~~.

(3) The board shall quarterly review the dispatch records of pilot organizations or pilot's quarterly reports to ensure the provisions of this section are enforced. The board may prescribe rules for rest periods pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 3. There is appropriated to the board of pilotage commissioners from the pilotage account of the general fund, for the biennium ending June 30, 1987, the sum of twenty thousand dollars, or so much thereof as may be necessary. This money may be used by the board only to pay costs of investigating vessel incidents or accidents where a state-licensed pilot was involved and legal fees of the board."

On motion of Senator Peterson, the following title amendment was adopted:

In line 1 of the title, after "pilots;" strike the remainder of the title and insert "amending RCW 88.16.090 and 88.16.103; and making an appropriation."

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1762, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1762, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1762, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voiting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Conner, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1762, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1839, by Committee on Natural Resources (originally sponsored by Representatives Sutherland, Lundquist, K. Wilson, Basich, McMullen, J. Williams, Peery, Fisch, S. Wilson, Kremen and P. King)

Providing for a county representative on the board of natural resources.

The bill was read the second time.

MOTION

Senator Bauer moved that the following amendment by Senators Bauer, McManus, Conner, DeJarnatt, Owen, Halsan, Barr, von Reichbauer, Hansen, Metcalf, Garrett, Peterson, Newhouse, Rasmussen, Vognild, Sellar, McCaslin, Cantu, Guess, Bailey, Benitz, Goltz, Granlund, Warnke, Moore and Bottiger be adopted:

On page 3, after line 10, insert the following:

NEW SECTION, Sec. 3. The legislature finds that the sale of timber from lands administered by the board of natural resources provides revenue to the common school construction account. If the board of natural resources sold the existing 1.6 billion board foot deficit in its timber sales program brought about by (1) defaulted timber sales, and (2) the board's not offering for sale the entire sustainable harvest sales program since July 1, 1980, the common school trust account would receive over sixty million dollars.

NEW SECTION, Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of natural resources.

(2) "Sustainable harvest level" means the volume of timber offered for harvest from public lands for any period as calculated by the department of natural resources and adopted by the board of natural resources.

(3) "Defaulted" means the volume remaining when a contractor fails to meet the terms of the sales contract at the completion date of the contract or any extension thereof and timber returned to the state under RCW 79.01.1331 through 79.01.1339.

(4) "Deficit" means all timber defaulted or otherwise terminated and returned to the department of natural resources from July 1, 1979, until June 30, 1986, plus any difference between the sustainable harvest level and the actual board sales level during the period from July 1, 1980, through June 30, 1984.

NEW SECTION, Sec. 5. By June 30, 1993, the board shall offer for sale the entire deficit timber sales volume in addition to the annual sustainable harvest level as adopted by the board of natural resources. After deductions for management costs as provided in RCW 79.64.040, one-half of all moneys received from the sale of the deficit timber volume on lands held in trust for the common schools is declared to be in excess of the amount necessary for the purpose of the common school construction fund and shall be deposited in the permanent common school fund.

NEW SECTION, Sec. 6. Sections 3 through 6 of this act shall constitute a new chapter in Title 79 RCW.

NEW SECTION, Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 8. Sections 3 through 6 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF ORDER

Senator McDermott: "Mr. President a point of order. I raise scope and object on this amendment. This is a bill with a title providing a county representative on the Board of Natural Resources. It is now being expanded to instruct the board to cut timber beyond what they have already determined. It is clearly expanding the simple purpose of this bill, which was to add somebody from county government to the Board of Natural Resources. For that reason, I hope the chair will recognize that it expands the scope and object."

Further debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 1839 was deferred.

President Pro Tempore Goltz assumed the chair.

SECOND READING

HOUSE BILL NO. 1341, by Representatives Belcher and P. King

Authorizing state employee relocation assistance.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

On page 2, line 7, after "not more than" strike "eight" and insert "five"

Senator Thompson moved that the following amendment be adopted:

On page 5, after line 2, insert the following:

"Sec. 7. Section 43.03.050, chapter 8, Laws of 1965 as last amended by section 1, chapter 29, Laws of 1983 1st ex. sess. and RCW 43.03.050 are each amended to read as follows:

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe reasonable allowances to cover meals that are an integral part of meetings of ten or more state employees regardless of travel status. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. ~~((The allowances established by the director shall not exceed the rates set by the federal government for federal employees.))~~

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) ~~The ((initial schedule of)) travel allowances prescribed by the director under the terms of this section ((and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs)) for the District of Columbia and for areas in the contiguous forty-eight states of the United States of America shall be presented for review and comment to the ways and means committees of the house of representatives and the senate when the legislature is in session and to the legislative budget committee when the legislature is not in session. The presentation to the appropriate legislative committees shall occur at least forty-five days before the travel allowances are adopted by the director. The travel allowances established by the director under the terms of this section for areas in foreign localities and for areas in Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions and trusts of the United States of America throughout the world shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.~~

Sec. 8. Section 8, chapter 209, Laws of 1975 1st ex. sess. as amended by section 6, chapter 11, Laws of 1982 and RCW 43.51.340 are each amended to read as follows:

(1) There is created a winter recreation advisory committee to advise the parks and recreation commission in the administration of this chapter and to assist and advise the commission in the development of winter recreation facilities and programs.

(2) The committee shall consist of:

(a) Six representatives of the nonsnowmobiling winter recreation public appointed by the commission, including a resident of each of the six geographical areas of this state where nonsnowmobiling winter recreation activity occurs, as defined by the commission.

(b) Three representatives of the snowmobiling public appointed by the commission.

(c) One representative of the department of natural resources, one representative of the department of game, and one representative of the Washington state association of counties, each of whom shall be appointed by the director of the particular department or association.

(3) The terms of the members appointed under subsection (2) (a) and (b) of this section shall begin on July 1 of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies for the remainder of the unexpired term: PROVIDED, That the first of these members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(4) Members of the committee ~~((appointed under subsection (2)-(a) and (b) of this section))~~ shall be reimbursed from the winter recreational program account created by RCW 43.51.310 for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

(5) The committee shall meet at times and places it determines not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. The chairman of the committee shall be chosen under rules adopted by the committee. The committee shall adopt any other rules necessary to govern its proceedings.

(6) The director of parks and recreation or the director's designee shall serve as secretary to the committee and shall be a nonvoting member.

(7) The winter recreation advisory committee and its powers and duties shall terminate on June 30, 1986.

Sec. 9. Section 2, chapter 182, Laws of 1979 ex. sess. as amended by section 1, chapter 139, Laws of 1983 and RCW 46.10.220 are each amended to read as follows:

(1) There is created in the Washington state parks and recreation commission a snowmobile advisory committee to advise the commission regarding the administration of this chapter.

(2) The purpose of the committee is to assist and advise the commission in the planned development of snowmobile facilities and programs.

(3) The committee shall consist of:

(a) Six interested snowmobilers, appointed by the commission; each such member shall be a resident of one of the six geographical areas throughout this state where snowmobile activity occurs, as defined by the commission;

(b) Three representatives of the nonsnowmobiling public, appointed by the commission; and

(c) One representative of the department of natural resources, one representative of the department of game, and one representative of the Washington state association of counties; each of whom shall be appointed by the director of such department or association.

(4) Terms of the members appointed under (3)(a) and (b) of this section shall commence on July 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term: PROVIDED, That the first such members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(5) Members of the committee (~~appointed under (3)(a) and (b) of this section~~) shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. Expenditures under this subsection shall be from the snowmobile account created by RCW 46.10.075.

(6) The committee may meet at times and places fixed by the committee. The committee shall meet not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. One of the meetings shall be coincident with a meeting of the commission at which the committee shall provide a report to the commission. The chairman of the committee shall be chosen under rules adopted by the committee from those members appointed under (3)(a) and (b) of this section.

(7) The Washington state parks and recreation commission shall serve as recording secretary to the committee. A representative of the department of licensing shall serve as an ex officio member of the committee and shall be notified of all meetings of the committee. The recording secretary and the ex officio member shall be nonvoting members.

(8) The committee shall adopt rules to govern its proceedings.

(9) The snowmobile advisory committee of the Washington state parks and recreation commission and its powers and duties shall terminate on June 30, 1989, and shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended.

Sec. 10. Section 3, chapter 137, Laws of 1974 ex. sess. as last amended by section 70, chapter 466, Laws of 1985 and RCW 76.09.030 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

(a) The commissioner of public lands or his designee;

(b) The director of the department of trade and economic development or his designee;

(c) The director of the department of agriculture or his designee;

(d) The director of the department of ecology or his designee;

(e) An elected member of a county legislative authority appointed by the governor: PROVIDED, That such member's service on the board shall be conditioned on his continued service as an elected county official; and

(f) Six members of the general public appointed by the governor, one of whom shall be an owner of not more than five hundred acres of forest land, and one of whom shall be an independent logging contractor.

(2) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his successor is appointed and qualified. The commissioner of public lands or his designee shall be the chairman of the board.

(3) The board shall meet at such times and places as shall be designated by the chairman or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

(4) Members of the board, except public employees and elected officials, shall be compensated in accordance with RCW 43.03.240 (~~and in addition they~~). Each member shall be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

(5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties."

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Thompson, the fiscal impact note that we had on this was in excess of a million dollars. Is that your understanding of the impact of this amendment?"

Senator Thompson: "It's in that range of absorbed agency expense."

MOTION

On motion of Senator Bottiger, further consideration of House Bill No. 1341 was deferred.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Moore moved to reconsider the vote by which House Bill No. 1440, as amended by the Senate, passed the Senate earlier today.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, when did we pass 1440? Mr. President, my reason for asking, is 1440 still in the possession of the Senate?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Yes, it is still in the possession of the Senate." Further debate ensued.

MOTION

On motion of Senator Moore, and there being no objection, the motion to reconsider the vote by which House Bill No. 1440, as amended by the Senate, passed the Senate was withdrawn.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1218, by Committee on Transportation (originally sponsored by Representatives Walk and Tilly)

Permitting local government financing of street projects.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1218.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1218 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senators Conner, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1374, by Representative Appelwick

Specifying taxable value of improvements owned or being acquired by lessees.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1374.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1374 and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 24; absent, 2; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Owen, Peterson, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, von Reichbauer, Zimmerman - 24.

Absent: Senators McCaslin, Moore - 2.

Excused: Senators Conner, Stratton - 2.

HOUSE BILL NO. 1374, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Rinehart served notice that she would move to reconsider the vote by which House Bill No. 1374 failed to pass the Senate.

MOTION FOR IMMEDIATE RECONSIDERATION

Having voted on the prevailing side, Senator McDonald moved that the Senate immediately reconsider the vote by which House Bill No. 1374 failed to pass the Senate.

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Bottiger, when--let's say there is a twenty-year lease and you have the lease-hold tax on there--at the end of twenty years, does not the building revert to the county, the city or the port district?"

Senator Bottiger: "Senator, that would depend on the contract you entered with them. Some of them are metal buildings, as you well know, and you sign a lease saying, 'I'll take it with me. If I don't renegotiate and come up with a new lease, I reserve the right to remove the improvements.' It's an arm's length transaction done every day."

Further debate ensued.

President Cherberg assumed the chair.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator McDonald to immediately reconsider the vote by which House Bill No. 1374 failed to pass the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald carried, the President voting 'aye' by the following vote: Yeas, 23; nays, 23; absent, 1; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator McCaslin - 1.

Excused: Senators Conner, Stratton - 2.

MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1374, on reconsideration, was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1391, by Committee on Ways and Means (originally sponsored by Representatives Appelwick, Jacobsen, Niemi, Wang, Padden, Tilly, Tanner, Barnes, Patrick, Dellwo, P. King, McMullen, Isaacson, Long and Lux)

Exempting hearing aids from sales and use taxation.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1391.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1391 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator McCaslin - 1.

Excused: Senators Conner, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senators Benitz, Guess and McCaslin were excused.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1433 and the pending amendment by Senator Warnke on page 2, line 7, deferred March 5, 1986.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDonald, the President finds that Substitute House Bill No. 1433 is a measure allowing state agencies to assert claims against state lottery prize winners.

"The amendment proposed by Senator Warnke provides for the dedication of proceeds from one lottery game for the benefit of urban parks.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Warnke was ruled out of order.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1433, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1433, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1433, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Hansen - 1.

Excused: Senators Benitz, Conner, Guess, McCaslin, Stratton - 5.

SUBSTITUTE HOUSE BILL NO. 1433, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678, by Committee on Energy and Utilities (originally sponsored by Representatives Wang, Jacobsen, Tilly, Todd, Fisher, Patrick, D. Nelson, Barnes, Lux, Isaacson, Locke, Sayan, Unsoeld, Long, Sutherland, Brough, Van Luven, Winsley, Gallagher, Nealey, P. King, C. Smith and Taylor)

Regulating telephone solicitation.

The bill was read the second time.

MOTION

Senator Saling moved that the following amendment be adopted:

On page 1, line 19, after "organization" insert ", from a list created by or purchased by such a company or organization."

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Saling, you used AAA and I am a member of AAA and it's a very good service, especially if your wife or kids are out on the road. We've never been called by AAA. I've had the AAA representative in my office for other bills and he has never mentioned any objection to this bill. Is that just an example or have they actually complained about this and where do they do telephone solicitation?"

Senator Saling: "Thank you, Senator Bottiger. Yes, I got a letter and many, many phone calls from the Spokane AAA. All of our committee got a letter from the Seattle AAA--which we discussed in committee and we tried to come to some common agreement in committee, but we simply could not figure out a decent amendment that would help. After the bill passed out of committee, the AAA in Spokane talked with our caucus attorney; they talked with the gal--Deborah Senn from the Telecommunications Committee--who is working with Senator Williams on his committee and we tried to do some negotiating over the phone with the Spokane attorney for AAA and they do use that telephone solicitation bit in Spokane. In fact, the letter from Spokane indicated that they would have to lay off twenty employees if this bill passed."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Williams, let's say you're up for election and you've got several people working for you and it is certainly common to make phone calls during a campaign and let's say you make a phone call or one of your helpers makes a phone call and that person says they want to be taken off the list--don't call any more. Yet another one of your workers unbeknownst to you makes a call, are they then subject to the thousand dollar violation if they are reported?"

Senator Williams: "No, Senator Deccio, on page 2, line 8, there's a specific section in there that deletes political organizations from being under the jurisdiction of this law."

Senator Deccio: "So what you're saying is we're going to be exempt even though people are very irritated by political calls during a campaign, but we are going to make an exception to ourselves and subject everyone else that's under the bill?"

Senator Williams: "I suspect that that will be reflected at the polls."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Saling.

The motion by Senator Saling failed and the amendment was not adopted.

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Substitute House Bill No. 1678 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McManus: "Senator Williams, what would be the effect of Section 2(5) and Section 2(6) where a company or organization has made a good faith attempt to remove the name and telephone number of the called party, but due to the use of multiple lists it unintentionally makes another call to the party after his or her request to be removed from the company's lists?"

Senator Williams: "Senator McManus, I would expect that the Attorney General should refrain from instituting action against a company which acts in good faith to remove the called party who requests removal from its lists. The company's good faith should be taken into account by the court in any civil action brought under Section 2(6)."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1678.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1678 and the bill passed the Senate by the following vote: Yeas, 30; nays, 13; absent, 1; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Barr, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, Moore, Paterson, Pullen, Saling, Sellar, Zimmerman - 13.

Absent: Senator von Reichbauer - 1.

Excused: Senators Benitz, Conner, Guess, McCaslin, Stratton - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333, by Committee on State Government (originally sponsored by Representatives Sommers, B. Williams, G. Nelson, Grimm, Tilly, P. King, Van Luven, Sayan, and Unsoeld) (by request of Legislative Budget Committee)

Modifying the termination and repeal of various state agencies and programs.

The bill was read the second time.

MOTION

Senator Thompson moved that the following amendment be adopted:

On page 5, line 21, after "(1)" strike all material through "(2)" on line 22

Renumber the remaining subsections accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Thompson.

The motion by Senator Thompson carried and the amendment was adopted.

MOTIONS

On motion of Senator Thompson, the following title amendment was adopted:
On page 1, beginning on line 5 of the title, strike "28A.61.900."

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 1333, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1333, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1333, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Benitz, Conner, Guess, McCaslin, Stratton - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1647, by Representatives Fisher, Sommers, Scott, Vander Stoep, Wineberry, Wang, Unsoeld, Miller, Walker, R. King, G. Nelson, P. King and Long

Repealing sunset termination of public disclosure commission.

The bill was read the second time.

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart, Saling and Talmadge be adopted:

On page 1, after line 5, insert the following:

"Sec. 1. Section 36, chapter 1, Laws of 1973 and RCW 42.17.360 are each amended to read as follows:

The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this chapter:

(2) Prepare and publish a manual setting forth recommended uniform methods of book-keeping and reporting for use by persons required to make reports and statements under this chapter:

(3) Compile and maintain a current list of all filed reports and statements;

(4) Investigate whether properly completed statements and reports have been filed within the times required by this chapter:

(5) Audit each year a randomly selected sample of filings by the persons required to comply with this chapter:

~~((5))~~ (6) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities;

~~((6))~~ (7) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities; and

~~((7))~~ (8) Enforce this chapter according to the powers granted it by law."

Renumber the remaining section consecutively.

POINT OF ORDER

Senator Hayner: "Mr. President, I would like to challenge the scope and object of this amendment. I would like to draw your attention to the title amendment. The title of this bill is repealing sunset termination of the Public Disclosure Commission. That is precisely what the bill does. It's a recommendation of the Legislative Budget Committee and the Office of Financial Management and that is all it does. It does not deal with anything that is within the Public Disclosure Act. The amendment which is being proposed by Senators Rinehart, Saling and Talmadge deals with

auditing by the Public Disclosure Commission and I think it is clearly out of the scope and object of the bill."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1647 was deferred.

MOTIONS

Having served prior notice, Senator Talmadge moved that the Senate now reconsider the vote by which House Bill No. 1462, as amended by the Senate, passed the Senate earlier today.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate reconsider the vote by which House Bill No. 1462, as amended by the Senate, passed the Senate earlier today.

The motion by Senator Talmadge failed and the Senate did not reconsider the vote by which House Bill No. 1462 passed the Senate.

STATEMENT FOR THE JOURNAL

March 5, 1986

Mary Wiley
Senate Minute and Journal Clerk
308A Legislative Building
Olympia, Washington 98504

Dear Ms. Wiley:

Due to my absence when the following pieces of legislation were considered, I wish to have it recorded that I would have voted 'aye' on the listed measures:

Senate Concurrent Resolution 127
Senate Concurrent Resolution 129
Senate Concurrent Resolution 133
Substitute House Bill 1413
House Bill 1504
Engrossed Substitute House Bill 1688
House Bill 1708
Substitute House Bill 1368
Substitute House Bill 1483
Substitute House Bill 1493

Thank you for your assistance.

Sincerely,
PHIL TALMADGE,
Senator, Thirty-fourth District

MOTION

At 9:44 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Friday, March 7, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 7, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Bender, Benitz, Conner, Guess, Hayner, McDonald, Pullen, Stratton and von Reichbauer. On motion of Senator Zimmerman, Senator von Reichbauer was excused. On motion of Senator Vognild, Senators Bender and Stratton were excused.

The Sergeant at Arms Color Guard, consisting of Pages Scott Anderson and Cara Phillips, presented the Colors. Mary-Lynne Reiner of Temple Beth Hatfiloh of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1865, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Cole and Fisher)

Revising provisions on electricians and electrician installations.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1865 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1865.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1865 and the bill passed the Senate by the following vote: Yeas, 39; absent, 7; excused, 3.

Voting yea: Senators Bailey, Barr, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Bauer, Benitz, Conner, Guess, Hayner, McDonald, Pullen - 7.

Excused: Senators Bender, Stratton, von Reichbauer - 3.

SUBSTITUTE HOUSE BILL NO. 1865, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Guess was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1900, by Representatives Baugher, Rayburn, Bristow, Vekich, Peery and Braddock

Allowing agreement to run purebred or crossbred bulls and proportioning number of cows to bulls on range area.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed House Bill No. 1900 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1900.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1900 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bender, Guess, Stratton - 3.

ENGROSSED HOUSE BILL NO. 1900, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 308,

SUBSTITUTE HOUSE BILL NO. 1368,

SUBSTITUTE HOUSE BILL NO. 1413,

HOUSE BILL NO. 1483,

SUBSTITUTE HOUSE BILL NO. 1493,

HOUSE BILL NO. 1504,

HOUSE BILL NO. 1511,

SUBSTITUTE HOUSE BILL NO. 1564, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 308,

SUBSTITUTE HOUSE BILL NO. 1368,

SUBSTITUTE HOUSE BILL NO. 1413,

HOUSE BILL NO. 1483,

SUBSTITUTE HOUSE BILL NO. 1493,

HOUSE BILL NO. 1504,

HOUSE BILL NO. 1511,

SUBSTITUTE HOUSE BILL NO. 1564.

MOTION

At 9:14 a.m., on motion of Senator Fleming, the Senate recessed until 10:00 a.m.

SECOND MORNING SESSION

The Senate was called to order at 10:00 a.m. by President Cherberg.

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

SECOND READING

HOUSE BILL NO. 1956, by Representatives Grimm, Padden and May (by request of Secretary of State)

Clarifying terms of judges of the state court of appeals.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Newhouse be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 49, Laws of 1977 ex. sess. and RCW 2.06.075 are each amended to read as follows:

~~((The new judicial positions created pursuant to section 1 of this 1977 amendatory act shall become effective January 1, 1978 and shall be filled by gubernatorial appointment as follows:~~

~~(1) Two shall be appointed to the first division, District 1, King county;~~

~~(2) One shall be appointed to the second division, District 1, Pierce county; and~~

~~(3) One shall be appointed to the third division, District 1, Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens counties.~~

~~The persons appointed by the governor shall hold office until the general election to be held in November 1978. Upon taking office the two newly appointed judges in Division 1 shall determine by lot the length of term they will be entitled to run for in the general election of 1977. One term will be for one year or until the second Monday in January 1980, and the other for three years or until the second Monday in January 1982, and until their successors are elected and qualified. Thereafter judges shall be elected for a term of six years and until their successors are elected and qualified, commencing with the second Monday in January succeeding their election. At the general election to be held in November 1978, the judges appointed in Division 2 and Division 3 shall be entitled to run for a term of six years or until the second Monday in January 1985, and until their successors are elected and qualified.)) In 1987, a judge shall be elected for a seven-year term (to commence on the second Monday in January 1988) for the position in division 1, district 1, to which a judge was elected for a six-year term at the state general election held in November 1981, and the term of this office shall expire on the second Monday in January 1995. In 1986, a judge shall be elected for a six-year unexpired term (to commence on the certification of that election) for the position in division 1, district 1, to which a judge was elected for a six-year term at the state general election held in November 1985, and the term of this office shall expire on the second Monday in January 1993. Thereafter, judges of the court of appeals shall be elected for ((α)) terms of six years and until their successors are elected and qualified, commencing with the second Monday in January succeeding their election.~~

NEW SECTION, Sec. 2. The chief justice of the supreme court may appoint attorneys to serve as judges pro tempore of the court of appeals pursuant to rules adopted by the supreme court.

The rules shall be adopted by, and shall take effect on, July 1, 1986. The rules shall establish qualifications for the attorneys appointed as judges pro tempore of the court of appeals. Before entering upon the duties as judge pro tempore, the appointee shall take and subscribe an oath of office as provided for in Article IV, section 28 of the state Constitution. No judge appointed under this section may serve more than ninety days.

This section shall expire on July 1, 1987. The expiration of this section shall not impair the authority of a judge appointed under this section to complete the decision of an appeal in which arguments have been heard and the decision is pending."

POINT OF ORDER

Senator Pullen: "Mr. President, I would raise the point of order that the amendment expands the scope and object of the bill. I particularly draw your attention to Section 2 of the amendment which would be a significant expansion of the subject matter in the original bill."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1956 was deferred.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1992 and the pending amendments on page 1, line 13, and page 2, line 1, by Senator Bailey, deferred March 6, 1986.

Debate ensued.

Senator Bailey demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Bailey.

ROLL CALL

The Secretary called the roll and the motion by Senator Bailey carried and the amendments were adopted by the following vote: Yeas, 24; nays, 23; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Peterson, Pullen, Rinehart, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn - 23.

Absent: Senator Garrett - 1.

Excused: Senator Stratton - 1.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald, Zimmerman and von Reichbauer be adopted:

On page 2, line 8, following "race," strike the remainder of subsection (6) through line 9, and insert "color, creed, nationality, or religion. This definition applies to any country which practices such discrimination and is not restricted to only South Africa or Namibia."

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators McDonald, Zimmerman and von Reichbauer.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn - 25.

Excused: Senator Stratton - 1.

MOTION TO RECONSIDER

Having voted on the prevailing side, Senator Bauer moved to reconsider the vote by which the amendments on page 1, line 13, and page 2, line 1, by Senator Bailey were adopted.

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bauer to reconsider the vote by which the amendments on page 1, line 13, and page 2, line 1, by Senator Bailey were adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Bauer for reconsideration carried by the following vote: Yeas, 24; nays, 23; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Owen, Peterson, Pullen, Rinehart, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator McManus - 1.

Excused: Senator Stratton - 1.

The President declared the question before the Senate to be adoption of the amendments by Senator Bailey on page 1, line 13, and page 2, line 1, on reconsideration, to Engrossed Substitute House Bill No. 1992.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Bailey on page 1, line 13, and page 2, line 1, on reconsideration, to Engrossed Substitute House Bill No. 1992.

ROLL CALL

The Secretary called the roll and the amendments by Senator Bailey, on reconsideration, were not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Peterson, Pullen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Excused: Senator Stratton - 1.

MOTION

Senator Bluechel moved that the following amendments be considered simultaneously and adopted:

On page 2, line 12, following "1987," insert "subject to RCW 43.33A.140"

On page 2, line 17, following "1987," insert "subject to RCW 43.33A.140"

On page 17, line 15, strike all material down to and including "derived," on line 33

On page 18, line 11, strike all material down to and including "derived," on line 28

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Bluechel.

The motion by Senator Bluechel carried and the amendments were adopted.

MOTION

Senator Bluechel moved that the following amendments be considered simultaneously and adopted:

On page 5, line 11, following "1987" insert "subject to RCW 43.33A.140"

On page 5, line 15, following "1987" insert "subject to RC 43.33A.140"

On page 9, line 13, following "1987" insert "subject to RCW 43.33A.140"

On page 9, line 17, following "1987" insert "subject to RCW 43.33A.140"

On page 11, line 14, following "1987" insert "subject to RCW 43.33A.140"

On page 11, line 18, following "1987" insert "subject to RCW 43.33A.140"

On page 13, line 5, following "1987" insert "subject to RCW 43.33A.140"

On page 13, line 9, following "1987" insert "subject to RCW 43.33A.140"

On page 16, line 36, following "1987" insert "subject to RCW 43.33A.140"

On page 17, line 4, following "1987" insert "subject to RCW 43.33A.140"

On page 21, line 8, following "1987" insert "subject to RCW 43.33A.140"

On page 21, line 12, following "1987" insert "subject to RCW 43.33A.140"

Debate ensued.

Senator Bluechel demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments on pages 5, 9, 11, 13, 16, 17 and 21 by Senator Bluechel.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel carried and the amendments were adopted by the following vote: Yeas, 24; nays, 23; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 23.

Absent: Senator Garrett - 1.

Excused: Senator Stratton - 1.

MOTION

Senator Fleming moved that the following amendments remaining on the desk be considered simultaneously and adopted:

Amendments by Senator Zimmerman:

On page 2, following line 23, strike subsections (3) and (4) and insert:

"(3) Subsection (1) of this section shall not apply to any business firm when such firm is rated within category I or II of Sullivan Principles signatories in the most current annual list published by Arthur D. Little Company.

(4) Subsection (2) of this section shall not apply to any bank or financial institution when such bank or financial institution is rated within category I or II of Sullivan Principles signatories in the most current annual list published by Arthur D. Little Company."

On page 3, beginning on line 1, strike all of Section 3

Renumber the remaining sections consecutively.

Amendments by Senator Lee:

On page 3, line 28, strike subsection (b) and insert

"(b) The book value of the issues as of the preceding December 31;"

On page 3, line 29, strike subsections (c) and (d)

Amendment by Senators Hayner and Bluechel:

On page 21, following line 20 insert the following:

"NEW SECTION. Sec. 20. The provisions of sections 1 through 19 of this 1986 act shall apply in full only to all unrestricted funds and shall be applied to transactions involving other invested funds only when there are investment opportunities of comparable yield, maturity, quality, and liquidity."

Amendment by Senator Cantu:

On page 21, following line 20 insert the following:

"NEW SECTION. Sec. 20. The provisions of this 1986 act shall expire on June 30, 1988 unless the legislature by concurrent resolution adopted in the 1988 regular session affirms its intent to continue the provisions of this act in full or in part. Such resolution shall document the effectiveness of the program of divestment in advancing the cause of economic, civil, human, and political rights of the peoples of South Africa."

Amendments by Senator Moore:

On page 1, line 11, following "the" insert "direct"

On page 1, line 12, after "ownership" strike everything through "firm" on line 13

On page 1, line 14, after "corporation" strike everything through "affiliate" on line 17 and insert "not rated in categories I and II of the Sullivan Principles as published by the Investor Responsibility Center, Inc. that is operating as a nonprofit or for profit entity"

On page 1, beginning on line 20, strike all of subsection (3) and renumber the remaining subsections consecutively

On page 1, line 22, after "means" strike everything through "state" on line 27 and insert "any commercial bank, savings and loan association or credit union that is licensed by the state or federal agency, or any insurance company, brokerage firm, securities firm, investment company, mortgage banking company, finance company, or consumer credit company licensed to do business in this state and is not rated in categories I and II of the Sullivan Principles as published by the Investor Responsibility Research Center, Inc."

On page 2, line 12, after "1987," insert "subject to RCW 43.33A.140."

On page 2, line 17, after "1987," insert "subject to RCW 43.33A.140."

On page 2, beginning on line 24, strike everything through "country." on line 36

Renumber the remaining subsection consecutively.

On page 3, beginning on line 1, strike all of NEW SECTION. Sec. 3.

Renumber the remaining sections consecutively

On page 3, line 20, after "firm" strike ", bank."

On page 3, line 21, after "institution" strike everything through "2" on line 22 and insert "as defined in section 1"

On page 3, line 25, after "shall" strike "describe" and insert "include"

On page 3, line 26, after "the" strike "stocks, bonds."

On page 3, line 28, after "December" strike "1;" and insert "31st; and"

On page 3, line 29, after "(c)" strike everything through "country" on line 33 and insert "A description of the securities or other evidence of indebtedness or ownership"

On page 17, beginning on line 15, strike everything through "derived." on page 18, line 28 and renumber the remaining sections consecutively

On page 21, line 19, after "through" strike "4" and insert "3"

On page 21, after line 20, insert the following:

"NEW SECTION. Sec. 20. This act shall terminate on January 1, 1992."

Debate ensued.

MOTION FOR DIVISION OF QUESTION BY SENATOR McDONALD

Senator McDonald: "Mr. President, I move to divide the question. I would like to speak to that motion. Mr. President, we have done this now once on one bill and this will be the second time. I think the process of adopting amendments in bulk is one that is absolutely counter to the deliberative process that is supposed to be a part of this body. To simply take every amendment--whether it be good or bad or whether you be for it or against it--and vote for it as a group is like an omnibus budget package. That is not what we have done in the past. It is not consistent with the deliberative body that the Senate is supposed to be and whether I am for or against these amendments, I think is a process that we should not get started and we should stop it right now. I hope that we would divide the question as we have in the past by a ruling of the chair that these would come one at a time and hope that you will do so."

REPLY BY THE PRESIDENT

President Cherberg: "There is no doubt that there will be a division. Senator McDonald, do you wish to vote on each amendment individually?"

Senator McDonald: "That is correct, Mr. President."

Debate ensued.

MOTION

Senator Bottiger moved that the rules be suspended and all of the amendments be considered as one and adopted.

Debate ensued.

POINT OF ORDER

Senator McDonald: "There is a motion before this body presently to divide the amendments. We have not dispensed with that motion and so I don't think Senator Bottiger's motion is in order."

REPLY BY THE PRESIDENT

President Cherberg: "The President will ask the body to consider your motion first. Would you please restate it?"

Senator McDonald: "Mr. President, this is an unusual motion that Senator Fleming has made, so it's an unusual motion to make."

President Cherberg: "Kindly restate your motion."

Senator McDonald: "My motion is to divide each amendment such that we will vote on each amendment one at a time."

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator McDonald to divide the question and consider the amendments one at a time.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald to divide the question failed by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Excused: Senator Stratton - 1.

The President declared the question before the Senate to be adoption of the amendments by Senator Zimmerman on pages 2 and 3, the amendments by Senator Lee on page 3, the amendment by Senators Hayner and Bluechel on page 21, the amendment by Senator Cantu on page 21 and the amendments by Senator Moore on pages 1, 2, 3, 17 and 21.

The motion by Senator Fleming carried and the amendments were adopted.

MOTION

Senator Zimmerman moved that the following amendment by Senators Zimmerman and Lee be adopted:

On page 21, following line 20, insert the following:

"NEW SECTION. Sec. 20. There is hereby appropriated ten million dollars from the general fund to the Department of Retirement Systems for the public employees retirement, the teachers retirement system, and the law enforcement officers and fire fighters retirement system to reimburse these funds for the estimated costs of implementing this act in the 1985-87 biennium. These moneys shall be distributed to each retirement fund in proportion to each fund's net asset value."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Zimmerman and Lee.

The motion by Senator Zimmerman failed and the amendment was not adopted.

MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:
On page 1, line 5, after "33A RCW;" insert "providing a termination date;"

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 1992, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "Senator Fleming, I'm going to vote for this bill and I'm going to vote for it on good faith that the good amendments that have been placed on this bill will stay there. I guess I can't ask for your assurance, but I can ask for your good faith that these amendments will stay and that I can feel good to myself and my caucus that the improvements that have been made in this bill will stay that way and I hope you can support me in that issue."

Senator Fleming: "Senator, you know and I know it is pretty difficult for me to dictate what the other side of the rotunda will do, but I am sure the good amendments will stay."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1992, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1992, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McManus, Owen, Peterson, Pullen, Rinehart, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Kiskaddon, McCaslin, McDonald, Metcalf, Moore, Patterson, Rasmussen, Saling, Sellar, Zimmerman - 18.

Absent: Senator Newhouse - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1992, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1647 and the pending amendment by Senators Rinehart, Saling and Talmadge on page 1, line 5, deferred March 6, 1986.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Hayner, the President finds that House Bill No. 1647 is a measure relating to the sunset termination of the Public Disclosure Commission.

"The amendment proposed by Senators Rinehart, Saling and Talmadge requires random audits of filings made with the Public Disclosure Commission.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Rinehart, Saling and Talmadge was ruled out of order.

MOTION

Senator Vognild moved that the following amendment by Senators Vognild and McDonald be adopted:

On page 1, after line 9, insert the following:

"Sec. 2. Section 9, chapter 10, Laws of 1982 as last amended by section 1, chapter 34, Laws of 1984 and by section 14, chapter 125, Laws of 1984 and RCW 42.17.240 are each reenacted and amended to read as follows:

(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year. However, any local elected official whose term of office expires immediately after December 31st shall file the statement required to be filed by this section for the year that ended on that December 31st.

(2) Every candidate shall within two weeks of becoming a candidate file with the commission a statement of financial affairs for the preceding twelve months.

(3) Every person appointed to a vacancy in an elective office or executive state officer position shall within two weeks of being so appointed file with the commission a statement of financial affairs for the preceding twelve months.

(4) A statement of a candidate or appointee filed during the period from January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

(5) No individual may be required to file more than once in any calendar year.

(6) Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

(7) For the purposes of this section, the term "executive state officer" includes those listed in RCW 43.17.020 and those listed in RCW 42.17.2401.

(8) This section does not apply to incumbents or candidates for a federal office or the office of precinct committeeman.

(9) "Executive state officers" as defined in RCW 42.17.2401 are prohibited from filing as a registered lobbyist for any entity other than to fulfill their responsibilities as an executive state officer."

Renumber the remaining section consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Vognild and McDonald.

The motion by Senator Vognild carried and the amendment was adopted.

MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 4 of the title, after "commission;" insert "reenacting and amending RCW 42.17.240;"

On motion of Senator McDermott, the rules were suspended, House Bill No. 1647, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator Rinehart, just to clarify the language in this bill, under current law, is a lobbyist's employer required to report all costs associated with the employer's lobbying effort?"

Senator Rinehart: "Senator Saling, the employer must only make a good faith effort to report costs it makes in connection with an attempt to influence legislation or agency rules."

Senator Saling: "Under current law, is a lobbyist's employer required to report non-lobbying related expenses?"

Senator Rinehart: "No."

Senator Saling: "Under current law, is a lobbyist's employer obligated to report personal living and travel expenses which are not related to lobbying and which are unreimbursed?"

Senator Rinehart: "No. The employer reporting statute--RCW 42.117.180--clearly says that only expenditures made for lobbying purposes are reportable."

Senator Saling: "Under current law, is a lobbyist's employer obligated to report expenses incurred by its officers or employees who serve on legislative advisory committees?"

Senator Rinehart: "No."

Senator Saling: "Is a lobbyist's employer required to report all contacts between its employees and the legislature?"

Senator Rinehart: "No, Senator Saling. If a legislator wants technical information to better understand a matter before the Legislature and knows that a particular company which has employed a lobbyist has that expertise, the legislator could solicit that specific information and the employer could provide it without that being considered a lobbying expense. It would be a reportable lobbying expense, however, if the employer and/or the lobbyist initiated the providing of technical information."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1647, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1647, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1647, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1374, on reconsideration, deferred March 6, 1986.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1374, on reconsideration.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1374, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bauer, Bender, Boltiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Patterson, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1374, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1786, by Representatives Unsoeld, Belcher, Allen, Vekich, Miller and Sayan

Creating the twenty-fourth community college district.

The bill was read the second time.

MOTIONS

On motion of Senator Halsan, the following amendment was adopted:
On page 3, line 26, strike "for a period ending July 1, 1990"

Senator Halsan moved that the following amendments be considered simultaneously and adopted:

- On page 3, line 28, strike "1987" and insert "1986"
- On page 3, line 30, strike "1987" and insert "1986"
- On page 5, line 19, strike "1987" and insert "1986"
- On page 5, line 27, strike "October" and insert "May"
- On page 5, line 30, strike "1987" and insert "1986"
- On page 6, line 30, strike "1987" and insert "1986"
- On page 7, line 13, strike "1987" and insert "1986"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Halsan.

The motion by Senator Halsan failed and the amendments were not adopted.

MOTION

Senator Halsan moved that the following amendment be adopted:

On page 7, after line 3, insert the following:

"NEW SECTION, Sec. 11. A new section is added to chapter 28B.50 RCW to read as follows:

(1) If a community college district is divided, the operating funds allocated for each campus within the former district for the first biennium in which the division is made shall be no lower than the amount represented by the annual average full-time equivalent student enrollment at each campus in the former district for the previous biennium.

(2) If a community college district incurs an enrollment loss of six percent or one hundred twenty annual average full-time equivalent students, whichever is less, during the biennium in which statutory boundary changes become effective, the state board for community college education shall preserve the fiscal stability of the impacted district in the subsequent biennium as follows: The board, in allocating operating funds, shall not reduce the allocation by more than fifty percent of the difference between what the district would have received at the current enrollment level and the lower enrollment level."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Halsan.

The motion by Senator Halsan carried and the amendment was adopted.

MOTIONS

On motion of Senator Gaspard, the following title amendment was adopted:

On page 1, line 2 of the title, after "28B.50.040;" insert "adding a new section to chapter 28B.50 RCW;"

On motion of Senator Gaspard, the rules were suspended, Engrossed House Bill No. 1786, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Vognild, Hansen and Garrett demanded the previous question and the demand was sustained on a rising vote.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1786, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1786, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 24; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Conner, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Kiskaddon, Kreidler, Lee, McManus, Owen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, Williams, Zimmerman - 24.

Voting nay: Senators Barr, Benitz, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Halsan, Hansen, Hayner, Johnson, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, von Reichbauer, Warnke, Wojahn - 24.

Excused: Senator Stratton - 1.

ENGROSSED HOUSE BILL NO. 1786, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MOTION

At 12:38 p.m., on motion of Senator Vognilid, the Senate recessed for fifteen minutes.

AFTERNOON SESSION

The Senate was called to order at 12:54 p.m. by President Cherberg.

MOTION

On motion of Senator Zimmerman, Senators Bailey and Craswell were excused.

SECOND READING

HOUSE BILL NO. 1419, by Representatives Locke, May, Hine, Sommers, Niemi, Tilly, Prince, Belcher, Sanders, Allen, Long, Lux and Jacobsen

Authorizing limits on voter-approved increases to the 106% levy lid.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1419 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1419.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1419 and the bill passed the Senate by the following vote: Yeas, 32; nays, 2; absent, 12; excused, 3.

Voting yea: Senators Barr, Bender, Bluechel, Bottiger, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators McCaslin, Pullen - 2.

Absent: Senators Bauer, Benitz, Cantu, Conner, DeJarnatt, Garrett, Hansen, Johnson, Metcalf, Moore, Rasmussen, Sellar - 12.

Excused: Senators Bailey, Craswell, Stratton - 3.

HOUSE BILL NO. 1419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182, by Committee on Transportation (originally sponsored by Representatives J. King, S. Wilson, Haugen, Fisher, Gallagher, O'Brien, K. Wilson, McMullen, Hankins, Betzoff, Schoon, Jacobsen, Miller, Isaacson and Tilly) (by request of Washington Traffic Safety Commission)

Requiring the use of safety belts and child safety seats in motor vehicles.

The bill was read the second time.

POINT OF ORDER

Senator McDonald: "Mr. President, we raised, as this was read in on the final day, the question of the bill as to whether it was properly before us. We had two sign-up sheets, one which had eight signatures on it and one which had two signatures on it. The concern was that this was a process that now had one single sign-out sheet that did not have sufficient signatures to have this properly before us. That issue was raised before, as we read in finally, and we asked for a ruling and I wonder if you could rule on that?"

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, I would like to offer some more information on the sign-up situation. I sit next to Senator von Reichbauer in Rules and Senator von Reichbauer had the bill in his possession. As I remember, Rules met that day between one and 2:15 p.m. Now a statement was made in Rules the other day that this was a pocket veto. I do not believe that under the conditions of a pocket veto that this was a pocket veto, because I will take an oath on this floor to you that Senator von Reichbauer had the bill in his possession and it had only eight signatures on it. I attest that to you, my good Lieutenant Governor, the Secretary of the Senate notwithstanding.

"Senator von Reichbauer had the opportunity at 2:15 before he turned the bill over to someone else--the sign-up sheet. He had the opportunity to sign that; he did not do it. Now, I don't know where the extra sign-up sheet came. It was said that the clerk or the attorney for the committee prepared it. I don't know the other signature on the sign-up sheet, but I do know that there was no pocket veto and because of the fact that that statement was made impugns the integrity of the chairman of that committee, I want it on the record that there was no pocket veto whatsoever."

REMARKS BY SENATOR PULLEN

Senator Pullen: "Mr. President and members of the Senate. I don't know anything about the facts of the situation, but I do know that there is a tremendous potential for mischief and abuse if we do set a precedent for allowing two sign-up sheets to be circulated with partial signatures on each sign-up sheet. Sometimes members will affix their signatures to a sign-up sheet partly based on who has signed or how many signatures are left to obtain the majority or required number of signatures and if that cannot be determined by a single sign-up sheet and by inspecting who has signed, there's a tremendous potential for abuse and mischief, so I would urge the Senate to be very, very cautious about setting a precedent that could allow two sign-up sheets with partial signatures on each to be circulated."

REMARKS BY SENATOR PETERSON

Senator Peterson: "Mr. President, whether the bill is properly before us or not, I might be able to clarify some of what happened. When the bill passed out of committee, we had more than a quorum. In fact, most of the members of the committee were there last Thursday night when we heard this bill. The voice passed out clearly--with not an unanimous vote--but with a majority vote--a voice vote. At the end of the committee meeting, six members of the committee had signed the bill, one of which later removed his signature which left five. The bill remained in committee then until, as Senator Guess indicated, or until the afternoon on Friday. By this time, everyone should have had an opportunity--the committee members--to sign the bill and when I left Friday afternoon, as Senator Guess indicated, there were eight signatures on the bill and then subsequent sign-up sheets appeared with the two additional signatures, so that is where it came from--from the committee standpoint."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Guess and others, the President is in possession of two documents. One signed by Senator von Reichbauer and one signed by Senator Brad Owen. The document signed by Senator von Reichbauer says 'I, Senator Peter von Reichbauer, having used all my best efforts to locate and sign the majority committee report for Grossed Substitute House Bill No. 1182 do now authorize the

Secretary of the Senate's office to affix my signature to the committee report for Engrossed Substitute House Bill No. 1182.' A similar document is signed by Senator Owen."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, the fact remains that I sit next to Senator P. von Reichbauer and I have already told you--I swear and attest that he had that sign-up sheet in his hands sitting next to me on my left during the entire Rules Committee meeting.

"Now, it is a matter of record that his signature was not on that and it makes no difference, in my opinion--I don't know exactly how to phrase that--it does make a tremendous amount of difference. We have here the integrity of the Senate at stake and I leave it in your good hands."

RULING BY THE PRESIDENT

President Cherberg: "The President doesn't pretend to be Dick Tracy or anyone else, but will give you the decision. In ruling upon the point of order raised by Senator McDonald, regarding Engrossed Substitute House Bill No. 1182, the President believes that Rules 45 and 62 apply. The President recognizes that two members were unable to sign the original committee report and after exercising their best efforts to sign that report resorted to signing a supplemental report.

"The President believes this may be a technical violation of Rule 45. However, Rule 62 is clear, concise and cogent with regard to the circumstances surrounding Engrossed Substitute House Bill No. 1182. Rule 62 provides an impertinent part--'No committee chairman shall exercise a pocket veto of any bill.'

"The President believes this may have been the case with Engrossed Substitute House Bill 1182, therefore, the actions by the two imminent members to sign the committee report should be allowed in order to effectuate Rule 62. The President believes that Engrossed Substitute House Bill 1182 is properly before the Senate."

REMARKS BY SENATOR GUESS

Senator Guess: "It is with the utmost of gravity. I've never seen it so successfully done in the twenty-four years I've been here. My integrity is in question. That of Senator Peterson is in question. That of Senator von Reichbauer is in question. Thank you, Mr. President."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I don't have any integrity, so it hasn't been challenged, but I would point out, Mr. President, and you had a little reservation in your voice when you were making your ruling that maybe--but I think it's a very dangerous precedent that we start when we allow people to sign the bill by affidavit. I have never in my life ever heard of that and I think, Mr. President, what we do when we do that is we completely destroy the committee chairmanship of a committee and we've always talked about strengthening the committee and we want the committees, so they can tighten up and we take all the bills that come out of them and put them on the calendar. At this stage where, and I don't care who they are, when you say, 'Well they can come and sign an affidavit' and it's not a form affidavit and they say, 'If I had been there, I would have signed the bill.' In all the committees I've been on, I have never seen when a bill or report was circulated that anyone would refuse them the opportunity to sign up and if they aren't there--it's the same way as when they aren't here on the floor--their vote doesn't count.

"So, I--and I respect the President--and I know he has been torn with his decision, but I don't like to see it tear apart the rules that we've been operating by that everybody understood. I would hope that the President at some time would reconsider this, so this doesn't become a precedent that we follow in the future. There's no use having a committee chairman if I can go up and sign an affidavit and say, 'Well, I'd have voted for it if I'd been there.' Thank you, Mr. President."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, the President is in possession of a copy of the second sign-up sheet signed by Senator Owen and Senator von Reichbauer."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Mr. President. I have never heard of a second sign-up sheet. There is only one sign-up sheet and that's the one that controls when it gets enough signatures on it. I know that you're as torn as I am and nobody likes to challenge the very fair President, but it's destroying the committee system."

POINT OF ORDER

Senator Bottiger: "Mr. President, the chair has ruled. You have given a great deal of discretion and lee-way, but I would urge the Senate to return to the business of the state. We have wasted fifteen minutes already."

MOTION

Senator Peterson moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 46.61 RCW to read as follows:

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.

(5) During the period from the effective date of this act, to January 1, 1987, a person violating this section may be issued a written warning of the violation. After January 1, 1987, a person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The commission on equipment may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

NEW SECTION, Sec. 2. A new section is added to chapter 4.24 RCW to read as follows:

A licensed physician shall not be liable for civil damages resulting directly or indirectly from providing, or refusing to provide, a written verification that a person under that physician's care is unable to wear an automotive safety belt.

NEW SECTION, Sec. 3. The traffic safety commission shall undertake a study of the effectiveness of section 1 of this act and shall report its finding to the legislative transportation committee by January 1, 1989.

NEW SECTION, Sec. 4. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in

accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

MOTION

Senator Patterson moved that the following amendment to the Committee on Transportation amendment be adopted:

On page 2, on line 9, insert the following:

"(3) Every school bus operated by a school district or a private school of this state shall be equipped with a lap-type safety belt assembly that meets standards set forth in federal motor vehicle safety standard 208 for each permanent passenger seating position."

Renumber the remaining subsections consecutively.

Debate ensued.

MOTION

On motion of Senator Patterson, and there being no objection, the amendment to the Committee on Transportation amendment was withdrawn.

The President declared the question before the Senate to be adoption of the Committee on Transportation amendment.

Debate ensued.

Senators Talmadge, Bender and Wojahn demanded the previous question and the demand was sustained.

Senator Bottiger demanded a roll call on adoption of the Committee on Transportation amendment and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Committee on Transportation amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Peterson failed and the committee amendment was not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Barr, Benitz, Craswell, Guess, Halsan, Hansen, Hayner, Lee, McCaslin, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Sellar, Vognild, von Reichbauer, Williams, Wojahn - 20.

Voting nay: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Rinehart, Saling, Talmadge, Thompson, Warnke, Zimmerman - 28.

Excused: Senator Stratton - 1.

MOTION

Senator Patterson moved that the following amendment be adopted:

On page 1, on line 26, insert the following:

"(3) Every school bus operated by a school district or a private school of this state shall be equipped with a lap-type safety belt assembly that meets standards set forth in federal motor vehicle safety standard 208 for each permanent passenger seating position."

Renumber the remaining subsections consecutively.

POINT OF INQUIRY

Senator Moore: "Senator Granlund, Senator Patterson suggested that there had been one fatality in the last ten years on school buses with no seat belts. Now you spoke to the fact that that was an excellent record. My question is, is that ratio to which you speak comparable to the ratio of the population at large?"

Senator Granlund: "I would say that if we had for the miles traveled and the number of vehicles out there and had a record, the number of passengers hauled were equitable or equivalent to one another, I would say that's a good record--yes--over a ten-year period."

Senator Moore: "That was not precisely my question. I'm asking for a comparison of the overall population--the rest of us who also are not wearing mandatory seat belts--is it comparable? Is it greater or is it less in the school sector than to the public sector?"

Senator Granlund: "I don't have the figure for the public sector, but I would have to assume with just reading the daily paper, it would tell me it's much less."

Senator Moore: "Which is much less?"

Senator Granlund: "The school traffic--"

Senator Moore: "But there is no evidence really--this is a feeling you have?"

Senator Granlund: "It's a study currently by the National Highway Traffic Safety Association, it would tell us that, yes."

Senator Moore: "Has the comparison been made?"

Senator Granlund: "I don't have the figures."

Senator Moore: "Thank you, very much."

Further debate ensued.

Senator Patterson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Patterson.

ROLL CALL

The Secretary called the roll and the motion by Senator Patterson failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Barr, Benitz, Cantu, Conner, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Moore, Patterson, Peterson, Pullen, Rasmussen, Sellar, Vognlid, von Reichbauer, Warnke - 22.

Voting nay: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kiskaddon, Kreidler, McDermott, McManus, Metcalf, Newhouse, Owen, Rinehart, Saling, Talmadge, Thompson, Williams, Wojahn, Zimmerman - 26.

Excused: Senator Stratton - 1.

MOTIONS

On motion of Senator Peterson, the following amendments were considered simultaneously and adopted:

On page 2, line 4, after "from" strike "July 1, 1985, to January 1, 1986," and insert "the effective date of this act, to January 1, 1987."

On page 2, line 6, after "January 1," strike "1986," and insert "1987."

On page 2, line 35, after "January 1," strike "1988," and insert "1989."

Senator Pullen moved that the following amendment be adopted:

On page 2, line 22, after "equipment" strike "may" and insert "shall"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen failed and the amendment was not adopted.

MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute House Bill No. 1182, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1182, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1182, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rinehart, Saling, Talmadge, Thompson, Vognlid, Warnke, Williams, Zimmerman - 33.

Voting nay: Senators Barr, Craswell, Deccio, Guess, Halsan, Hansen, Hayner, McCaslin, McDonald, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer, Wojahn - 15.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Engrossed Substitute House Joint Resolution No. 49.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49, by Committee on Constitution, Elections and Ethics (originally sponsored by Representative Ehlers)

Relating to elected officials' salaries.

The resolution was read the second time.

MOTIONS

Senator Thompson moved that the following Committee on Governmental Operations amendment be adopted:

On page 1, line 17, after "appeals," strike "and superior court" and insert "superior court, and district court"

On motion of Senator Thompson, the following amendment to the Committee on Governmental Operations amendment was adopted:

On line 6 of the Governmental Operations Committee Amendment to page 1, strike "superior court, and district court" and insert "superior courts, and district courts"

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment, as amended.

The motion by Senator Thompson carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

On page 2, line 8, after "on" strike "November 1, 1986" and insert "January 1, 1987"

Senator Pullen moved that the following amendment be adopted:

On page 1, line 19, after "official," strike "state" and insert "public"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen carried and the amendment was adopted.

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 2, line 13, after "vote of" strike "three-fifths" and insert "two-thirds"

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

The motion by Senator Pullen carried and the amendment was adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Joint Resolution No. 49, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Joint Resolution No. 49, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Joint Resolution No. 49, as amended by the Senate, and the resolution received the constitutional two-thirds majority by the following vote: Yeas, 36; nays, 11; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon,

Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Owen, Peterson, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Guess, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling - 11.

Absent: Senator Moore - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49, as amended by the Senate, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Ehlers, Wineberry, R. King, Belcher, Armstrong, Nealey and Unsoeld)

Establishing a citizens' commission on salaries for elected officials.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

On page 3, line 17, after "appeals," strike "and superior court" and insert "superior court, and district court"

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

On page 4, line 18, after "on" strike "November 1, 1986," and insert "January 1, 1987."

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

On page 5, after line 9, insert the following:

"Sec. 7. Section 100, chapter 299, Laws of 1961 as last amended by section 1, chapter 7, Laws of 1985 and RCW 3.58.010 are each amended to read as follows:

The annual salary of each full time district court judge shall be (~~ninety percent of the salary of a judge of a superior court. PROVIDED: That in cities having a population in excess of four hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located. PROVIDED FURTHER: That~~) established by the Washington citizen's commission on salaries for elected officials. A member of the legislature whose term of office is partly coextensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of RCW 43.03.010, 2.04.092, 2.06.062, 2.08.092, and 3.58.010 shall be eligible to be appointed or elected to any of the offices the salary of which is increased hereby but he shall not be entitled to receive such increased salary until after the expiration of his present term of office and his subsequent election or reelection to the office to which he was appointed or elected respectively during his term of office as legislator."

Renumber the sections consecutively and correct all internal references accordingly.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Thompson moved to reconsider the vote by which the first Committee on Governmental Operations amendment on page 3, line 17, was adopted.

The President declared the question before the Senate to be the motion by Senator Thompson to reconsider the vote by which the Committee on Governmental Operations amendment on page 3, line 17, was adopted.

The motion by Senator Thompson carried and the Senate commenced consideration of the Committee on Governmental Operations amendment on page 3, line 17, on reconsideration.

MOTION

On motion of Senator Thompson, the following amendment to the Committee on Governmental Operations amendment was adopted:

On line 6 of the Governmental Operations Committee amendment to page 3, strike "superior court, and district court" and insert "superior courts, and district courts"

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment on page 3, line 17, as amended.

The motion by Senator Thompson carried and the Committee on Governmental Operations amendment, as amended, was adopted.

MOTION

Senator DeJarnatt moved that the following amendment be adopted:

On page 6, line 23 after "officials" strike ";" and insert "((:)), PROVIDED, That in divided legislative districts a legislator shall receive no more salary than the percentage of a legislators salary represented by the percentage of citizens in that divided portion of the district relative to the full legislative district"

The President declared the question before the Senate to be adoption of the amendment by Senator DeJarnatt.

The motion by Senator DeJarnatt failed and the amendment was not adopted on a rising vote.

MOTIONS

On motion of Senator Thompson, the following title amendment was adopted:
On page 1, line 2 of the title, after "2.08.092," insert "3.58.010."

On motion of Senator Thompson, the rules were suspended. Engrossed Substitute House Bill No. 1331, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1331, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1331, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; excused, 1.

Voting yea: Senators Bailey, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Peterson, Rinehart, Sellar, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Barr, Bauer, Benitz, Cantu, Craswell, Deccio, Guess, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling - 13.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, by Committee on Trade and Economic Development (originally sponsored by Representatives Tanner, Sanders, Long, Peery and P. King)

Encouraging employers to hire recipients of unemployment insurance benefits and public assistance.

The bill was read the second time.

MOTION

Senator Warnke moved that the following amendment be adopted:

On page 1, line 22, after "organization," insert "Any recipient of a sales tax deferral under RCW 82.60 or RCW 82.61 shall sign first source contracts with the department."

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Warnke, what is a first source contract?"

Senator Warnke: "A first source contract is defined as an agreement by an employer to screen applicants from a pool of qualified individuals submitted to the

employer by the Department of Employment Security. This program targets public assistance recipients and the unemployed. It doesn't say they will hire them. It says they will screen that pool to see if there are qualified employees within that pool for them to hire. O.K.?

"The semblance being that if we are going to give tax deferrals and tax credits and things for businesses coming in, then they are getting some semblance of assistance from the state, they will help by going through the pools and see if we can get some of the people off of welfare."

Senator Warnke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Warnke.

ROLL CALL

The Secretary called the roll and the motion by Senator Warnke carried and the amendment was adopted by the following vote: Yeas, 25; nays, 21; absent, 2; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, McManus, Owen, Patterson, Peterson, Rasmussen, Rinehart, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 25.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Pullen, Saling, Sellar, Talmadge - 21.

Absent: Senators Kreidler, Newhouse - 2.

Excused: Senator Stratton - 1.

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 1754, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1754, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1754, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, von Reichbauer, Warnke, Wojahn, Zimmerman - 32.

Voting nay: Senators Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, McCaslin, McDermott, McDonald, Metcalf, Pullen, Sellar, Vognild, Williams - 15.

Absent: Senator Newhouse - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2021 and the pending amendment by Senators McDermott and Sellar on page 5, line 30, to the Committee on Ways and Means amendment, deferred March 6, 1986.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDonald, the President finds that Engrossed Substitute House Bill No. 2021 is a measure enrolling more AFDC medicaid recipients in managed health care systems and establishing a commission to develop a health care plan for persons without health care coverage.

"The amendment to the Committee on Ways and Means amendment proposed by Senators McDermott and Sellar provides health care coverage through managed health care systems to certain persons who do not have access to health care insurance.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senators McDermott and Sellar to the Committee on Ways and Means amendment was ruled in order.

The President declared the question before the Senate to be adoption of the amendment by Senators McDermott and Sellar on page 5, line 30, to the Committee on Ways and Means amendment.

The motion by Senator McDermott carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The motion by Senator McDermott carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator McDermott, the following title amendments were considered simultaneously and adopted:

On page 6, after line 8, strike the title amendment and insert the following:

"On page 1, line 1 of the title, after "health care;" strike the remainder of the title and insert "amending RCW 82.08.020 and 7.04.010; adding a new section to chapter 50.20 RCW; adding a new section to chapter 74.08 RCW; adding a new section to chapter 74.09 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 70 RCW; creating new sections; making appropriations; and declaring an emergency."

On page 1, line 1 of the title, after "health care;" strike the remainder of the title and insert "adding a new section to chapter 74.09 RCW; creating new sections; and making an appropriation."

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 2021, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 2021, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 2021, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 27.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Garrett, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Owen, Pullen, Saling - 21.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1950, by Committee on Social and Health Services (originally sponsored by Representatives Brooks and May)

Revising provisions on medical practice.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds and declares that:

(a) Medical services and treatment often are not available to low-income persons;

(b) Public funds are conserved if low-income persons receive primary and preventive medical services and treatment from qualified and competent physicians; and

(c) Lack of access to proper medical care has a negative impact on the health, work performance, and family life of low-income persons.

(2) The legislature also finds that hospitals must enhance their efforts to reduce medical malpractice through the establishment of medical malpractice prevention programs and through greater scrutiny of physicians prior to granting hospital privileges.

PART I

MEDICAL DISCIPLINARY BOARD

Sec. 2. Section 4, chapter 202, Laws of 1955 as amended by section 1, chapter 71, Laws of 1977 and RCW 18.72.040 are each amended to read as follows:

There is hereby created the "Washington state medical disciplinary board," which shall be composed of one holder of a valid license to practice medicine and surgery from each congressional district now existing or hereafter created in the state and ~~((one))~~ three members of the public who meet~~(s)~~ the qualifications contained in RCW 70.39.020~~(2)~~ shall be appointed by the governor. The public ~~((member's))~~ members' term shall be for ~~((two))~~ four years ~~((commencing on October 1st of each odd-numbered year))~~. In order to achieve staggered terms, the public member serving on the board on the effective date of this 1986 act shall continue to serve until October 1, 1987. The remaining two public members shall be appointed to initial terms of three years and four years, respectively.

The board shall be an administrative agency of the state of Washington. The attorney general shall be the advisor of the board and shall represent it in all legal proceedings. Assistant attorneys general assigned to the board are subject to the approval of the board and shall work under the direct control of the board while so assigned.

Sec. 3. Section 6, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.155 are each amended to read as follows:

The director of the department of licensing shall appoint, from a list of three names supplied by the board, an executive secretary who shall act to carry out the provisions of this chapter. The director shall also employ such additional staff including administrative assistants, investigators, and clerical staff as are required to enable the board to accomplish its duties and responsibilities. Investigators employed under this section shall be assigned solely to the board and are subject to the approval of the board. The executive secretary shall be exempt from the provisions of the civil service law, chapter 41.06 RCW, as now or hereafter amended.

PART II

MEDICAL MALPRACTICE PREVENTION PROGRAM

NEW SECTION. Sec. 4. A new section is added to chapter 70.41 RCW to read as follows:

(1) Every hospital shall maintain a coordinated program for the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality assurance committee with the responsibility to review the services rendered in the hospital in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures. At least one member of the committee shall be a member of the governing board of the hospital who is not otherwise affiliated with the hospital in an employment or contractual capacity;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities;

(h) Continuing education programs for medical staff in their areas of specialty; and

(i) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in good faith and without malice, provides information to further the purposes of the medical malpractice prevention program or who, in good faith and without malice, participates on the quality assurance committee shall not be subject to an action for civil damages of other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, collected and maintained pursuant to this section about an individual physician arising out of the matters that are subject to evaluation by a medical review committee conducting peer reviews are not subject to discovery or introduction into evidence in any civil action for or against a physician or health care provider, and no person who was in attendance at a meeting of such committee shall be permitted or required to testify in any such civil action as to the content of such proceedings. This subsection does not preclude (a) in any civil action, the use of any writing which was recorded independently of such proceedings; (b) in any civil action, the testimony of any person concerning the facts which formed the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any physician or health care provider proceedings concerning the termination or restriction of staff privileges, other than peer review, the use of data discussed or developed during peer review proceedings; or (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any.

(4) The department of social and health services shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(5) The medical disciplinary board or the board of osteopathic medicine and surgery, as appropriate, may audit the records and files of the quality assurance committees and peer review committees in cases in which the board has reason to believe that a staff physician may be incapable of practicing with reasonable skill and safety. Each hospital shall produce and make accessible to the board its complete records and files relating to that physician's ability to practice with reasonable skill and safety and otherwise facilitate the audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by law. Failure of a hospital to comply with this subsection is punishable by a civil penalty of two hundred fifty dollars.

NEW SECTION, Sec. 5. A new section is added to chapter 18.72 RCW to read as follows:

A licensed health care professional shall report to the medical disciplinary board when he or she has personal knowledge that a practicing physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing physician may be unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical conditions.

(2) Reporting under this section is not required by:

(a) An appropriately appointed peer review committee member of a licensed hospital or by an appropriately designated professional review committee member of a county or state medical society during the investigative phase of their respective operations if these investigations are completed in a timely manner; or

(b) A treating licensed health care professional of a physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(3) The medical disciplinary board may impose disciplinary sanctions, including license suspension or revocation, on any health care professional subject to the jurisdiction of the board who has failed to comply with this section. The board may recommend disciplinary sanctions to any disciplinary authority, and the disciplinary authority may take disciplinary action, including license suspension or revocation, against a health care professional not subject to the jurisdiction of the board who has failed to comply with this section.

(4) As used in this section, "health care professional" means a person licensed by this state to provide health care or related services, including, but not limited to, a certified acupuncturist, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, midwife, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic.

NEW SECTION, Sec. 6. A new section is added to chapter 18.72 RCW to read as follows:

(1) Every institution or organization providing professional liability insurance directly or indirectly to physicians shall send a complete report to the medical disciplinary board of all malpractice settlements, awards, or payments in excess of two thousand five hundred dollars as a result of a claim or action for damages alleged to have been caused by an insured physician's incompetency or negligence in the practice of medicine.

(2) Reports required by this section shall be made within sixty days of the date of the settlement or verdict or the date the allegation is made. Failure to comply with this section is punishable by a civil penalty of two hundred fifty dollars.

NEW SECTION, Sec. 7. A new section is added to chapter 18.72 RCW to read as follows:

The chief administrator or executive officer of a hospital shall report to the board when a physician's clinical privileges are terminated or are restricted based on a determination, in accordance with an institution's bylaws, that a physician has either committed an act or acts which may constitute unprofessional conduct. The officer shall also report if a physician accepts voluntary termination or restriction of clinical privileges in lieu of formal action based on unprofessional conduct. Such a report shall be made within sixty days of the date action was taken by the hospital's peer review committee or the physician's acceptance of voluntary termination or restriction of privileges. Failure of a hospital to comply with this section is punishable by a civil penalty of two hundred fifty dollars.

NEW SECTION, Sec. 8. A new section is added to chapter 18.72 RCW to read as follows:

Each hospital shall keep written minutes of every committee meeting or hearing in which the privileges of practicing physicians or their competency and qualifications are evaluated and every committee or board whose responsibility it is to evaluate the quality of patient care. Copies of such minutes shall be made available to the board within thirty days of a request and all information so gained shall remain confidential in accordance with law and shall be protected from the discovery process. Failure of a hospital to comply with this section is punishable by a civil penalty of two hundred fifty dollars.

NEW SECTION, Sec. 9. A new section is added to chapter 18.57 RCW to read as follows:

A licensed health care professional shall report to the board when he or she has personal knowledge that a practicing osteopathic physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing osteopathic physician may be unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any impairing mental or physical conditions.

(2) Reporting under this section is not required by:

(a) An appropriately appointed peer review committee member of a licensed hospital or by an appropriately designated professional review committee member of an osteopathic medical society during the investigative phase of their respective operations if these investigations are completed in a timely manner; or

(b) A treating licensed health care professional of an osteopathic physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(3) The board may impose disciplinary sanctions, including license suspension or revocation, on any health care professional subject to the jurisdiction of the board who has failed to comply with this section. The board may recommend disciplinary sanctions to any disciplinary authority, and the disciplinary authority may take disciplinary action, including license suspension or revocation, against a health care professional not subject to the jurisdiction of the board who has failed to comply with this section.

(4) As used in this section, "health care professional" means a person licensed by this state to provide health care or related services, including, but not limited to, a certified acupuncturist, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, midwife, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic.

NEW SECTION, Sec. 10. A new section is added to chapter 18.57 RCW to read as follows:

Every institution or organization providing professional liability insurance directly or indirectly to osteopathic physicians shall send a complete report to the board of all malpractice settlements, awards, or payments in excess of two thousand five hundred dollars as a result of a claim or action for damages alleged to have been caused by an insured physician's incompetency or negligence in the practice of osteopathic medicine. Such institution or organization shall also report instances in which there is an allegation that the physician may be unable to practice with reasonable skill and safety to patients as the result of any mental or physical condition that may constitute an apparent risk to the public health, safety, or welfare.

PART III

GRANT OR RENEWAL OF HOSPITAL PRIVILEGES

NEW SECTION, Sec. 11. A new section is added to chapter 70.41 RCW to read as follows:

(1) Prior to granting or renewing professional privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical conduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265.

(3) The medical disciplinary board shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents collected and maintained pursuant to this section are not subject to discovery or introduction into evidence in any civil action for or against a physician, health care provider, hospital, or facility arising out of the matters that are subject to evaluation by a medical review committee conducting peer review, and no person who was in attendance at a meeting of such committee shall be permitted or required to testify in any such civil action as to the content of such proceedings. This subsection does not preclude (a) in any civil action, the use of any writing which was recorded independently of such proceedings; (b) in any civil action, the testimony of any person concerning the facts which formed the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any physician or health care provider proceedings concerning the termination or restriction of staff privileges, other than peer review, the use of data discussed or developed during peer review proceedings; or (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed and the reasons therefor.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

The President declared the question before the Senate to be the motion by Senator Talmadge to not adopt the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the Committee on Judiciary amendment was not adopted.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Newhouse be adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. (1) The legislature finds that medical malpractice will be reduced if hospitals establish coordinated medical malpractice prevention programs and provide greater scrutiny of physicians prior to granting or renewing hospital privileges.

(2) The legislature also finds that physician disciplinary boards can reduce medical malpractice if they have access to additional information on health care providers who are incompetent or impaired.

PART I

MEDICAL DISCIPLINARY BOARD

Sec. 2. Section 4, chapter 202, Laws of 1955 as amended by section 1, chapter 71, Laws of 1977 and RCW 18.72.040 are each amended to read as follows:

There is hereby created the "Washington state medical disciplinary board," which shall be composed of one holder of a valid license to practice medicine and surgery from each congressional district now existing or hereafter created in the state and ~~((one))~~ three members of the public who meet~~((s))~~ the qualifications contained in RCW 70.39.020(2) shall be appointed by the governor. The public ~~((member's))~~ members' term shall be for ~~((two))~~ four years ~~((commencing on October 1st of each odd-numbered year)).~~ In order to achieve staggered terms,

the public member serving on the board on the effective date of this 1986 act shall continue to serve until October 1, 1987. The remaining two public members shall be appointed to initial terms of three years and four years, respectively.

The board shall be an administrative agency of the state of Washington. The attorney general shall be the advisor of the board and shall represent it in all legal proceedings. Assistant attorneys general assigned to the board are subject to the approval of the board and shall work under the direct control of the board while so assigned.

Sec. 3, Section 6, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.155 are each amended to read as follows:

The director of the department of licensing shall appoint, from a list of three names supplied by the board, an executive secretary who shall act to carry out the provisions of this chapter. The director shall also employ such additional staff including administrative assistants, investigators, and clerical staff as are required to enable the board to accomplish its duties and responsibilities. Investigators employed under this section shall be assigned solely to the board and are subject to the approval of the board. The executive secretary shall be exempt from the provisions of the civil service law, chapter 41.06 RCW, as now or hereafter amended.

PART II

MEDICAL MALPRACTICE PREVENTION PROGRAM

NEW SECTION. Sec. 4. A new section is added to chapter 70.41 RCW to read as follows:

(1) Every hospital shall maintain a coordinated program for the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality assurance committee with the responsibility to review the services rendered in the hospital in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures. At least one member of the committee shall be a member of the governing board of the hospital who is not otherwise affiliated with the hospital in an employment or contractual capacity;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the medical malpractice prevention program or who, in substantial good faith, participates on the quality assurance committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created, collected, and maintained about health care providers arising out of the matters that are subject to evaluation by a review committee conducting quality assurance reviews are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or board shall be permitted or required to testify in any civil action as to the content of such proceedings. This subsection does not preclude: (a) In any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (b) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality assurance committees regarding such health care provider; or (c) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any.

(4) The department of social and health services shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(5) The medical disciplinary board or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(6) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 5. A new section is added to chapter 18.72 RCW to read as follows:

(1) A licensed health care professional licensed under chapter 18.71 RCW shall report to the medical disciplinary board when he or she has personal knowledge that a practicing physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing physician may be unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical conditions.

(2) Reporting under this section is not required by:

(a) An appropriately appointed peer review committee member of a licensed hospital or by an appropriately designated professional review committee member of a county or state medical society during the investigative phase of their respective operations if these investigations are completed in a timely manner; or

(b) A treating licensed health care professional of a physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(3) The medical disciplinary board may impose disciplinary sanctions, including license suspension or revocation, on any health care professional subject to the jurisdiction of the board who has failed to comply with this section.

NEW SECTION. Sec. 6. A new section is added to chapter 18.72 RCW to read as follows:

(1) Every institution or organization providing professional liability insurance to physicians shall send a complete report to the medical disciplinary board of all malpractice settlements, awards, or payments in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured physician's incompetency or negligence in the practice of medicine. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a year as the result of the alleged physician's incompetence or negligence in the practice of medicine regardless of the dollar amount of the award or payment.

(2) Reports required by this section shall be made within sixty days of the date of the settlement or verdict. Failure to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

NEW SECTION. Sec. 7. A new section is added to chapter 70.41 RCW to read as follows:

The chief administrator or executive officer of a hospital shall report to the board when a physician's clinical privileges are terminated or are restricted based on a determination, in accordance with an institution's bylaws, that a physician has either committed an act or acts which may constitute unprofessional conduct. The officer shall also report if a physician accepts voluntary termination in order to foreclose or terminate actual or possible hospital action to suspend, restrict, or terminate a physician's clinical privileges. Such a report shall be made within sixty days of the date action was taken by the hospital's peer review committee or the physician's acceptance of voluntary termination or restriction of privileges. Failure of a hospital to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

NEW SECTION. Sec. 8. A new section is added to chapter 70.41 RCW to read as follows:

Each hospital shall keep written records of decisions to restrict or terminate privileges of practitioners. Copies of such records shall be made available to the board within thirty days of a request and all information so gained shall remain confidential in accordance with sections 4 and 11 of this act and shall be protected from the discovery process. Failure of a hospital to comply with this section is punishable by civil penalty not to exceed two hundred fifty dollars.

NEW SECTION. Sec. 9. A new section is added to chapter 18.57 RCW to read as follows:

A health care professional licensed under chapter 18.57 RCW shall report to the board when he or she has personal knowledge that a practicing osteopathic physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing osteopathic physician may be unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any impairing mental or physical conditions.

(2) Reporting under this section is not required by:

(a) An appropriately appointed peer review committee member of a licensed hospital or by an appropriately designated professional review committee member of an osteopathic

medical society during the investigative phase of their respective operations if these investigations are completed in a timely manner; or

(b) A treating licensed health care professional of an osteopathic physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(3) The board may impose disciplinary sanctions, including license suspension or revocation, on any health care professional subject to the jurisdiction of the board who has failed to comply with this section.

NEW SECTION. Sec. 10. A new section is added to chapter 18.57 RCW to read as follows:

Every institution or organization providing professional liability insurance to osteopathic physicians shall send a complete report to the board of all malpractice settlements, awards, or payments in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured physician's incompetency or negligence in the practice of osteopathic medicine. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a year as the result of the alleged physician's incompetency or negligence in the practice of medicine regardless of the dollar amount of the award or payment.

Reports required by this section shall be made within sixty days of the date of the settlement or verdict. Failure to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

PART III

GRANT OR RENEWAL OF HOSPITAL PRIVILEGES

NEW SECTION. Sec. 11. A new section is added to chapter 70.41 RCW to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265.

(3) The medical disciplinary board shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created, collected, and maintained about health care providers arising out of the matters that are subject to evaluation by a review committee conducting quality assurance reviews are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or board shall be permitted or required to testify in any civil action as to the content of such proceedings. This subsection does not preclude: (a) In any

civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings: (b) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality assurance committees regarding such health care provider; or (c) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any.

(6) Hospitals shall be granted access to information held by the medical disciplinary board and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, I had heard that there was an amendment coming along on this bill that might put the mandatory medicare assignment into it and I haven't had a chance to look at it; it just arrived on my desk. Does this have that in it?"

Senator Talmadge: "No, it does not."

Senator Metcalf: "Thank you."

POINT OF INQUIRY

Senator Zimmerman: "Senator Talmadge, the earlier version, as you say you did not adopt the committee amendment; there were some real concerns in that particular matter. Do you feel that between—you said your negotiations with the various parties, that all those concerns were met in terms of the subpoena power and the peer review on the DSHS section and so on?"

Senator Talmadge: "I believe I can say that's true. Senator Zimmerman, that the hospitals, the group health people, the medical association are supportive and some of the language that was originally recommended to us by the medical disciplinary board itself, remains in the bill. I think it's a very strong bill for medical discipline."

Senator Zimmerman: "Thank you."

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Newhouse.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "medical" strike the remainder of the title and insert "malpractice; amending RCW 18.72.040 and 18.72.155; adding new sections to chapter 18.57 RCW; adding new sections to chapter 18.72 RCW; adding new sections to chapter 70.41 RCW; creating a new section; and prescribing penalties."

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1950, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1950, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1950, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart,

Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1950, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1148, by Committee on Judiciary (originally sponsored by Representatives Belcher, Locke, Armstrong, Valle, Fisher, Crane, Wang, R. King, Tanner, Allen, Miller, Long, Brekke, Niemi, Lewis, Cole, Leonard, Wineberry and Van Luven)

Regulating strip searches.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1148 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1148.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1148 and the bill passed the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Melcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bender, Guess, Owen, Peterson - 4.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1457, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Allen, Hine, Hankins, Fisch, Isaacson, Basich, Tilly, Sayan, Barrett, Lux, Van Luven and P. King)

Revising provisions relating to health insurance for public employees.

The bill was read the second time.

MOTION

Senator McDermott moved that the following Committee on Financial Institutions amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 41.04 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Disabled employee" means an individual receiving a disability retirement allowance from the public employees' retirement system.

(b) "Health plan" means any contract, policy, fund, trust, or other program established by a county, municipality, or other political subdivision of the state that provides for all or a part of hospitalization or medical aid for its employees and their eligible dependents pursuant to RCW 41.04.180.

(c) "Retired employee" means an individual who is a public employee covered under the public employees' retirement system with not less than five years of service at the date of retirement.

(d) "Supplemental plan" means an individual or group health plan designed primarily as a supplement to reimbursements under federal medicare for the hospital, medical, or surgical expenses of persons eligible for medicare by reason of age.

(e) "Person" means a retired or disabled employee.

(2) Any county, municipality, or other political subdivision that provides a health plan for its employees shall permit retired and disabled employees and their eligible dependents to continue participation in such plan subject to the exceptions, limitations, and conditions set forth in this section. However, this section does not apply to:

(a) A county, municipality, or other political subdivision participating in an insurance program administered under chapter 41.05 RCW if retired and disabled employees and their eligible dependents of such participating county, municipality, or other political subdivision are covered under an insurance program administered under chapter 41.05 RCW;

(b) Members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW; or

(c) Members of the first class cities' retirement system under chapter 41.28 RCW.

(3) A person who requests continued participation in their employer's health plan may be required to pay for such participation. However, such payment shall not exceed the rate, cost, or premium that is calculated for an active employee under the same plan. If the utilization of health plan benefits by those continuing participation in the health plan causes a greater than ten percent increase in the active employee rate or cost for the plan, then the rate or cost for those continuing participation in the health plan shall be adjusted to cover the costs in excess of the ten percent increase. However, no provision of this subsection shall be deemed to require any employer who is currently paying for all or part of a health plan for their retired and disabled employees and their eligible dependents from discontinuing those payments.

(4) When a person or his or her spouse continuing participation under a health plan becomes eligible for federal medicare, then health plan participation shall be terminated and the person or his or her spouse shall have the option of participating in a supplemental plan provided by the employer. Any payment required of the person or his or her spouse shall be modified to reflect cost differences between the health plan and the supplemental plan.

(5) Payments for continued participation in a former employer's health plan may be assigned to the underwriter of the health plan from public pension benefits or may be paid to the former employer, as determined by the former employer, so that an underwriter of the health plan that is an insurance company, health care service contractor, or health maintenance organization shall not be required to accept individual payments from persons continuing participation in the employer's health plan.

(6) There shall be a one time initial open enrollment period from May 1, 1986, to June 30, 1986. An employer shall not be required to permit a person to participate in the health plan if the person is responsible for a lapse in coverage under the plan. In addition, an employer shall not be required to permit a person to participate in the employer's health plan if the employer offered continued participation in a health plan with substantially similar benefits and at substantially the same price as that plan provided for active employees and the person failed to enroll in that plan at the time the person was retired or disabled.

(7) If a person continuing participation in the former employer's health plan has other medical coverage as a result of that person's employment or that person's spouse's employment, the other medical coverage shall be the primary coverage for purposes of coordination of benefits as provided for in the former employer's health plan.

(8) If an eligible dependent's continued participation in a health plan was permitted because of the person's relationship to a retired or disabled employee of the employer providing the health plan and the retired or disabled employee dies, then that eligible dependent shall be permitted to continue participation in the health plan for a period of not less than six months after the death of the retired or disabled employee.

(9) An employer may offer one or more health plans different from that provided for active employees and designed to meet the needs of persons requesting continued participation in the employer's health plan. These health plans for continued participation shall be provided at a rate, cost, or premium which does not exceed that provided for active employee health plans. An employer, in designing or offering continued participation in a health plan, may utilize terms or conditions necessary to administer such plans to the extent such terms and conditions do not conflict with this section.

(10) If an employer changes the underwriter of a health plan, the replaced underwriter has no further responsibility or obligation to persons who continued participation in a health plan of the replaced underwriter. However, the employer shall permit such persons to participate in any new health plan.

(11) The benefits granted pursuant to this section shall not be considered a matter of contractual right. Should the legislature revoke or change or a county, municipality, or other political subdivision of the state change any benefits granted under this section, an affected person shall not be entitled thereafter to receive the benefits as a matter of contractual right.

(12) Nothing contained in this section shall be deemed to affect any health plan contained in a collective bargaining agreement in existence as of the effective date of this act. However, any plan contained in future collective bargaining agreements shall conform to the provisions of this section. In addition, nothing contained in this section shall be deemed to affect any

health plan contract or policy in existence as of the effective date of this act, except any renewal of the contract or policy shall conform to the provisions of this section.

NEW SECTION. Sec. 2. Participation in the health plans provided under section 1 of this act shall take effect January 1, 1987, for all self-insured plans and for all plans renewed on or after September 1, 1986. Participation in health plans provided under section 1 of this act which are renewed after the effective date of this act but prior to September 1, 1986, shall take effect on the date the plan is next renewed, but in no case later than January 1, 1988.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. When this was read in on the last day, there was some problem with the notification given for the final hearing of the bill. We raised the point of order that this was in violation of Rule 45. I wonder if you would rule on that?"

RULING BY THE PRESIDENT

President Cherberg: "Yes, Senator McDonald. In ruling upon the point of order raised by Senator McDonald regarding Substitute House Bill No. 1457, the President believes that the Financial Institutions Committee had previously heard Substitute House Bill No. 1457 on February 20, 1986, and followed the proper committee procedures regarding public notice. The President believes that it is a common practice in the Senate to have executive sessions on bills previously heard in committee, therefore, the President believes that Substitute House Bill No. 1457 is properly before the Senate."

MOTION

Senator McDermott moved that the following amendment to the Committee on Financial Institutions amendment be adopted:

On page 2, of the amendment, line 31, after "RCW" strike all the material down to and including "RCW" on line 34

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott to the Committee on Financial Institutions amendment.

The motion by Senator McDermott failed and the amendment to the committee amendment was not adopted.

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. In 1984, we passed a law dealing with the mandated health care coverage that's contained in RCWs 48.42.060 through 080. It says that you will have an impact statement—we're talking about both the social and financial impact of a piece of legislation like this. My understanding is that neither one of these were prepared for this bill and consequently we are in violation of 48.42.060 through 080.

"I wonder if you would rule on that and see if this bill is properly before us?"

REPLY AND RULING BY THE PRESIDENT

President Cherberg: "That's for the members to make, not the Lieutenant Governor."

Senator McDonald: "Mr. President, I guess I am saying that we do have RCWs—laws that do cover that—that we have not gone through the proper procedure. Are you saying then, that if we are in violation of that, this is properly before us?"

President Cherberg: "The President only deals in scopes and objects, Senator."

Senator McDonald: "Mr. President, I'm not scoping the amendment, I'm talking about the condition of the bill."

President Cherberg: "If you're looking for advice, I advise you to use it as an argument on the floor."

Senator McDonald: "Then you are saying that it isn't properly before us?"

President Cherberg: "I'll have to consult with the Secretary of the Senate."

"The Secretary advises that the proper procedure has been followed in presenting the amendment and that is as far as the Secretary of the Senate and the President can go."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1457 was deferred.

SECOND READING

HOUSE BILL NO. 1631, by Representatives Braddock, Tilly, B. Williams and Brække (by request of Department of Social and Health Services)

Modifying provisions relating to nursing home cost reimbursement.

The bill was read the second time.

MOTIONS

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 36, chapter 177, Laws of 1980 and RCW 74.46.360 are each amended to read as follows:

(1) The depreciation base shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The depreciation base of the assets will not exceed such fair market value.

(2) The historical cost of donated assets, or of assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) ~~((Subparagraph (4)))~~ The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. This subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis.

(c) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(d) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department.

NEW SECTION. Sec. 2. The legislative budget committee shall conduct a study of the changes in the state reimbursement system for nursing homes, RCW 74.46.840, resulting from requirements of the Federal Deficit Reduction Act of 1984, (DEFRA) (P.L. 98-369). The study shall include analysis of the effects of these changes on: (1) Nursing home sales since July 18, 1984, the effective date of DEFRA; (2) capital formation for nursing home purchases and sales; and (3) leased nursing homes. The study shall also review adjustments other states may be making as a result of DEFRA. The legislative budget committee shall report the results of this study, including recommendations for any needed legislation, to the ways and means committees of the senate and house of representatives by December 1, 1986."

Senator Goltz moved that the following amendment by Senators Goltz and Bluechel to the Committee on Ways and Means amendment be adopted:

On page 4, after line 27 of the Ways and Means striking amendment, insert the following:
"NEW SECTION. Sec. 3. If ownership of a nursing home is conveyed on or before October 1, 1984, pursuant to an agreement entered into after July 1, 1984, the agreement shall be deemed legally enforceable under state law for the purposes of property reimbursement under federal law notwithstanding the absence of a legal description of the property in the agreement.

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

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Goltz and Bluechel to the Committee on Ways and Means amendment.

The motion by Senator Goltz carried and the amendment to the committee amendment was adopted.

MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1631 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1839 and the pending amendment on page 3, line 10, by Senators Bauer, McManus, Conner, DeJarnatt, Owen, Halsan, Barr, von Reichbauer, Hansen, Metcalf, Garrett, Peterson, Newhouse, Rasmussen, Vognild, Sellar, McCaslin, Cantu, Guess, Bailey, Benitz, Goltz, Granlund, Warnke, Moore and Bottiger, deferred March 6, 1986.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDermott, the President finds that Substitute House Bill No. 1839 is a measure expanding from five to six members by adding an elected county official to the Board of Natural Resources.

"The amendment proposed by Senators Bauer, McManus, Conner, DeJarnatt, Owen, Halsan, Barr, von Reichbauer, Hansen, Metcalf, Garrett, Peterson, Newhouse, Rasmussen, Vognild, Sellar, McCaslin, Cantu, Guess, Bailey, Benitz, Goltz, Granlund, Warnke, Moore and Bottiger requires timber from public lands to be sold on a sustainable yield basis.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Bauer and others was ruled out of order.

MOTION

Senator McDermott moved that the following amendment by Senators McDermott, Bauer and Barr be adopted:

On page 3, after line 10, insert the following:

"NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of natural resources.

(2) "Sustainable harvest level" means the volume of timber offered for harvest from public lands for any period as calculated by the department of natural resources and adopted by the board of natural resources.

(3) "Defaulted" means the volume remaining when a contractor fails to meet the terms of the sales contract at the completion date of the contract or any extension thereof and timber returned to the state under RCW 79.01.1331 through 79.01.1339.

(4) "Deficit" means all timber defaulted or otherwise terminated and returned to the department from July 1, 1979, until June 30, 1986, plus any difference between the sustainable harvest level and the actual board sales level during the period from July 1, 1980, through June 30, 1984.

NEW SECTION. Sec. 4. In order to take advantage of favorable interest rates enhancing the housing market, the department shall offer for sale, within proper forest management principles, the deficit timber sales volume in addition to the annual sustainable harvest level as adopted by the board of natural resources. After deductions for management costs as provided in RCW 79.64.040, all moneys received from the sale of the deficit timber volume on lands held in trust for the common schools shall be deposited in the common school construction fund.

NEW SECTION. Sec. 5. Sections ... and ... of this act shall constitute a new chapter in Title 79 RCW.

NEW SECTION. Sec. 6. Sections ... and ... of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, my understanding that there are several of those timber contracts--large ones--Weyerhaeuser--and I don't know how many others that have not settled yet on the timber that they bought. A lot of that money will go into the common school fund. Can you tell us what's happening in that? The price of lumber is going up. The stumpage price is going up; business is starting to boom out there. We should be able to recover that money for the common school fund right now. What's doing?"

Senator McDermott: "Senator Rasmussen, I don't have the exact figures, but I do know that they have made settlement with most of the large companies. I think there is only one very, very large company that has not yet settled with the state of Washington. It may turn out that with prices rising, they may decide to take and cut the timber and get the money we need."

Senator Rasmussen: "What company is that?"

Senator McDermott: "It's a very, very, very large timber company."

Senator Rasmussen: "You have no knowledge of the name of it?"

Senator McDermott: "Well, I think it begins with a 'W.'"

Senator Rasmussen: "Oh, thank you."

POINT OF ORDER

Senator Lee: "Mr. President, I raise the point of order that the amendment substantially is beyond the scope and object. It is very similar except for a line or two to the amendment that you have just ruled out of scope and object on this same bill."

MOTION

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 1839 was deferred.

MOTION

On motion of Senator Vognild, and there being no objection, the Senate continued consideration of Substitute House Bill 1839 and the pending amendment by Senators McDermott, Bauer and Barr on page 3, line 10, deferred earlier today.

MOTION

On motion of Senator McDermott, and there being no objection, the amendment was withdrawn.

MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard, Lee, von Reichbauer and Bender be adopted:

On page 1, after line 23, insert the following:

NEW SECTION. Sec. 2. The Legislature finds that the practices of the Board of Natural Resources have a major impact on the timber industry of the state of Washington and consequently effect the common school construction fund. Providing for common school plant facilities and modernization of existing common school plant facilities is beneficial to the students of the state of Washington and the economy of our state, in particular the timber industry. The Board of Natural Resources is directed to be cognizant of these benefits in its deliberations.

NEW SECTION. Sec. 3. For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities and to provide for the state administrative costs of such projects, including costs of bond issuance and retirement, salaries, and related costs of officials and employees of the state, costs of credit enhancement agreements, and other expenses incidental to the administration of capital projects, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of thirty million dollars, or so much thereof as may be required to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds authorized in section 2 of this act shall be deposited in the common school construction fund and shall be used exclusively for the purposes specified in this section and section 2 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the state board of education in any fiscal year to provide state assistance for primary and secondary school construction and modernization projects: (1) Which would not receive state assistance under state board allocation rules in effect January 1, 1986, from funds other than the proceeds of these bonds, and (2) for which state assistance is limited to the state matching percentage calculated pursuant to RCW 28A.47.803(2); PROVIDED, That districts which had, prior to September 30, 1985, received preliminary state board approval for state assistance for a project involving new construction in lieu of modernization shall not suffer any change in the priority status of the project nor the amount of assistance for which the district is eligible, in the case that the district modernizes rather than replaces the facility and the following conditions are met:

(a) The school district has calculated the life-cycle cost of modernization; and

(b) The life-cycle cost of modernization is less than or equal to the cost of meeting the same need through new construction.

NEW SECTION. Sec. 5. The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 2 of this act. The state finance committee may provide that a special account be created in such fund to facilitate payment of principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days before the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund, or a special account in that fund, an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 2 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 6. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 2 of this act, and section 4 of this act shall not be deemed to provide an exclusive method for the payment. To this end a joint select committee on school construction is created to study financing of common school capital projects.

(1) The committee shall be composed of the following members:

(a) Three members from each caucus of the house of representatives appointed by the speaker of the house of representatives. At least one member shall be from the education committee, at least one member shall be from the natural resources committee and at least one member shall be from the ways and means committee;

(b) Three members from each caucus of the senate appointed by the president of the senate. At least one member shall be from the education committee, at least one member shall be from the natural resources committee and at least one member shall be from the ways and means committee;

(c) The committee shall select a chairman from among its members.

(2) The joint select committee shall study and make recommendations to the legislature on the following topics:

(a) The long-term funding capacity of the common school construction fund;

(b) Alternative revenue or financing options for support of common school construction projects;

(c) State priorities for the equitable allocation of available construction funds, including methods for determining eligibility for state assistance and calculating state support; and

(d) Methods for encouraging efficient application of resources made available by the legislature for school construction.

(3) The joint select committee shall submit a report of its findings and final recommendations to the legislature no later than December 15, 1986, and shall expire April 1, 1987.

NEW SECTION. Sec. 7. The bonds authorized in section 3 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 8. Sections 3 through 7 of this act are each added to chapter 43.99G RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Senator McDermott: "Mr. President, I raise the point that the amendment expands the scope and object of the bill. This bill started out as a little bill to add a county official to the Board of Natural Resources. The amendment we have before us puts on thirty million dollars worth of school bonds and requires a sixty percent vote to pass. I can't imagine a bill that could expand it much more than that."

MOTION

On motion of Senator Gaspard, and there being no objection, the amendment on page 1, line 23, by Senators Gaspard, Lee, von Reichbauer, and Bender was withdrawn.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1839 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1839.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1839 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1631 and the pending Committee on Ways and Means amendment, deferred earlier today.

MOTION

Senator Bottiger moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 4, after line 3, insert the following:

"(5) if the net book value of the assets in the nursing home as of January 1, 1985 is below one thousand dollars per licensed bed using the standard lives and methods as stated in RCW 74.46.350 and 74.46.370, the depreciation base shall be \$1,000.00 per bed."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger to the Committee on Ways and Means amendment.

The motion by Senator Bottiger carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The motion by Senator McDermott carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator McDermott, the following title amendments were considered simultaneously and adopted:

On line 4 of the Ways and Means title amendment, strike "; and creating a new section" and insert "; creating new sections; and declaring an emergency"

On page 1, line 1 of the title, after "reimbursement;" strike "and"

On page 1, line 2 of the title, after "74.46.360" insert "; and creating a new section"

On motion of Senator McDermott, the rules were suspended, House Bill No. 1631, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1631, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1631, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators McDermott, Pullen - 2.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1631, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2083, by Committee on Financial Institutions and Insurance (originally sponsored by Representative Lux)

Creating insurance plans for providers of day care services.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2083 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 2083.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 2083 and the bill passed the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Guess, Hayner, McCaslin, Patterson - 4.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 2083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved to reconsider the vote by which Substitute House Bill No. 2083 passed the Senate.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate reconsider the vote by which Substitute House Bill No. 2083 passed the Senate.

The motion by Senator Vognild carried and the Senate resumed consideration of Substitute House Bill No. 2083, on reconsideration.

MOTIONS

On motion of Senator Vognild, the rules were suspended and Substitute House Bill No. 2083 was returned to second reading and read the second time.

On motion of Senator Vognild, further consideration of Substitute House Bill No. 2083, on reconsideration, was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 686, by Committee on Commerce and Labor (originally sponsored by Representatives Sayan and Lux)

Reducing compensation for disability by the amount of unemployment benefits.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 686 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, this bill--apparently if you were getting compensation from unemployment and you are getting compensation from industrial insurance, it prevents you from getting both?"

Senator Warnke: "Getting both at the same time."

Senator Rasmussen: "This doesn't have a limit on what the man was earning before he became disabled and because of his disability? It may have been partial disability. He couldn't handle the same job--like if he was a steel worker and I am wondering--and I presume you worked it out--on either industrial insurance or disability benefits, you don't get the full wages that you need to support your family--you only get partial. Is this going to reduce it further?"

Senator Warnke: "Senator Rasmussen, this will affect about one percent. When the study was done, they went through the records and found that people were drawing unemployment compensation at the same time they were drawing workman's compensation. It wasn't intended to be that way and the bill takes care of the problem."

Senator Rasmussen: "I'm not sure that it does. Thank you."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "To directly answer Senator Rasmussen's question, this applies only to total disability, either permanent or temporary, but total and not for partial."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "To add upon that. For one to be totally disabled, one must be disabled from all gainful employment. To get unemployment compensation benefits, you have to be actively seeking employment. If a person were receiving worker's compensation benefits and unemployment compensation, they would possibly be guilty of a crime under the Industrial Insurance Act."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 686.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 686 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2083, on reconsideration, deferred on second reading earlier today.

MOTIONS

On motion of Senator Hayner, the following amendment by Senators Hayner and Sellar was adopted:

On page 3, line 15, strike "should" and insert "shall"

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 2083, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 2083, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 2083, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 2083, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 588, by Committee on Ways and Means (originally sponsored by Representatives Sommers and B. Williams)

Revising provisions relating to retirement contribution rates.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendments were considered simultaneously and adopted:

On page 1, line 25, after "persons" delete "employed" and insert "who established membership"

On page 3, line 2, after "persons" delete "employed" and insert "who established membership"

On page 8, line 5, after "persons" delete "employed" and insert "who established membership"

On page 8, following line 25, insert the following:

NEW SECTION, Sec. 7. Until June 1, 1987, the director is authorized to retroactively suspend any administrative action initiated on or after January 1, 1986, to recover pension overpayments from retirees who have returned to covered employment."

On motion of Senator McDermott, the following title amendments were considered simultaneously and adopted:

On page 1, following line 1 of the title, delete "and"

On page 1, line 3 of the title, after "41.40.650" add "; and creating a new section"

On motion of Senator McDermott, the rules were suspended. Substitute House Bill No. 588, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 588, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 588, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Conner, Deccio, Hansen - 3.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 588, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1339, by Representatives Ebersole, Brough, Madsen, Wineberry, Tanner, Sanders, Appelwick, Betrozoff, Tilly, K. Wilson, Armstrong, Crane and Fisch

Stating that children shall attend school.

The bill was read the second time.

MOTIONS

Senator Gaspard moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 441, Laws of 1985 and RCW 28A.27.010 are each amended to read as follows:

(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.02.201(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section; or

(c) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.41.130 and 28A.41.140, as now or hereafter amended, and shall not affect school district compliance with the provisions of RCW 28A.58.754, as now or hereafter amended;

(d) The child is fifteen years of age or older and:

(i) The school district superintendent determines that such child has already attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the public schools of this state;

(ii) The child is regularly and lawfully engaged in a useful or remunerative occupation;

(iii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iv) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.04.135.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter shall be one approved under regulations established by the state board of education pursuant to RCW 28A.04.120 as now or hereafter amended.

(4) For the purposes of this chapter, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.02.201 and 28A.02.240 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter shall be a person certified under chapter 28A.70 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

Sec. 2. Section 1, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.020 are each amended to read as follows:

If a juvenile required to attend school under the laws of the state of Washington fails to attend school without valid justification recurrently or for an extended period of time, the juvenile's school, where appropriate, shall:

(1) Inform the juvenile's custodial parent, parents or guardian by a notice in writing in English and, if different, in the primary language of the custodial parent, parents or guardian and by other means reasonably necessary to achieve notice of the fact that the juvenile has failed to attend school without valid justification recurrently or for an extended period of time;

(2) Schedule a conference or conferences with the custodial parent, parents or guardian and juvenile at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the juvenile's absences; and

(3) Take steps to eliminate or reduce the juvenile's absences(~~(-including)~~). These steps shall include, where appropriate, adjusting the juvenile's school program or school or course assignment, providing more individualized or remedial instruction, preparing the juvenile for employment with specific vocational courses or work experience, or both, or assisting the parent or student to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

Sec. 3. Section 2, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.022 are each amended to read as follows:

If action taken by a school pursuant to RCW 28A.27.020 is not successful in substantially reducing a student's absences from school, any of the following actions may be taken: (1) The attendance officer of the school district through its attorney may petition the juvenile court to assume jurisdiction under this chapter for the purpose of alleging a violation of RCW 28A.27.010 by the parent; or (2) a petition alleging a violation of RCW 28A.27.010 by a child may be filed with the juvenile court by the parent of such child or by the attendance officer of the school district through its attorney at the request of the parent. If the court assumes jurisdiction in such an instance, the provisions of this chapter, except where otherwise stated, shall apply.

Sec. 4. Section 28A.27.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 56, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.27.040 are each amended to read as follows:

To aid in the enforcement of RCW 28A.27.010 through 28A.27.130, attendance officers shall be appointed and employed as follows: In incorporated city districts the board of directors shall annually appoint one or more attendance officers. In all other districts the educational

service district superintendent shall appoint one or more attendance officers or may act as such himself.

The compensation of attendance officer in city districts shall be fixed and paid by the board appointing him. The compensation of attendance officers when appointed by the educational service district superintendents shall be paid by the respective districts. An educational service district superintendent shall receive no extra compensation if acting as attendance officer.

Any sheriff, constable, city marshal or regularly appointed policeman may be appointed attendance officer.

The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by RCW 28A.27.010 through 28A.27.130, and shall have authority to enter all places in which children may be employed, for the purpose of making such investigations as may be necessary for the enforcement of RCW 28A.27.010 through 28A.27.130. The attendance officer is authorized to take into custody the person of any child eight years of age and not over fourteen years of age, who may be a truant from school, and to conduct such child to his parents, for investigation and explanation, or to the school which he should properly attend. The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of RCW 28A.27.010 through 28A.27.130, and shall otherwise discharge the duties prescribed in RCW 28A.27.010 through 28A.27.130, and shall perform such other services as the educational service district superintendent or the superintendent of any school or its board of directors may deem necessary. However, the attendance officer shall not institute proceedings against the child under RCW 28A.27.022 except as set forth under RCW 28A.27.022.

The attendance officer shall keep a record of his transactions for the inspection and information of any school district board of directors, the educational service district superintendent or the city superintendent, and shall make a detailed report to the city superintendent or the educational service district superintendent as often as the same may be required.

Sec. 5. Section 28A.27.100, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.100 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.27.010 or 28A.27.090 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of RCW 28A.27.010 shall be required to attend school and shall not be fined. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a ~~((person))~~ parent charged with violating RCW 28A.27.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the juvenile's school did not perform its duties as required in RCW 28A.27.020. Any fine imposed pursuant to this section may be suspended upon the condition that a ~~((person))~~ parent charged with violating RCW 28A.27.010 shall participate with the school and the juvenile in a supervised plan for the juvenile's attendance at school or upon condition that the ~~((person))~~ parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

Attendance officers shall make complaint for violation of the provisions of RCW 28A.27.010 through 28A.27.130 ~~((by any person eighteen years of age or over))~~ to a justice of the peace, justice court judge or to a judge of the superior court.

Sec. 6. Section 28A.27.110, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.110 are each amended to read as follows:

The county prosecuting attorney or the attorney for the school district shall act as attorney for the complainant in all court proceedings relating to the compulsory attendance of children as required by RCW 28A.27.010 through 28A.27.130 except for those petitions filed against a child by the parent without the assistance of the school district."

On motion of Senator Gaspard, the following amendment to the Committee on Education amendment was adopted:

On page 6, line 8, after "both," strike "or" and insert "((or)) and"

On motion of Senator Gaspard, the following amendment to the Committee on Education amendment was adopted:

On page 10, after line 34 insert the following:

NEW SECTION. Sec. 7. The school district attendance officer shall report biannually to the educational service district superintendent, in the instance of petitions filed alleging a violation by a child under RCW 28A.27.022:

- (1) The number of petitions filed by a school district or by a parent;
- (2) The frequency of each action taken under RCW 28A.27.020 prior to the filing of such petition;
- (3) When deemed appropriate under RCW 28A.27.020, the frequency of delivery of supplemental services; and

(4) Disposition of cases filed with the juvenile court, including the frequency of contempt orders issued to enforce a court's order under RCW 28A.27.100.

The educational service district superintendent shall compile such information and report annually to the superintendent of public instruction. The superintendent of public instruction shall compile such information and report to the committees of the house of representatives and the senate by January 1, 1988."

Senator Craswell moved that the following amendments by Senators Craswell and Metcalf to the Committee on Education amendment be considered simultaneously and adopted:

On page 10 of the amendment, following line 34, insert the following:

NEW SECTION, Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.27 RCW a new section to read as follows:

"Church educational ministry", for the purposes of section 8 of this act, means an educational ministry that is integral to and inseparable from its sponsoring religious organization offering educational programs for children.

NEW SECTION, Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.27 RCW a new section to read as follows:

If a child of mandatory attendance age is attending an unapproved private school which is operated as part of a church educational ministry under this section and section 7 of this act, the parents, guardians, or custodians of the child shall not be subject to the provisions of this chapter: PROVIDED, That this shall not preclude the application of chapter 26.44 RCW."

On page 11, line 6 of the amendment, following "insert" strike "and"

On page 11, line 9 of the amendment, following "28A.27.110" insert "; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.27 RCW"

POINT OF ORDER

Senator Gaspard: "Mr. President, I raise the point of order and suggest that these amendments are not within the scope and object of the bill and I think that it's quite clear with that reading. I further ask Senator Craswell if she would kindly withdraw the amendments, so the bill can be before us and pass the bill as it's clean."

Further debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Engrossed House Bill No. 1339 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 803, by Committee on Judiciary (originally sponsored by Representatives Scott, Silver, Armstrong, Schmidt, Locke, Tilly and J. Williams)

Prescribing penalties for criminal mistreatment.

The bill was read the second time.

MOTIONS

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. As used in this chapter:

(1) "Basic necessities of life" means food, shelter, clothing, and health care.

(2)(a) "Bodily injury," "physical injury," or "bodily harm" means physical pain or injury, illness, or an impairment of physical condition:

(b) "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part:

(c) "Great bodily harm" means bodily injury which creates a probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily part or organ.

(3) "Child" means a person under eighteen years of age.

(4) "Dependent person" means a person who, because of physical or mental disability, is dependent upon another person to provide the basic necessities of life.

(5) "Parent" has its ordinary meaning and also includes a guardian and the authorized agent of a parent or guardian.

NEW SECTION, Sec. 2. (1) A parent of a child or the person entrusted with the physical custody of a child or dependent person is guilty of criminal mistreatment in the first degree if he or she recklessly causes substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the first degree is a class C felony.

NEW SECTION, Sec. 3. (1) A parent of a child or the person entrusted with the physical custody of a child or dependent person is guilty of criminal mistreatment in the second degree if he or she recklessly either (a) creates an imminent and substantial risk of death or substantial bodily harm, or (b) causes bodily harm by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the second degree is a gross misdemeanor.

NEW SECTION, Sec. 4. Sections 2 and 3 of this act do not apply to a decision to withdraw life support systems made in accordance with law by a health care professional and family members or others with a legal duty to care for the patient.

NEW SECTION, Sec. 5. In any prosecution for criminal mistreatment because of a parent's failure to provide medical treatment for his or her child, it is a defense that the parent relied on treatment by spiritual means alone through prayer for healing in accordance with bona fide religious beliefs which were genuinely held by such parent, unless the parent had reasonable cause to believe that the life of the child was substantially and seriously threatened or that permanent physical damage could result to such child for failure to provide medical treatment.

NEW SECTION, Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 9A RCW."

On motion of Senator Pullen, the following amendment by Senators Pullen and Craswell to the Committee on Judiciary amendment was adopted:

On page 1, line 9, after "means" strike the balance of the language through "care" on line 10 and insert "food and shelter, and shall include clothing and health care under circumstances in which the clothing or health care are necessary to protect or preserve life"

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment, as amended.

The motion by Senator Talmadge carried and the Committee on Judiciary amendment, as amended, was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 803, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 803, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 803, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Barr - 1.

Absent: Senators Hansen, McDonald - 2.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 803, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479, by Committee on Social and Health Services (originally sponsored by Representatives Leonard, Crane, Cole, Dellwo, Lewis, Lux, Appelwick, Winsley, Allen, Scott, Jacobsen, Braddock and P. King)

Modifying criteria for approval of methadone treatment services.

The bill was read the second time.

MOTION

Senator Wojahn moved that the following Committee on Human Services and Corrections amendment not be adopted:

On page 2, after line 27, strike all material through "programs." on line 35

The President declared the question before the Senate to be the motion by Senator Wojahn to not adopt the Committee on Human Services and Corrections amendment.

The motion by Senator Wojahn carried and the committee amendment was not adopted.

MOTION

Senator Goltz moved that the following amendment by Senators Goltz, Wojahn and Kiskaddon be adopted:

On page 2, after line 20, strike all new language through "programs." on line 35, except lines 25, 26 and 27, and insert:

"Counties may license methadone treatment programs based on compliance with the department's treatment regulations under this section and section one of this act. Counties shall be authorized to monitor methadone treatment programs for compliance with the department's treatment regulations under this section and section one of this act. Any county legislative authority may limit the number of licenses granted in that county where such number is based on methadone programs per population provided that such number shall not be less than the number of clinics certified in such county as of the effective date of this act."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Goltz, Wojahn and Kiskaddon.

The motion by Senator Goltz carried and the amendment was adopted.

MOTION

On motion of Senator Wojahn, the rules were suspended. Engrossed Substitute House Bill No. 1479, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Vognild: "Senator Goltz, in your amendment, counting up from the bottom--the third line up from the bottom, you used the word, 'population.' What does it mean in that sense?"

Senator Goltz: "That is the general population of the county. It does not have reference to the population of methadone cases or anything else. It is the general population."

Senator Vognild: "Thank you."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1479, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1479, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 3; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Voting nay: Senator Zimmerman - 1.

Absent: Senators Barr, Deccio, Owen - 3.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2014, by Committee on Agriculture (originally sponsored by Representatives Vekich and Ballard)

Revising regulation of agriculture commission merchants.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the following Committee on Agriculture amendment was adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 20.01 RCW to read as follows:

The director shall have the authority to issue a notice of civil infraction if an infraction is committed in his or her presence or, if after investigation, the director has reasonable cause to believe an infraction has been committed. It shall be a misdemeanor for any person to refuse to properly identify himself or herself for the purpose of issuance of a notice of infraction or to refuse to sign the written promise to appear or respond to a notice of infraction. Any person willfully violating a written and signed promise to respond to a notice of infraction shall be guilty of a misdemeanor regardless of the disposition of the notice of infraction.

NEW SECTION. Sec. 2. A new section is added to chapter 20.01 RCW to read as follows:

(1) Any person who receives a notice of infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) Any employee or agent of a licensee under this chapter is fully authorized to accept a notice of infraction on behalf of the licensee. The director shall also furnish a copy of the notice of infraction to the licensee by certified mail within five days of issuance.

(3) If the person determined to have committed the infraction does not contest the determination, that person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response, which does not contest the determination, is received, an appropriate order shall be entered into the courts record and a record of the response shall be furnished to the director.

(4) If a person determined to have committed the infraction wishes to contest the determination, that person shall respond by completing the portion of the notice of the infraction requesting a hearing and submitted either by mail or in person to the court specified in the notice. The court shall notify the person in writing of the time, place, and the date of the hearing which shall not be sooner than fifteen days from the date of the notice, except by agreement.

(5) If the person determined to have committed the infraction does not contest the determination, but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it either by mail or in person to the court specified in the notice. The court shall notify the person in writing of the time, place and date of the hearing.

(6) If a person issued a notice of infraction fails to respond to the notice of infraction or fails to appear at the hearing requested pursuant to this section, the court shall enter an appropriate order in assessing the monetary penalty prescribed in the schedule of penalties submitted to the court by the director and shall notify the director of the failure to respond to the notice of infraction or to appear at a requested hearing.

NEW SECTION. Sec. 3. A new section is added to chapter 20.01 RCW to read as follows:

A hearing held for the purpose of contesting the determination that an infraction has been committed shall be held without jury. The court may consider the notice of infraction and any other written report submitted by the director. The person named in the notice may subpoena witnesses and has the right to present evidence and examine witnesses present in court. The burden of proof is upon the state to establish the commission of the infraction by preponderance of evidence.

After consideration of the evidence and argument, the court shall determine whether the infraction was committed. Where it is not established that the infraction was committed, an order dismissing the notice shall be entered in the court's record. When it is established that the infraction was committed, an appropriate order shall be entered in the court's record, a copy of which shall be furnished to the director. Appeal from the court's determination or order shall be to the superior court and must be appealed within ten days. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the rules of appellate procedure.

NEW SECTION. Sec. 4. A new section is added to chapter 20.01 RCW to read as follows:

A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person named in the notice may not subpoena witnesses. The determination that the infraction has

been committed may not be contested at a hearing held for the purpose of explaining circumstances. After the court has heard the explanation of the circumstances surrounding the commission of the infraction, an appropriate order shall be entered in the court's record. A copy of the order shall be furnished to the director. There may be no appeal from the court's determination or order.

NEW SECTION. Sec. 5. A new section is added to chapter 20.01 RCW to read as follows:

Any person found to have committed a civil infraction under this chapter shall be assessed a monetary penalty. No monetary penalty so assessed may exceed one thousand dollars. The director shall adopt a schedule of monetary penalties for each violation of this chapter classified as a civil infraction and shall submit the schedule to the proper courts. Whenever a monetary penalty is imposed by the court, the penalty is immediately due and payable. The court may, at its discretion, grant an extension of time, not to exceed thirty days, in which the penalty must be paid. Failure to pay any monetary penalties imposed under this chapter shall be punishable as a misdemeanor.

Sec. 6. Section 1, chapter 139, Laws of 1959 as last amended by section 8, chapter 412, Laws of 1985 and RCW 20.01.010 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. When used in RCW 60.13.020, "agricultural product" means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) "Limited dealer" means any person operating under the alternative bonding provision in RCW 20.01.211.

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.

(10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for the payment.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for

a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year. (~~Any retailer may occasionally wholesale any agricultural product which he has in surplus; however, such wholesaling shall not be in excess of two percent of the retailer's gross business.~~)

(13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

(17) "Boom loader" means a person who owns or operates, or both, a mechanical device mounted on a vehicle and used to load hay or straw for compensation.

(18) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(19) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(20) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

(21) "Licensed public weighmaster" means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.

(22) "Certified weight" means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW.

Sec. 7. Section 8, chapter 232, Laws of 1963 as amended by section 6, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.125 are each amended to read as follows:

Every dealer and commission merchant dealing in hay or straw shall obtain a certified vehicle tare weight and a certified vehicle gross weight for each load hauled and shall furnish the consignor with a copy of such certified weight ticket within seventy-two hours after taking delivery. It shall be a violation of this chapter for any licensee to transport hay or straw which has been purchased by weight without having obtained a certified weight ticket from the first licensed public weighmaster which would be encountered on the ordinary route to the destination where the hay or straw is to be unloaded.

Sec. 8. Section 13, chapter 139, Laws of 1959 as last amended by section 1, chapter 142, Laws of 1973 and RCW 20.01.130 are each amended to read as follows:

All fees and other moneys received by the department under the provisions of this chapter shall be paid to the director and shall be used solely for the purpose of carrying out the provisions of this chapter and rules ((and regulations)) adopted hereunder. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments.

Sec. 9. Section 5, chapter 232, Laws of 1963 as last amended by section 4, chapter 305, Laws of 1983 and RCW 20.01.210 are each amended to read as follows:

(1) Before the license is issued to any commission merchant or dealer, or both, the applicant shall execute and deliver to the director a surety bond executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Said bond shall be to the state for the benefit of qualified consignors of agricultural products in this state. All such sureties on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond by giving notice to the principal and the director by certified mail. Upon receipt of such notice the director shall notify the surety and the principal of the effective date of termination which shall be thirty days from the receipt of such notice by the director, but this shall not relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration period provided for above.

(2) The bond for a commission merchant or dealer in hay, straw or turf, forage or vegetable seed shall be not less than fifteen thousand dollars ((for a commission merchant or a dealer in turf, forage, or vegetable seed, hay, or straw)). The actual amount of such bond shall be determined by dividing the annual dollar volume of the licensee's net proceeds or net payments due consignors by twelve and increasing that amount to the next multiple of five thousand dollars, except that the bond amount for dollar volume arising from proprietary seed bailment contracts shall be computed as provided in subsection (4) of this section. Such bond for a new commission merchant or dealer in hay, straw or turf, forage or vegetable seed shall be subject to increase at any time during the licensee's first year of operation based on the average of business volume for any three months. Except as provided in subsection (3) of this section, the bond shall be not less than three thousand dollars for any other dealer.

(3) The bond for a commission merchant or dealer in livestock shall be not less than ((seven thousand five hundred)) ten thousand dollars. ((A)) The actual amount of such bond shall be determined in accordance with the formula set forth in the packers and stockyard act of 1921 (7 U.S.C. 181), except that a commission merchant or dealer in livestock shall increase his bond by five thousand dollars for each agent he has endorsed under RCW 20.01.090.

(4) The bond for a commission merchant ((or dealer, other than a commission merchant or a dealer in turf, forage, or vegetable seed or a dealer in hay or straw;)) handling agricultural products other than livestock, hay, straw or turf, forage or vegetable seed shall not be less than seven thousand five hundred dollars. The bond for a dealer handling agricultural products other than livestock, hay, straw or turf, forage or vegetable seed shall not be less than three thousand dollars. The actual amount of such bond shall be determined by dividing the annual dollar volume of ((that commission merchant's or dealer's)) the licensee's net proceeds or net payments due consignors by fifty-two and increasing that amount to the next multiple of two thousand dollars. However, bonds above twenty-six thousand dollars shall be increased to the next multiple of five thousand dollars.

(5) ((The bond for a commission merchant or dealer in turf, forage, or vegetable seed or a dealer in hay or straw shall be determined by dividing the annual dollar volume of that commission merchant's or dealer's net proceeds or net payments due consignors by twelve and increasing that amount to the next multiple of five thousand dollars, except that the determination of bond amounts for any portion of dollar volume directly related to proprietary seed bailment contracts shall be computed as provided in subsection (4) of this section. The bond for a new commission merchant or a dealer in turf, forage, or vegetable seed or dealer in hay or straw is subject to increase at any time during the licensee's first year of operation and shall be based on the monthly average of the volume of purchases of any three months of operation.

(6)) When the annual dollar volume of any commission merchant or dealer reaches two million six hundred thousand dollars, the amount of the bond required above this level shall be on a basis of ten percent of the amount arrived at by applying the appropriate formula.

Sec. 10. Section 22, chapter 139, Laws of 1959 as amended by section 4, chapter 194, Laws of 1982 and RCW 20.01.220 are each amended to read as follows:

Any consignor of an agricultural product claiming to be injured by the fraud of any commission merchant and/or dealer or their agents may bring action upon said bond against principal, surety, and agent in any court of competent jurisdiction to recover the damages caused by such fraud. Any consignor undertaking such an action shall name the director as a party.

Sec. 11. Section 23, chapter 139, Laws of 1959 and RCW 20.01.230 are each amended to read as follows:

The director or any consignor of an agricultural product may also bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter or the rules ~~((and regulations))~~ adopted hereunder. Any consignor undertaking such an action shall name the director as a party.

Sec. 12. Section 24, chapter 139, Laws of 1959 and RCW 20.01.240 are each amended to read as follows:

~~((In case of failure of a commission merchant and/or dealer to pay a consignor for an agricultural product received from said consignor, the director shall proceed forthwith)) (1) Except as provided in subsection (2) of this section, any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer shall file a claim with the director. Upon the filing of a claim under this subsection against any commission merchant or dealer handling any agricultural product, the director may, after investigation, proceed to ascertain the names and addresses of all consignor creditors of such commission merchant and ((/or)) dealer, together with the amounts due and owing to them by such commission merchant and ((/or)) dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address.~~

(2) Any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer in hay or straw, shall file a claim with the director within twenty days of the licensee's default. In the case of a claim against the bond of a commission merchant or unlimited dealer in hay or straw, default occurs when the licensee fails to make payment within thirty days of the date the licensee took possession of the hay or straw. In the case of a claim against a limited dealer in hay or straw, default occurs when the licensee fails to make payment upon taking possession of the hay or straw. Upon verifying the consignor's claim either through investigation or, if necessary, an administrative action, the director shall, within ten working days of the filing of the claim, make demand for payment of the claim by the licensee's surety without regard to any other potentially valid claim. Any subsequent claim will likewise result in a demand against the licensee's surety, subject to the availability of any remaining bond proceeds.

Sec. 13. Section 46, chapter 139, Laws of 1959 as amended by section 4, chapter 20, Laws of 1982 and RCW 20.01.460 are each amended to read as follows:

~~(1) ((Except as provided in subsection (2) of this section, a)) Any person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor, except as provided in subsections (2) and (3) of this section.~~

(2) Any commission merchant, dealer, or cash buyer, or any person assuming or attempting to act as a commission merchant, dealer, or cash buyer without a license is guilty of a class C felony who:

(a) Imposes false charges for handling or services in connection with agricultural products.
 (b) Makes fictitious sales or is guilty of collusion to defraud the consignor.
 (c) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.

~~(d) ((Intentionally)) Fails to ((pay for agricultural products valued at more than two hundred fifty dollars within the time and in the manner required by this chapter, or attempts payment of an amount greater than two hundred fifty dollars by a check he or she knows not to be backed by sufficient funds to cover such check)) comply with the payment requirements set forth under RCW 20.01.010(10), 20.01.390 or 20.01.430.~~

(3) Any person who violates the provisions of RCW 20.01.040, 20.01.120, 20.01.125, 20.01.410 or 20.01.610 has committed a civil infraction.

Sec. 14. Section 8, chapter 305, Laws of 1983 and RCW 20.01.610 are each amended to read as follows:

The director or his appointed officers may stop a vehicle transporting hay or straw upon the public roads of this state if there is reasonable cause to believe the carrier, seller, or buyer may be in violation of this chapter. Any operator of a vehicle failing or refusing to stop when directed to do so ~~((is guilty of a misdemeanor))~~ has committed a civil infraction.

NEW SECTION. Sec. 15. A new section is added to chapter 60.13 RCW to read as follows:

A person who controls or possesses amounts payable to the preparer of dairy products or the preparer's assigns, if the preparer or preparer's assigns is not a producer-handler, which are properly encumbered by a preparer's lien upon an account receivable shall not be obligated to pay a producer amounts to which the producer's preparer lien has attached until that person receives written notice of such lien, nor shall that person be liable to the producer for any amounts paid out prior to receipt of said notice. The notice required herein shall contain the information described in RCW 60.13.040(2). If requested by the person responsible for payment of such amounts, the producer must seasonably furnish reasonable proof that the preparer lien continues to exist and unless such proof is so furnished, that person has no obligation to pay the producer. A preparer of dairy products shall provide the name of the purchaser or marketing agent of the products to the producer upon request.

Failure to furnish the written notice as provided in this section shall not affect the status of the lien established under this chapter in regard to the relationship with other creditors.

Sec. 16. Section 9-204, chapter 157, Laws of 1965 ex. sess. as last amended by section 13, chapter 41, Laws of 1981 and RCW 62A.9-204 are each amended to read as follows:

(1) Except as provided in subsection (2), a security agreement may provide that any or all obligations covered by the security agreement are to be secured by after-acquired collateral.

(2) No security interest attaches under an after-acquired property clause to consumer goods other than accessions (RCW 62A.9-314) when given as additional security unless the debtor acquires rights in them within ten days after the secured party gives value.

(3) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment (subsection (1) of RCW 62A.9-105).

(4) A security interest cannot attach to livestock or to meat or meat products made from such livestock, where: (a) The livestock was sold to the commission merchant or dealer in livestock as defined in chapter 20.01 RCW or to a commercial feedlot by another party, (b) this other party has been paid by draft or check, and (c) the draft or check remains outstanding; PROVIDED, That a security interest may attach when the draft or check has been outstanding more than ten days.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 69, Laws of 1965 and RCW 20.01.035; and

(2) Section 29, chapter 139, Laws of 1959, section 6, chapter 305, Laws of 1983 and RCW 20.01.290."

On motion of Senator Hansen, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, strike "20.01.030."

On page 1, line 3 of the title, strike "and" and after "20.01.610" insert ", and 62A.9-204"

MOTION

On motion of Senator Hansen, the rules were suspended. Substitute House Bill No. 2014, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 2014, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 2014, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 2014, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1339 and the pending amendments on page 10, line 34, and page 11, lines 6 and 9, by Senators Craswell and Metcalf to the Committee on Education amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Gaspard, the President finds that Engrossed House Bill No. 1339 is a measure requiring children to attend school, subjecting them to fines or community service for failure to attend school and establishing a court procedure for requiring a child to attend school.

"The amendments proposed by Senators Craswell and Metcalf define church education ministry and exempts parents, guardians or custodians of children attending church educational ministries from the compulsory school attendance statute.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by Senators Craswell and Metcalf were ruled out of order.

The President declared the question before the Senate to be adoption of the Committee on Education amendment, as amended.

The motion by Senator Gaspard carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Gaspard, the following title amendments were considered simultaneously and adopted:

On page 1, line 1, after "attendance;" strike "and"

On page 1, line 2, after "28A.27.100", insert "; and creating a new section"

On page 1, line 1 of the title, after "attendance;" strike the remainder of the title and insert "and amending RCW 28A.27.010, 28A.27.020, 28A.27.022, 28A.27.040, 28A.27.100, and 28A.27.110."

On motion of Senator Gaspard, the rules were suspended, Engrossed House Bill No. 1339, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1339, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1339, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Benitz, Conner, Craswell, Fleming, McDermott, Pullen - 6.

Absent: Senators Barr, Johnson - 2.

Excused: Senator Stratton - 1.

ENGROSSED HOUSE BILL NO. 1339, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 495, by Committee on Judiciary (originally sponsored by Representatives Dellwo, Armstrong, Lewis, Scott, Tilly, Locke, Niemi, Lux, Hargrove and Belcher)

Authorizing retrocession of jurisdiction over certain Indian land.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 27, after "all" strike the remainder of the subsection and insert "tribal lands or allotted lands lying within the Colville Indian Reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States."

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered simultaneously and adopted:

On page 2, line 18, after "any" insert "tribal"

On page 2, line 21, after "preceding the" insert "effective date of"

MOTION

Senator Guess moved that the following amendment be adopted:

On page 1, line 23, strike all material through page 2, line 32 and insert the following:

NEW SECTION. Sec. 2. By September 1, 1986 the Senate committee on Judiciary shall report to the Legislature its recommendations concerning the appropriateness of authorizing

retrocession of criminal jurisdiction to the Colville Indian reservation. Such recommendations shall be predicated upon findings which shall include, but not be limited to, the documented opinions of the residents of the reservation."

Debate ensued.

MOTION

Senator Bottiger moved that the amendment by Senator Guess on page 1, line 23, be laid on the table.

Debate ensued.

Senator Guess demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that the amendment by Senator Guess on page 1, line 23, be laid on the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed by the following vote: Yeas, 22; nays, 25; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 25.

Absent: Senator Peterson - 1.

Excused: Senator Stratton - 1.

Further debate ensued on the amendment on page 1, line 23, by Senator Guess.

MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 495 was deferred.

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Engrossed House Bill No. 2055.

SECOND READING

ENGROSSED HOUSE BILL NO. 2055, by Representative Grimm

Relating to bonded indebtedness.

The bill was read the second time.

MOTION

Senator Lee moved that the following amendment by Senators Lee, Gaspard and Bender be adopted:

On page 6, after line 16, insert the following:

NEW SECTION. Sec. 2. For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities and to provide for the state administrative costs of such projects, including costs of bond issuance and retirement, salaries, and related costs of officials and employees of the state, costs of credit enhancement agreements, and other expenses incidental to the administration of capital projects, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of thirty million dollars, or so much thereof as may be required to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section.

NEW SECTION. Sec. 3. The proceeds from the sale of the bonds authorized in section 2 of this act shall be deposited in the common school construction fund and shall be used exclusively for the purposes specified in this section and section 2 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the state board of education in any fiscal year to provide state assistance for primary and

secondary school construction and modernization projects: (1) Which would not receive state assistance under state board allocation rules in effect January 1, 1986, from funds other than the proceeds of these bonds, and (2) for which state assistance is limited to the state matching percentage calculated pursuant to RCW 28A.47.803(2): PROVIDED, That districts which had, prior to September 30, 1985, received preliminary state board approval for state assistance for a project involving new construction in lieu of modernization shall not suffer any change in the priority status of the project nor the amount of assistance for which the district is eligible, in the case that the district modernizes rather than replaces the facility and the following conditions are met:

(a) The school district has calculated the life-cycle cost of modernization; and

(b) The life-cycle cost of modernization is less than or equal to the cost of meeting the same need through new construction.

NEW SECTION. Sec. 4. The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 2 of this act. The state finance committee may provide that a special account be created in such fund to facilitate payment of principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days before the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund, or a special account in that fund, an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 2 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 5. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 2 of this act, and section 4 of this act shall not be deemed to provide an exclusive method for the payment. To this end a joint select committee on school construction is created to study financing of common school capital projects.

(1) The committee shall be composed of the following members:

(a) Three members from each caucus of the house of representatives appointed by the speaker of the house of representatives. At least one member shall be from the education committee, at least one member shall be from the natural resources committee and at least one member shall be from the ways and means committee;

(b) Three members from each caucus of the senate appointed by the president of the senate. At least one member shall be from the education committee, at least one member shall be from the natural resources committee and at least one member shall be from the ways and means committee;

(c) The committee shall select a chairman from among its members.

(2) The joint select committee shall study and make recommendations to the legislature on the following topics:

(a) The long-term funding capacity of the common school construction fund;

(b) Alternative revenue or financing options for support of common school construction projects;

(c) State priorities for the equitable allocation of available construction funds, including methods for determining eligibility for state assistance and calculating state support; and

(d) Methods for encouraging efficient application of resources made available by the legislature for school construction.

(3) The joint select committee shall submit a report of its findings and final recommendations to the legislature no later than December 15, 1986, and shall expire April 1, 1987.

NEW SECTION. Sec. 6. The bonds authorized in section 2 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act are each added to chapter 43.99G RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Senator McDermott: "Mr. President, I raise the point of order that the amendment expands the scope and object of Engrossed House Bill No. 2055. It adds thirty

million dollars in bonds and would raise the requirements in votes from twenty-five to thirty. It clearly expands the scope and object of the bill."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator von Reichbauer: "Mr. President, could you advise me of the time?"

REPLY BY THE PRESIDENT

President Cherberg: "5:01:50."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDermott, the President finds that Engrossed House Bill No. 2055 is a measure clarifying references to bonds issued for the Community Revitalization Board.

"The amendment proposed by Senators Lee, Gaspard and Bender provides \$30 million in bonds for common school construction.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Lee, Gaspard and Bender was ruled out of order.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 2055 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 2055.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 2055 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

ENGROSSED HOUSE BILL NO. 2055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Vognild moved that the Senate resume consideration of Engrossed Substitute House Bill No. 495 and the pending amendment by Senator Guess on page 1, line 23, deferred earlier today.

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. In previous times, once we started on a piece of legislation and we go past the hour of five o'clock, it has been ruled that we can continue on that. However, you have not ruled on if a bill was picked up and put down on the calendar and then at some later time after five o'clock if that bill is still legitimately before us. I know last year you ruled on one, but you did not rule on the latter case. I wonder if you would do that?"

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, speaking to the point of order, I would concur with Senator McDonald and defer to your wisdom but if we were to take all the bills that we deferred as we went along because they were controversial, we'd be here until this time tomorrow or the next day, or maybe even next month and I wouldn't want to see us start picking up deferred bills."

Further debate ensued.

POINT OF ORDER

Senator McDonald: "Mr. President, in making your ruling on 495, I wonder if you would also consider House Bill No. 1484? It was a bill that we started at the beginning of today and was set down this morning. I wonder if in your ruling you would tell us if that bill as well is before us?"

RULING BY THE PRESIDENT

President Cherberg: "As long as the President can remember, the custom has been that the Senate will consider one bill that it has been working on after the deadline. Customarily, the Senate has worked one bill that was being considered by the body. My reply to your last question, the answer would be, 'No, only one bill.'"

Senator McDonald: "Mr. President, how do we pick that bill?"

President Cherberg: "The bill that is being considered by the body."

Senator McDonald: "But House Bill No. 1484 also--"

President Cherberg: "The President does not pick the bills. The Senators pick the bills."

Senator McDonald: "Then we could pick any bill that we so chose?"

President Cherberg: "Yes, one, but not two. Senator Vognild moved that the bill be considered and you can vote it down if you choose."

POINT OF INQUIRY

Senator Guess: "Senator Vognild, I don't have the cutoff resolution in my hand. Evidently you know it better than I, but if memory serves, sir, there was no exception in there. Cutoff was to be at five o'clock today and it is now 5:12."

Senator Vognild: "Senator Guess, if you're asking me why I made this motion, you do not want the answer in the record."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I'll put it in the record. When the bill was called up, a whole sheet--three pages plus another amendment were put up on a bill, as Senator Talmadge indicated, had been worked here for two solid years. It is obviously a delaying technique when we tried to schedule the bill for close to five o'clock. It's the wisdom of the rule to prevent that kind of delaying technique from being used."

REMARKS BY SENATOR GUESS

Senator Guess: "Senator Bottiger, if you will ask the Secretary of the Senate, he will tell you that my amendment was laid there at approximately a quarter of twelve. As we came out of caucus--it was probably earlier than that--I don't remember whether it was time stamped or not, but my amendment was there."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator, your reputation is beyond reproach. I'm not suggesting that you didn't put your amendment up early, but in this last day of scheduling in trying to get the business of the Senate completed, it is obvious when someone puts up three pages of amendments--these aren't yours, sir--that's the technique that should not be permitted to delay us."

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, what issue is presently before the body at the present time?"

REPLY BY THE PRESIDENT

President Cherberg: "The motion by Senator Vognild that the Senate consider Engrossed Substitute House Bill No. 495 that was previously being considered."

Senator Talmadge: "Mr. President, I believe the remarks of the members should be directed to that issue, if at all possible, so the orderly business of the Senate can proceed."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Vognild that the Senate resume consideration of Engrossed Substitute House Bill No. 495.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild carried by the following vote: Yeas, 26; nays, 21; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Absent: Senator Pullen - 1.

Excused: Senator Stratton - 1.

The Senate resumed consideration of Engrossed Substitute House Bill No. 495 and the pending amendment by Senator Guess on page 1, line 23, deferred earlier today.

MOTION

On motion of Senator Guess, and there being no objection, the amendment was withdrawn.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, if I can find the amendment in all of this, there's one on the bottom of the amendment sheet that is marked No. 8--it's an amendment to the committee amendment. We adopted the committee amendment without considering this amendment. Maybe I'm mistaken, but I don't think we considered this amendment and would like to find out."

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises that your remarks are correct and that the committee amendment will have to be reconsidered in order to accommodate the situation."

Senator McDonald: "Mr. President, this amendment was properly before us and I would request that we could indeed do that."

MOTION

Having voted on the prevailing side, Senator Vognild moved to reconsider the vote by which the Committee on Judiciary amendment on page 1, line 27, was adopted earlier today.

The President declared the question before the Senate to be the motion by Senator Vognild to reconsider the vote by which the Committee on Judiciary amendment on page 1, line 27, was adopted.

The motion by Senator Vognild carried and the Senate resumed consideration of the Committee on Judiciary amendment on page 1, line 27, on reconsideration.

MOTION

On motion of Senator Barr, the following amendment to the Committee on Judiciary amendment was adopted:

On page 1 of the Judiciary Committee amendment to page 1, line 27, after "imposed by the United States" insert "but shall not include those lands which lie north of the present reservation which were included in original reservation boundaries created in 1872 and which are referred to as the "Diminished Reservation"

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment on page 1, line 27, as amended.

The committee amendment, as amended, was adopted.

MOTION

Senator Barr moved that further consideration of Engrossed Substitute House Bill No. 495 be deferred.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Barr that further consideration of Engrossed Substitute House Bill No. 495 be deferred.

The motion by Senator Barr failed and the Senate continued consideration of Engrossed Substitute House Bill No. 495.

MOTION

Senator Vognild moved that the following amendments, the first group by Senator Barr, and the second group by Senators Barr and Rasmussen be considered simultaneously and adopted:

On page 1, line 10, after "over" insert "Colville tribal"

On page 1, line 16, after "over" insert "non-Colville tribal Indians."

On page 2, line 9, after "governor" strike "shall" and insert "may"

On page 2, line 18, after "jurisdiction" insert "and is approved by a majority vote of those elected to the legislature in the next regular session following acceptance by the United States government as described in this section"

On page 2, line 20, after "proceeding" strike "pending before" and insert "which has been filed with"

On page 2, line 21, after "state" insert "or local government"

On page 2, line 21, after "state" strike "immediately"

On page 2, line 24, beginning with "For" strike all language through "proceeding," on line 26

On page 2, line 18, strike all language after "jurisdiction," through "non-Indians" on line 19 and insert "The Colville tribes shall not exercise criminal or civil jurisdiction over non-Indians"

On page 1, line 9, after "authorize" insert "a procedure for"

On page 2, beginning on line 4, strike all material through "non-Indians," on line 19 and insert the following:

"NEW SECTION. Sec. 4. Whenever the governor receives resolutions from the business council of the confederated tribes of the Colville reservation and a resolution of the county legislative authorities for both Okanogan and Ferry counties requesting the retrocession by the state of all or any measure of the criminal jurisdiction acquired by the state pursuant to section 5, chapter 36, Laws of 1963 over lands of the Colville Indian reservation, and each county resolution has been approved by the voters of the respective counties after submission at the next succeeding general election following the passage of such resolutions, then and only then, the governor shall, within ninety days of such election, issue a proclamation retroceding to the United States the criminal jurisdiction previously acquired by the state over such reservation. However, the state of Washington shall retain jurisdiction as provided in RCW 37.12.010. The proclamation of retrocession shall not become effective until it is accepted by an officer of the United States government in accordance with 25 U.S.C. Sec. 1323 (82 Stat. 78, 79) and in accordance with procedures established by the United States for acceptance of such retrocession of jurisdiction. The Colville tribes shall not exercise criminal or civil jurisdiction over non-Indians."

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, we have revisited this new pioneering effort in parliamentary double-think. We have now for the third time adopted an omnibus amendment package. We do not have the choice now whether we want some amendments or don't want some amendments and you and I--all of us on this floor--Democrat or Republican--are going to be tagged with the amendments--one and all--whether you like them or not. If you can't pick and choose between them, it creates a very difficult problem that we're going to have to deal with, not only parliamentary-wise and process-wise, but politically. For instance, in House Bill No. 32 the other day, the folks out here had adopted an amendment that took out tenure as a bargaining position. Now, I don't know if you all wanted that, but you voted for it and you voted for it in an omnibus package.

"I would like to put the body on notice that we will prepare a written statement to be entered in the record concerning this procedure. It's a very dangerous procedure and I hope all of you who have the twenty-five votes now understand what you're doing in adopting these procedures."

MOTION

On motion of Senator Vognild, the motion to adopt the amendments by Senators Barr and Rasmussen was withdrawn.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Barr, was it not your intention to take all of these amendments simultaneously? I believe we are fulfilling our end of the agreement. I assume that that's still your understanding?"

Senator Barr: "Yes, Senator Talmadge, I had agreed to take them simultaneously before five o'clock and I thought we did that and we held up our part of the deal and I thought that's what we did and like I stated awhile ago that's fine with me now, so nothing will interrupt our agreement for the rest of this session until next Thursday night."

Senator Talmadge: "Why don't you go ahead and make that motion, Senator?"

MOTION

On motion of Senator Barr, the amendments, the first group by Senator Barr, and the second group by Senators Barr and Rasmussen were considered simultaneously and adopted:

On page 1, line 10, after "over" insert "Colville tribal"

On page 1, line 16, after "over" insert "non-Colville tribal Indians,"

On page 2, line 9, after "governor" strike "shall" and insert "may"

On page 2, line 18, after "jurisdiction" insert "and is approved by a majority vote of those elected to the legislature in the next regular session following acceptance by the United States government as described in this section"

On page 2, line 20, after "proceeding" strike "pending before" and insert "which has been filed with"

On page 2, line 21, after "state" insert "or local government"

On page 2, line 21, after "state" strike "immediately"

On page 2, line 24, beginning with "For" strike all language through "proceeding." on line 26

On page 2, line 18, strike all language after "jurisdiction." through "non-Indians" on line 19 and insert "The Colville tribes shall not exercise criminal or civil jurisdiction over non-Indians"

On page 1, line 9, after "authorize" insert "a procedure for"

On page 2, beginning on line 4, strike all material through "non-Indians." on line 19 and insert the following:

***NEW SECTION.** Sec. 4. Whenever the governor receives resolutions from the business council of the confederated tribes of the Colville reservation and a resolution of the county legislative authorities for both Okanogan and Ferry counties requesting the retrocession by the state of all or any measure of the criminal jurisdiction acquired by the state pursuant to section 5, chapter 36, Laws of 1963 over lands of the Colville Indian reservation, and each county resolution has been approved by the voters of the respective counties after submission at the next succeeding general election following the passage of such resolutions, then and only then, the governor shall, within ninety days of such election, issue a proclamation retroceding to the United States the criminal jurisdiction previously acquired by the state over such reservation. However, the state of Washington shall retain jurisdiction as provided in RCW 37.12.010. The proclamation of retrocession shall not become effective until it is accepted by an officer of the United States government in accordance with 25 U.S.C. Sec. 1323 (82 Stat. 78, 79) and in accordance with procedures established by the United States for acceptance of such retrocession of jurisdiction. The Colville tribes shall not exercise criminal or civil jurisdiction over non-Indians."

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 495, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage. Debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Barr, is this bill--are all three of you from the district in accord--Representatives Fuhrman and Bristow?"

Senator Barr: "Senator Moore, throughout the last couple of years, there has been considerable changing on the support and attitude towards this measure, as the information developed in those two counties. The county commissioners a year ago were all opposed and the sheriffs were all opposed and during this last year the county commissioners--the majority of the county commissioners--not all of them do support it--and during this process an evolution of developing the bill, then both Representatives voted for the bill in the House. When some of the people

were down here last week lobbying the bill from Okanogan County, they asked one of them why he voted for it and he said, 'He wasn't really supporting it, but he did vote for it,' but officially they are both supporting it, as I do when it gets the way it should."

Senator Moore: "Excuse me, Mr. President, so you are saying that they favor these amendments?"

Senator Barr: "To further answer that question. When I was off the floor just before this came up, I went over and asked them and they both agreed to the amendments--both House members agreed to the amendments."

Senator Moore: "Thank you."

MOTION

On motion of Senator Bender, Senator McManus was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 495, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 495, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 38.

Voting nay: Senators Benitz, Guess, Hayner, Metcalf, Newhouse, Rasmussen, Sellar, Zimmerman - 8.

Absent: Senator Bottiger - 1.

Excused: Senators McManus, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 495, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGES FROM THE HOUSE

March 6, 1986

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1518,

HOUSE BILL NO. 1519,

SUBSTITUTE HOUSE BILL NO. 1540,

SUBSTITUTE HOUSE BILL NO. 1802,

HOUSE BILL NO. 1868, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 5, 1986

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 4221,

SENATE BILL NO. 4551,

SUBSTITUTE SENATE BILL NO. 4574,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4626,

SENATE BILL NO. 4680,

SENATE BILL NO. 4723,

SENATE BILL NO. 4959,

SENATE JOINT MEMORIAL NO. 133,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 135,

SENATE JOINT MEMORIAL NO. 136, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 6, 1986

Mr. President:

The House has passed:

SENATE BILL NO. 3352,
REENGROSSED SENATE BILL NO. 3527,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3990,
ENGROSSED SUBSTITUTE SENATE BILL NO. 4710,
SUBSTITUTE SENATE BILL NO. 5037, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 5, 1986

Mr. President:

The House has passed:

SECOND SUBSTITUTE SENATE BILL NO. 3110,
ENGROSSED SENATE BILL NO. 3334,
ENGROSSED SENATE BILL NO. 3495,
SUBSTITUTE SENATE BILL NO. 4458, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 4, 1986

Mr. President:

The House has failed to pass ENGROSSED SUBSTITUTE SENATE BILL NO. 4539.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 3110,
SENATE BILL NO. 3334,
SENATE BILL NO. 3495,
SUBSTITUTE SENATE BILL NO. 4221,
SUBSTITUTE SENATE BILL NO. 4458,
SENATE BILL NO. 4551,
SUBSTITUTE SENATE BILL NO. 4574,
SECOND SUBSTITUTE SENATE BILL NO. 4626,
SENATE BILL NO. 4680,
SENATE BILL NO. 4723,
SENATE BILL NO. 4959,
SENATE JOINT MEMORIAL NO. 133,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 135,
SENATE JOINT MEMORIAL NO. 136.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1518,
HOUSE BILL NO. 1519,
SUBSTITUTE HOUSE BILL NO. 1540,
SUBSTITUTE HOUSE BILL NO. 1802,
HOUSE BILL NO. 1868.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3352,
SENATE BILL NO. 3527,
SUBSTITUTE SENATE BILL NO. 3990,
SUBSTITUTE SENATE BILL NO. 4710,
SUBSTITUTE SENATE BILL NO. 5037.

MOTION

At 5:40 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Saturday, March 8, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

' FIFTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 8, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators McManus, Stratton, Thompson and von Reichbauer. On motion of Senator Zimmerman, Senator von Reichbauer was excused. On motion of Senator Bender, Senator Stratton was excused.

The Sergeant at Arms Color Guard, consisting of Pages Don Coggins and Aaron McColm, presented the Colors. Reverend Sarasopa Enari, Jr., minister of youth and education for the First Christian Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

March 7, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 7, 1986, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 3532

Relating to permissible acts on liquor licensed premises by persons under twenty-one years of age.

Substitute Senate Bill No. 3590

Relating to public employees.

Senate Bill No. 4456

Relating to veterans.

Senate Bill No. 4619

Relating to an exchange and subsequent use of federally granted trust lands.

Substitute Senate Bill No. 4635

Relating to special jurisdictional proceedings of the utilities and transportation commission.

Senate Bill No. 4713

Relating to industrial insurance appeals.

Substitute Senate Bill No. 4720

Relating to industrial insurance employer services.

Senate Bill No. 4770

Relating to irrigation districts.

Sincerely,

TERRY SEBRING, Counsel to the Governor

MESSAGES FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 4425,

SUBSTITUTE SENATE BILL NO. 4664,

SUBSTITUTE SENATE BILL NO. 4682,

SENATE BILL NO. 4708,

SUBSTITUTE SENATE BILL NO. 4926,

SUBSTITUTE SENATE BILL NO. 4933,

SENATE JOINT MEMORIAL NO. 113, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 7, 1986

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 3636,

SUBSTITUTE SENATE BILL NO. 4553,

SENATE JOINT MEMORIAL NO. 126,

SENATE JOINT MEMORIAL NO. 143, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 5, 1986

GA 153 VIRGINIA P. APODACA, to the position of member of the Higher Education Personnel Board, appointed by the Governor on April 16, 1985, for the term ending July 1, 1989, succeeding Jane M. McCormach.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, McDermott, McManus, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 178 PATRICIA STELL, to the position of member of the Higher Education Personnel Board, appointed by the Governor on May 31, 1985, for the term ending July 1, 1991, succeeding Evelyn Whitney.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, McDermott, McManus, Warnke.

MINORITY recommendation: That said appointment not be confirmed. Signed by Senators Benitz, Craswell, Guess, Johnson, Kiskaddon, Patterson, Saling.

Passed to Committee on Rules.

March 5, 1986

GA 180 TSUGUO IKEDA, to the position of member of the Vocational Education Commission, reappointed by the Governor on July 5, 1985, for the term ending July 1, 1990.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, McDermott, McManus, Warnke.

Passed to Committee on Rules.

MINORITY recommendation: That said appointment not be confirmed. Signed by Senators Benitz, Craswell, Guess, Johnson, Kiskaddon, Patterson, Saling.

Passed to Committee on Rules.

March 5, 1986

GA 187 E. ANNE WINCHESTER, to the position of member of the State Board for Community College Education, appointed by the Governor on July 5, 1985, for the term ending April 3, 1989.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, McDermott, McManus, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 234 LAURA STONER, to the position of member of the Board of Trustees for Fort Steilacoom Community College District No. 11, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990, succeeding Dorothy Hunt.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 235 DEANNE COOK, to the position of member of the Board of Trustees for Centralia Community College District No. 12, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990, succeeding Rene J. Remund.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 236 RICHARD GRAHAM, to the position of member of the Board of Trustees for Lower Columbia Community College District No. 13, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990, succeeding G. W. Durchim.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 237 MITCHELL BOWER JR., to the position of member of the Board of Trustees for Clark Community College District No. 14, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990, succeeding Thomas R. Hagley.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 238 DOROTHY KNECHTEL, to the position of member of the Board of Trustees for Spokane Community College District No. 17, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990, succeeding Diane Munger.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 239 DR. ALLEN D. DEANE, to the position of member of the Board of Trustees for Big Bend Community College District No. 18, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990, succeeding Helen Heinemann.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 240 JAN LUDWIG, to the position of member of the Board of Trustees for Columbia Basin Community College District No. 19, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990, succeeding Virginia Evans.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 241 KARYN CLARK, to the position of member of the Board of Trustees for Tacoma Community College District No. 22, appointed by the Governor on October 14, 1985, for the term ending September 30, 1990, succeeding Marliss Swayze.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 243 DAVID K. Y. TANG, to the position of member of the Board of Trustees for The Evergreen State College, appointed by the Governor on September 23, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, McDermott, McManus, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 244 ALLAN WEINSTEIN, to the position of member of the Board of Trustees for The Evergreen State College, appointed by the Governor on September 23, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, McDermott, McManus, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 250 KATHRYN BANNAL, to the position of member of the Board of Trustees for Eastern Washington University, appointed by the Governor on September 23, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, McDermott, McManus, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 251 JACK GERAGHTY, to the position of member of the Board of Trustees for Eastern Washington University, appointed by the Governor on September 23, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, McDermott, McManus, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 254 CHARLOTTEE CHALKER, to the position of member of the Board of Trustees for Western Washington University, appointed by the Governor on September 23, 1985, for the term ending September 30, 1991.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, McDermott, McManus, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 268 ARTHUR SIEGAL, to the position of member of the Board of Trustees for Seattle Community College District No. 6, reappointed by the Governor on October 29, 1985, for the term ending September 30, 1990.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 269 BERNIE THOMAS, to the position of member of the Board of Trustees for Whatcom Community College District No. 21, appointed by the Governor on October 29, 1985, for the term ending September 30, 1990, succeeding Catharine Stimpson.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 272 ANTONIO SANTOY, to the position of member of the State Board for Community College Education, appointed by the Governor on November 25, 1985, for the term ending April 3, 1988.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Fleming, Goltz, Granlund, McDermott, McManus, Warnke.

Passed to Committee on Rules.

MINORITY recommendation: That said appointment not be confirmed. Signed by Senators Benitz, Craswell, Guess, Johnson, Kiskaddon, Patterson, Saling.

Passed to Committee on Rules.

March 5, 1986

GA 285 JACK TICE, to the position of member of the Board of Trustees for Peninsula Community College District No. 1, appointed by the Governor on January 10, 1986, for the term ending September 30, 1990.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 286 JACK DURNEY, to the position of member of the Board of Trustees for Grays Harbor Community College District No. 2, appointed by the Governor on January 10, 1986, for the term ending September 30, 1986.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

March 5, 1986

GA 287 CHRIS WILSON, to the position of member of the Board of Trustees for Walla Walla Community College District No. 20, appointed by the Governor on January 21, 1986, for the term ending September 30, 1990, succeeding Patricia Richardson.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bailey, Bender, Benitz, Fleming, Goltz, Granlund, McDermott, McManus, Saling, Warnke.

Passed to Committee on Rules.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3453 with the following amendments:

On page 2, after line 13, insert the following:

"Sec. 6. Section 14, chapter 260, Laws of 1981 as last amended by section 1, chapter 146, Laws of 1984 and RCW 60.28.010 are each amended to read as follows:

(1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum not to exceed five percent, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or

subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor. Every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said moneys so reserved: PROVIDED, That such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 as now existing and in accordance with any amendments that may hereafter be made thereto: PROVIDED FURTHER, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body: (a) at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments which would otherwise be subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor: PROVIDED, That the contractor may request that retainage be reduced to one hundred percent of the value of the work remaining on the project: and (b) thirty days after completion and acceptance of all contract work other than landscaping, may release and pay in full the amounts retained during the performance of the contract (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of RCW 60.28.020.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties: PROVIDED, That interest on such account shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed. When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

(3) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(4) With the consent of the public body the contractor may submit a bond for all or any portion of the amount of funds retained by the public body in a form acceptable to the public body. Such bond and any proceeds therefrom shall be made subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(5) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 RCW shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

(6) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, thirty days after completion and final acceptance of each ferry vessel, the department may release and pay in full the amounts retained in connection with the construction of such vessel subject to the provisions of RCW 60.28.020: PROVIDED, That the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or

more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on such ferry after a period of thirty days following final acceptance of such ferry; and if such taxes are certified or claims filed, recovery may be had on such bond by the department of revenue and the materialmen and laborers filing claims.

(7) ~~((On projects commenced after June 7, 1984, the trust fund established pursuant to subsection (1) of this section may be reserved for the protection of the owner or owners of such public improvements when specifically required by regulations of the farmers home administration for the provision of grant or loan funds administered by that agency)) Contracts on projects funded in whole or in part by Farmers Home Administration and subject to Farmers Home Administration regulations shall not be subject to subsections (1) through (6) of this section.~~

Remember the remaining section consecutively.

On page 1, line 1 of the title, after "liens;" insert "amending RCW 60.28.010;"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 3453.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3453, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3453, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senators McManus, Thompson - 2.

Excused: Senators Stratton, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 3453, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3419 with the following amendment:

On page 1, beginning on line 5, strike all material through "RCW 58.17.100." on page 2, line 23 and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 58.17 RCW to read as follows:

A county, city, or town may adopt an ordinance providing for the administrative review of a preliminary plat without a public hearing by adopting an ordinance providing for such administrative review. The ordinance may specify a threshold number of lots in a subdivision above which a public hearing must be held, and may specify other factors which necessitate the holding of a public hearing. The administrative review process shall include the following minimum conditions:

(1) The notice requirements of RCW 58.17.090 shall be followed, except that the publication shall be made within ten days of the filing of the application. Additionally, at least ten days after the filing of the application notice both shall be: (a) Posted on or around the land proposed to be subdivided in at least five conspicuous places designed to attract public awareness of the proposal; and (b) mailed to the owner of each lot or parcel of property located within at least three hundred feet of the site. The applicant shall provide the county, city, or town with a list of such property owners and their addresses. The notice shall include notification that no public hearing will be held on the application, except as provided by this section. The notice shall set out the procedures and time limitations for persons to require a public hearing and make comments.

(2) Any person shall have a period of twenty days from the date of the notice to comment upon the proposed preliminary plat. All comments received shall be provided to the applicant. The applicant has seven days from receipt of the comments to respond thereto.

(3) A public hearing on the proposed subdivision shall be held if any person files a request for a hearing with the county, city, or town within twenty-one days of the publishing of such notice. If such a hearing is requested, notice requirements for the public hearing shall be in conformance with RCW 58.17.090, and the ninety-day period for approval or disapproval of the proposed subdivision provided for in RCW 58.17.140 shall commence with the date of the filing of the request for a public hearing. Any hearing ordered under this subsection shall be conducted by the planning commission or hearings officer as required by county or city ordinance.

(4) On its own initiative within twenty-one days of the filing of the request for approval of the subdivision, the governing body, or a designated employee or official, of the county, city, or town, shall be authorized to cause a public hearing to be held on the proposed subdivision within ninety days of the filing of the request for the subdivision.

(5) If the public hearing is waived as provided in this section, the planning commission or planning agency shall complete the review of the proposed preliminary plat and transmit its recommendation to the legislative body as provided in RCW 58.17.100."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Substitute Senate Bill No. 3419.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3419, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3419, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Saling, Thompson, Vognild, Warnke, Zimmerman - 28.

Voting nay: Senators Bailey, Barr, Cantu, Conner, Fleming, Hayner, Johnson, Kiskaddon, Lee, McDermott, McDonald, Melcali, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Williams, Wojahn - 19.

Excused: Senators Stratton, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 3419, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:22 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 10:45 a.m. by President Cherberg.

MOTION

At 10:45 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 3487 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds that:

(1) Capital investments in energy conservation in buildings can produce significant reductions in energy use, reducing the need to import or extract fossil fuels and lowering the cost of operating buildings.

(2) The state of Washington has an obligation to operate state buildings efficiently and to implement all cost-effective energy conservation measures so that citizens are assured that

public funds are spent wisely and so that citizens have an example of the savings possible from energy conservation.

(3) The state has completed energy consumption and walk-through surveys of its buildings and other facilities and has established a schedule for technical assistance studies which is the basis for implementing energy conservation measure installations to meet the milestones in RCW 43.19.680. However, there is uncertainty that the milestones will be met.

(4) The potential savings from energy conservation can be more readily realized by explicitly considering conservation measures and procedures in the state's budgeting and long-range planning process.

Sec. 2. Section 5, chapter 172, Laws of 1980 as last amended by section 1, chapter 313, Laws of 1983 and RCW 43.19.680 are each amended to read as follows:

(1) Upon completion of each walk-through survey required by RCW 43.19.675, the director of general administration or the agency responsible for the facility if other than the department of general administration shall implement energy conservation maintenance and operation procedures that may be identified for any state-owned facility. These procedures shall be implemented as soon as possible but not later than twelve months after the walk-through survey.

(2) By December 31, 1981, for the capitol campus the director of general administration, in cooperation with the director of the state energy office, shall prepare and transmit to the governor and the legislature an implementation plan.

(3) By December 31, 1983, for all other state-owned facilities, the director of general administration in cooperation with the director of the state energy office shall prepare and transmit to the governor and the legislature the results of the energy consumption and walk-through surveys and a schedule for the conduct of technical assistance studies. This submission shall contain the energy conservation measures planned for installation during the ensuing biennium. Priority considerations for scheduling technical assistance studies shall include but not be limited to a facility's energy efficiency, responsible agency participation, comparative cost and type of fuels, possibility of outside funding, logistical considerations such as possible need to vacate the facility for installation of energy conservation measures, coordination with other planned facility modifications, and the total cost of a facility modification, including other work which would have to be done as a result of installing energy conservation measures. Energy conservation measure acquisitions and installations shall be scheduled to be twenty-five percent complete by June 30, 1985, or at the end of the capital budget biennium which includes that date, whichever is later, fifty-five percent complete by June 30, 1989, or at the end of the capital budget biennium which includes that date, whichever is later, eighty-five percent complete by June 30, 1993, or at the end of the capital budget biennium which includes that date, whichever is later, and fully complete by June 30, 1995, or at the end of the capital budget biennium which includes that date, whichever is later. Each state agency shall implement energy conservation measures with a payback period of twenty-four months or less that have a positive cash flow in the same biennium.

For each biennium until all measures are installed, the director of general administration shall report to the governor and legislature installation progress, measures planned for installation during the ensuing biennium, and changes, if any, to the technical assistance study schedule. This report shall be submitted by December 31, 1984, or at the end of the following year whichever immediately precedes the capital budget adoption, and every two years thereafter until all measures are installed. The office of financial management shall indicate which of the measures in the foregoing report are included in the biennial budget request and the total cost to accomplish those measures which are not included.

(4) The director of general administration shall adopt rules to facilitate private investment in energy conservation measures for state-owned buildings consistent with state law.

NEW SECTION. Sec. 3. (1) The office of financial management shall develop policy guidelines for state agencies to use in budgeting for and implementing energy conservation maintenance and operation procedures and energy conservation measures, including those mandated under RCW 43.19.680;

(2) The guidelines shall require that agencies budget for the timely implementation of cost-effective measures and procedures or explain why any measures or procedures should not be funded;

(3) In developing the guidelines the office of financial management shall ensure that to the extent possible the budget process shall allow state agencies implementing energy conservation to retain the resulting cost savings for other purposes, including further energy conservation; and

(4) The office of financial management shall consult with the state energy office and the department of general administration, as necessary, to administer this section properly. The office of financial management shall establish the guidelines by December 31, 1986.

NEW SECTION. Sec. 4. The state energy office shall provide the office of financial management with energy consumption data necessary to implement section 3 of this act. Facilities or the agencies responsible for them shall report accurate monthly energy consumption and cost

figures for all fuels to the state energy office quarterly, including any changes in total space served or facility operations.

NEW SECTION, Sec. 5. Sections 3 and 4 of this act are each added to chapter 43.41 RCW.

On page 1, line 1 of the title, after "agencies;" strike the remainder of the title and insert "amending RCW 43.19.680; adding new sections to chapter 43.41 RCW; and creating a new section."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Williams, the Senate, on a rising vote, concurred in the House amendments to Second Substitute Senate Bill No. 3487.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3487, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3487, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 12; absent, 4; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 32.

Voting nay: Senators Barr, Bluechel, Deccio, Guess, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Sellar, Zimmerman - 12.

Absent: Senators Benitz, Craswell, Lee, McDermott - 4.

Excused: Senator Stratton - 1.

SECOND SUBSTITUTE SENATE BILL NO. 3487, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SENATE BILL NO. 3021 with the following amendments:

On page 1, line 28, after "or" strike "a related family group, shall be considered one defendant" and insert "persons related by a first degree of kinship, may choose to be considered to be one defendant and file one such statement"

On page 2, line 7, after "or" strike "a related family group" and insert "by persons related by a first degree of kinship"

On page 2, after line 8, insert the following:

NEW SECTION, Sec. 3. The legislature finds that growth of the state's population and economy places increasingly greater demands on available water resources, including this state's ground water supplies. The legislature also finds that chapter 90.44 RCW, popularly known as the Ground Water Code of 1945, protects the public welfare by providing an orderly system of rights to the beneficial use of water based upon the "first in time is first in right" principle of the prior appropriation doctrine. The purpose of sections 4 and 5 of this act is to provide remedies to protect the right of a holder of a senior right to ground water to a safe sustaining yield of water.

NEW SECTION, Sec. 4. A new section is added to chapter 90.44 RCW to read as follows:

(1) The remedies to protect the right of the holder of a senior water right to a safe sustaining yield of water include protection of the availability of water in the well or wells used to exercise that senior water right, without the wells or withdrawal works being significantly modified. That availability is protected against interruption or other interference caused by either: (a) The water works of, or the water withdrawal activities of, a person or persons exercising junior rights to ground water; or (b) any other activities of a person or persons that do not directly involve the exercise of a more senior right to water. Junior rights to ground water are those established subsequently to a senior right under the prior appropriation doctrine upon which this chapter is based.

(2) The holder of a senior water right is entitled to adequate compensation whenever the water works or water withdrawal activities of a person or persons exercising junior rights to ground water cause such an interruption or interference in that availability of water. Adequate compensation for the loss of that availability will be made if the holder of the senior right is provided with:

(a) An amount equivalent to the increased costs reasonably incurred by or reasonably to be incurred by the holder of the senior water right in securing and using water, to the full

extent of the senior right, as a result of losing the availability protected by subsection (1) of this section. The full extent of the senior right includes any conditions that applied to the right such as the quantity and quality of the water, the location of use, and time of use;

(b) The delivery of water to the holder of the senior right. To qualify as compensation, the water delivered must be of a quantity equal to and a quality equivalent to that of the senior right. The delivery must also be under such conditions, including but not limited to timing and location, as applied to the senior right without increased costs being incurred by the senior rightholder; or

(c) The payment of just compensation pursuant to the exercise of eminent domain if the holder of the junior rights has been granted the power of eminent domain.

(3) In lieu of the forms of compensation provided by this section, the holder of the senior right to ground water may freely enter contractual agreements establishing other compensation.

(4) In any civil action brought under this section, if the court believes the legal remedies are inadequate or excessively harsh, it may provide such equitable relief as it believes appropriate. The court shall also provide such emergency relief as is appropriate for the protection of ground water rights.

(5) The department of ecology shall not enforce the remedies provided under this section. It is intended that such remedies will be privately enforced by the holders of senior water rights. In considering an application filed after the effective date of this section for a permit under this chapter, the department shall decide the application as if this section were never enacted. However, the department shall place on each permit granted after the effective date of this section a notation conditioning the permit on the holder's compliance with the remedy provisions of this section. Whenever the court finds that a permit holder is unable or unwilling to cure the holder's noncompliance with such provisions, the court shall issue an order revoking the permit and serve a copy of its order on the department. The order shall become effective on the day it is served on the department.

(6) The statutory remedies provided under this section apply only against interruption or interference caused by the exercise of junior water rights for which permits have been issued after the effective date of this section or which have been otherwise perfected after the effective date of this section. These statutory remedies may not be applied against interruption or interference caused by the exercise of water rights existing prior to the effective date of this section. Nothing in this section expands, prohibits, or restricts in any manner whatsoever any powers of the judiciary to devise, provide for, and enforce remedies designed to protect senior water rights existing prior to the effective date of this section from interruption or interference caused by the exercise of junior water rights also existing prior to the effective date of this section.

Sec. 5. Section 7, chapter 263, Laws of 1945 and RCW 90.44.070 are each amended to read as follows:

No permit shall be granted for the development or withdrawal of public ground waters beyond the capacity of the underground bed or formation in the given basin, district, or locality to yield such water within a reasonable or feasible pumping lift in case of pumping developments, or within a reasonable or feasible reduction of pressure in the case of artesian developments. ~~((The supervisor of water resources))~~ Except as provided otherwise in section 4 of this 1986 act, the director of ecology shall have the power to determine whether the granting of any ((such)) permit will injure or damage any vested or existing right or rights under prior permits and may in addition to the records of his office, require further evidence, proof, and testimony before granting or denying any such permits.

The granting of a permit by the director does not relieve the recipient of the permit of any liability for injuring or damaging vested or existing rights to water.

In multi-aquifer systems, the director may require, as permit conditions, the casing and sealing of wells or other construction techniques to: (1) Protect the use of the uppermost aquifer or aquifers of the system by persons with senior rights to ground water, or (2) protect the use of waters from the uppermost aquifer or aquifers for future domestic or similar uses, traditionally involving shallower wells, that the director finds to be vital for the support of future development of the overlying land.

NEW SECTION. Sec. 6. A new section is added to chapter 90.44 RCW to read as follows:

(1) This section contains remedies designed to protect the holder of a ground water right against activities that cause damage or injury by adversely affecting the quality of the water for the use or uses to which the ground water right pertains. Any holder of a ground water right who sustains any damage or injury, whether to property or person, which is caused by activities that decrease the quality of the water for the use or uses to which the ground water right pertains, shall be entitled to recover full compensation for such damage or injury from the person or persons responsible for or conducting the activities. This subsection shall not affect or impair any other rights or remedies, whether prescribed by statute or case law, to recover compensation or obtain other relief for damage or injury caused by the impairment of water quality.

(2) In the case of saltwater intrusion caused by the overuse of a freshwater aquifer, the department shall preserve the rights of senior appropriators to fresh water by reducing the withdrawals authorized for the holders of junior water rights in a manner consistent with the prior appropriation system of rights.

NEW SECTION. Sec. 7. A new section is added to chapter 90.44 RCW to read as follows:

In any civil action brought under section 4 or 6 of this act, the court may award attorney's fees to the prevailing party. The amount of fees awarded shall be reasonable and shall be fixed by the court.

NEW SECTION. Sec. 8. A new section is added to chapter 90.44 RCW to read as follows:

Any person who provides compensation under section 4 or 6 of this act shall provide notice thereof to the department of ecology. The notice shall be on a form prescribed by the department and shall be sufficient to show the amount and nature of the compensation and any change in the water rights involved.

Sec. 9. Section 14, chapter 233, Laws of 1967 and RCW 90.14.140 are each amended to read as follows:

(1) For the purposes of this chapter "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

((+)) (a) Drought, or other unavailability of water;

((+)) (b) Active service in the armed forces of the United States during military crisis;

((+)) (c) Nonvoluntary service in the armed forces of the United States;

((+)) (d) The operation of legal proceedings;

((+)) (e) Federal laws imposing land or water use restrictions, or acreage limitations, or production quotas;

(f) The use of water delivered as compensation under section 4(2) of this 1986 act so long as the nonused water right is not transferred separately from the land to which it is attached.

(2) Notwithstanding any other provisions of this chapter, there shall be no relinquishment of any water right:

((+)) (a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW, or

((+)) (b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply, or

((+)) (c) If such right is claimed for a determined future development to take place either within fifteen years of the effective date of this act, or the most recent beneficial use of the water right, whichever date is later, or

((+)) (d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW, or

((+)) (e) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030 as now or hereafter amended.

Sec. 10. Section 6, chapter 263, Laws of 1945 and RCW 90.44.060 are each amended to read as follows:

Applications for permits for appropriation of underground water shall be made in the same form and manner provided in RCW 90.03.250 through 90.03.340, as amended, the provisions of which sections, except as provided to the contrary in section 4 of this 1986 act, are hereby extended to govern and to apply to ground water, or ground water right certificates and to all permits that shall be issued pursuant to such applications, and the rights to the withdrawal of ground water acquired thereby shall be governed by RCW 90.03.250 through 90.03.340, inclusive; PROVIDED, That each application to withdraw public ground water by means of a well or wells shall set forth the following additional information: (1) the name and post office address of the applicant; (2) the name and post office address of the owner of the land on which such well or wells or works will be located; (3) the location of the proposed well or wells or other works for the proposed withdrawal; (4) the ground water area, sub-area, or zone from which withdrawal is proposed, provided the supervisor of water resources has designated such area, sub-area, or zone in accord with RCW 90.44.130; (5) the amount of water proposed to be withdrawn, in gallons a minute and in acre feet a year, or millions of gallons a year; (6) the depth and type of construction proposed for the well or wells or other works; AND PROVIDED FURTHER, That any permit issued pursuant to an application for constructing a well or wells to withdraw public ground water may specify an approved type and manner of construction for the purposes of preventing waste of said public waters and of conserving their head.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "rights;" strike "and"

On page 1, line 1 of the title, after "90.03.140" strike the remainder of the title and insert ", 90.03.180, 90.44.070, 90.14.140, and 90.44.060; creating a new section; and adding new sections to chapter 90.44 RCW."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTIONS

On motion of Senator Hansen, the Senate concurred in the House amendments on page 1, line 28, and page 2, line 7 to Senate Bill No. 3021.

Senator Hansen moved that the Senate do not concur in the House amendment on page 2, line 8, to Senate Bill No. 3021 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hansen that the Senate do not concur in the House amendment on page 2, line 8, to Senate Bill No. 3021.

The motion by Senator Hansen carried and the Senate refuses to concur in the House amendment on page 2, line 8, to Senate Bill No. 3021 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4128 with the following amendments:

On page 18, after line 21, insert the following:

NEW SECTION. Sec. 19. The legislature finds that increased capacities may be allowed in city and county jails consistent with minimal constitutional guarantees. The corrections standards board is directed to adjust jail capacities consistent with the powers conferred upon it under RCW 70.48.020(12) and section 20 of this act.

NEW SECTION. Sec. 20. In establishing capacity levels for jails, the corrections standards board shall permit, at a minimum, increased jail capacities in those defined areas of the jail that are designed and utilized for: (1) inmates confined for ninety days or less; (2) inmates assigned to work release or community service trustee status, or other programs permitting them to be outside their assigned cell or day room for at least eight hours or more per day; and (3) inmates assigned to double occupancy in a cell previously designed for single occupancy but are permitted outside their assigned cell for twelve or more hours per day in common day room or recreational areas. Nothing in this section is to be construed to permit the board to establish capacity levels that might violate the federal and state constitutional rights of the inmates.

NEW SECTION. Sec. 21. Cities and counties may request additional jail capacity pursuant to this chapter. If all or part of such requests are denied or conditionally approved, the board shall issue written findings setting forth the basis for the denial or conditions of approval and citing the appropriate law or constitutional provision as the basis for the denial.

NEW SECTION. Sec. 22. Sections 19 through 21 of this act are each added to chapter 70.48 RCW.

On page 1, line 4 of the title, after "70.48A.040:" insert "adding new sections to chapter 70.48 RCW:".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Wojahn moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4128.

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order that the House amendments to Engrossed Substitute Senate Bill No. 4128 expand the scope and object of the bill."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Engrossed Substitute Senate Bill No. 4128 is a measure revising the authority of the Corrections Standards Board.

"The House amendments adjust jail capacities under certain circumstances and authorize the cities and counties to request additional jail capacities.

"The President, therefore, finds the House amendments do change the scope and object and that the point of order is well taken."

The House amendments to Engrossed Substitute Senate Bill No. 4128 were ruled out of order.

MOTIONS

On motion of Senator Wojahn, and there being no objection, the motion to concur in the House amendments to Engrossed Substitute Senate Bill No. 4128 was withdrawn.

On motion of Senator Wojahn, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 4128 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed SENATE BILL NO. 4628 with the following amendments:

On page 2, after line 2, insert the following:

"Sec. 2. Section 28B.50.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 75, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.50.060 are each amended to read as follows:

A director of the state system of community colleges shall be appointed by the governor in consultation with the college board and shall serve at the pleasure of the ((college board)) governor. ((He)) The director shall be appointed with due regard to ((his)) fitness and background in education, by ((his)) knowledge of and recent practical experience in the field of educational administration particularly in institutions beyond the high school level, and shall be subject to senate confirmation. The ((college board)) governor may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote ((his)) time to the duties of ((his)) the office and shall not have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state, in keeping with chapter 42.18 RCW, the executive conflict of interest act.

((He)) The director shall receive a salary to be fixed by the ((college board)) governor and shall be reimbursed for travel expenses incurred by ((him)) the director in the discharge of ((his)) official duties in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

((He)) The director shall be the executive officer of the college board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state. ((He)) The director shall attend, but not vote at, all meetings of the college board. ((He)) The director shall be in charge of offices of the college board and responsible to the college board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community colleges. At the direction of the college board, ((he)) the director shall, together with the chairman of the college board, execute all contracts entered into by the college board.

The director shall, with the approval of the ((college board)) governor: (1) Employ necessary assistant directors of major staff divisions who shall serve at ((his)) the director's pleasure on such terms and conditions as ((he)) the director determines, and (2) subject to the provisions of chapter 28B.16 RCW, the higher education personnel law, the director shall, with the approval of the college board, appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated.

The board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the college board.

NEW SECTION. Sec. 3. Section 2 of this act shall take effect July 1, 1987."

On page 1, line 1 of the title, after "board," strike the remainder of the title and insert "amending RCW 28B.50.070 and 28B.50.060; and providing an effective date."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Gaspard moved that the Senate do concur in the House amendments to Senate Bill No. 4628.

POINT OF ORDER

Senator Rinehart: "Mr. President, I challenge the amendment on the basis of scope and object. The single and sole object of Senate Bill No. 4628 was to change the quorum for community college boards. The House amendment deals with the hiring of the Director for the State Board of Community Colleges and would indeed expand the scope and the object of the bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rinehart, the President finds that Senate Bill No. 4628 is a measure specifying the number of members necessary to constitute a quorum for the State Board for Community College Education.

"The House amendments transfer authority for hiring the Director of the State Board of Community College Education to the Governor.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The House amendments to Senate Bill No. 4628 were ruled out of order.

MOTIONS

On motion of Senator Gaspard, and there being no objection, the motion to concur in the House amendments to Senate Bill No. 4628 was withdrawn.

On motion of Senator Gaspard, the Senate refuses to concur in the House amendments to Senate Bill No. 4628 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4639 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 36.32.070, chapter 4, Laws of 1963 and RCW 36.32.070 are each amended to read as follows:

Whenever there is a vacancy in the board of county commissioners, it shall be filled as follows:

(1) If there are three vacancies, the governor of the state shall appoint two of the officers. The two commissioners thus appointed shall then meet and select the third commissioner. The vacancies shall be filled in accordance with Article II, section 15 of the state Constitution and section 3 of this 1986 act. ~~((If the two appointed commissioners fail to agree upon selection of the third after the expiration of five days from the day they were appointed, the governor shall appoint the remaining commissioner.))~~

(2) Whenever there are two vacancies in the office of county commissioner, the governor shall appoint one commissioner, and the two commissioners then in office shall appoint the third commissioner. The vacancies shall be filled in accordance with Article II, section 15 of the state Constitution and section 3 of this 1986 act. ~~((If they fail to agree upon a selection after the expiration of five days from the day of the governor's appointment, the governor shall appoint the third commissioner.))~~

(3) Whenever there is one vacancy in the office of county commissioner, the two remaining commissioners shall fill the vacancy in accordance with Article II, section 15 of the state Constitution and section 3 of this 1986 act. ~~((If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the governor shall appoint the third commissioner.))~~

NEW SECTION, Sec. 2. A new section is added to chapter 42.12 RCW to read as follows:

When a vacancy occurs in the office of senator or representative of a legislative district comprising more than one county, the legislative authorities of the counties partially and entirely within the district shall, in joint action, fill the vacancy. The chairperson of the legislative authority of the county whose number of registered voters residing within the district is greatest shall chair the meeting. Of the total vote cast by the legislative authorities in filling a vacancy in such a district, each county's share shall be equal to the percentage, to the nearest whole percent, of the district's registered voters that reside within the county. Further, a county's share of that vote shall be divided equally among the members of that county's legislative authority who are not disqualified from voting on the issue under Article II, section 15 of the state Constitution. The percentages shall be based upon voter registration data applicable for the state general election immediately preceding the joint action. The person who receives a majority percentage of the votes shall be appointed to fill the vacancy.

NEW SECTION, Sec. 3. A new section is added to chapter 42.12 RCW to read as follows:

(1) A state or county central committee submitting a list of nominees under Article II, section 15 of the state Constitution shall do so within fourteen days of the occurrence of the vacancy.

(2) A county legislative authority or joint county legislative authority making an appointment under Article II, section 15 of the state Constitution shall do so within twenty-one days of the occurrence of the vacancy.

(3) An appointment made by the governor under Article II, section 15 of the state Constitution shall be made within twenty-seven days of the occurrence of the vacancy.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall take effect December 15, 1986, if the proposed amendment to Article II, section 15 of the state Constitution, Substitute Senate Joint Resolution No. 138, modifying methods for filling vacancies in the legislature or county elective office, is validly submitted to and is approved and ratified by the voters at a general election held in November 1986. If the proposed amendment is not so approved and ratified, sections 1 through 3 of this act shall be null and void in their entirety."

On page 1, line 2 of the title, strike "and adding a new section to chapter 42.12 RCW." and insert "adding new sections to chapter 42.12 RCW; and providing an effective date."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 4639 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4741 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 75.30 RCW to read as follows:

The director of the department of fisheries shall waive the landing and other permit requirements under RCW 75.30.120 if such requirements were not fulfilled by the license holder due to procedures initiated by a foreign government.

This section shall expire on December 31, 1986.

NEW SECTION. Sec. 2. A new section is added to chapter 75.30 RCW to read as follows:

Any commercial salmon fishing license issued under RCW 75.28.110 or salmon delivery permit issued under RCW 75.28.113 shall revert to the department when any government confiscates and sells the vessel to which the license or permit was issued. Upon application of the person named on the license or permit and the approval of the director, the department shall transfer the license or permit to the original owner. Application for transfer of the license or permit must be made within the calendar year in which the vessel was licensed.

NEW SECTION. Sec. 3. A new section is added to chapter 75.08 RCW to read as follows:

(1) Management of fisheries requires coordinated efforts between all of the coastal and inland states sharing common management problems. Numerous management issues necessitate a regional perspective. Many fishery management issues confront legislators who strive to maximize yields while protecting the resource for the future. The Pacific fisheries legislative task force affords legislators an opportunity to meet for the purpose of exchanging information and obtaining knowledge on matters crucial to promoting the best possible fishery management.

(2) The president of the senate and the speaker of the house of representatives shall appoint two senators and two representatives, respectively, to represent Washington on the Pacific fisheries legislative task force, which shall operate as a clearinghouse for opinions from all the various interests involved in Pacific fishing, and which shall include among its duties the duty to report to the legislatures of the participating jurisdictions and to the state delegations in the United States Congress concerning means of protecting and fostering Pacific fishing in the participating jurisdictions. Representatives of the state of Washington shall attend no more than four meetings annually."

On page 1, line 1 of the title after "licenses;" strike the remainder of the title and insert "adding new sections to chapter 75.30 RCW; adding a new section to chapter 75.08 RCW; and providing an expiration date."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Owen moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4741, with the exception of Section 3 and asks the House to recede from that section.

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 4741 was deferred.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE JOINT RESOLUTION NO. 138 with the following amendment:

On page 1, after line 7, strike all material through line 29, page 3 and insert the following:

*Article II, section 15, (1) Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the ~~((board of county commissioners))~~ legislative authority of the county in which the vacancy occurs~~((--PROVIDED: That)).~~ The person appointed to fill ~~((the))~~ such a vacancy must be from the same legislative district, county, or county ~~((commissioner))~~ legislative authority district and the same political party as the legislator or partisan county elective officer whose office has been vacated~~((; and)).~~ The person appointed shall also be one of three persons ~~((who shall be))~~ nominated by the county central committee of that party~~((--and))~~ if such nominations are received by the county legislative authority within the time prescribed by statute. In case a majority of ~~((said))~~ the members of the county ~~((commissioners))~~ legislative authority do not agree upon the appointment within ~~((sixty days after the vacancy occurs))~~ the time prescribed by statute, the governor shall ~~((within thirty days thereafter, and)),~~ from the list of nominees provided for herein if such a list was timely submitted to the county legislative authority, appoint a person who shall be from the same legislative district, county, or county ~~((commissioner))~~ legislative authority district and of the same political party as the legislator or partisan county elective officer whose office has been vacated~~((--and)).~~ The person so appointed shall hold office until ~~((his))~~ a successor is elected at the next general election, and shall have qualified~~((--PROVIDED: That)).~~

(2) If the majority of the positions of a county legislative authority are vacant, the governor shall appoint to the legislative authority that number of persons necessary to establish a majority of filled positions. A person appointed to fill such a vacancy shall be from the same county legislative authority district as the officer whose office has been vacated. If the positions are partisan elective offices, a person appointed to fill such a vacancy shall also be from the same political party as the officer whose office has been vacated and shall be one of three persons nominated by the county central committee of that party if such nominations are received by the governor within the time prescribed by statute. If a list of nominees is not timely submitted to the governor, the governor shall appoint a person from the same district and political party as the officer whose office has been vacated.

(3) In case of a vacancy occurring in a nonpartisan county elective office other than that of judge, the county legislative authority shall appoint a person to fill the vacancy from the same county or county legislative authority district as the official whose office has been vacated. If a majority of the members of the county legislative authority do not agree upon the appointment within the time prescribed by statute, the governor shall appoint a person from the same county or county legislative authority district.

(4) In case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee~~((;))~~ if such nominations are received by the county legislative authorities within the time prescribed by statute. The vacancy shall be filled by appointment by the joint action of the ~~((boards of county commissioners))~~ legislative authorities of the counties ~~((composing))~~ comprising the joint senatorial or joint representative district~~((;)).~~ The person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated~~((--and)).~~ Of the total vote cast by the legislative authorities in filling a vacancy in such a joint district, each county's share shall be equal to the percentage, to the nearest whole percent, of the district's registered voters that reside within the county based upon the number of persons registered to vote at the state general election immediately preceding the joint action. Further, a county's share of that vote shall be divided equally among the members of that county's legislative authority who are not disqualified from voting under subsection (5) of this section. The person who receives a majority percentage of the votes shall be appointed to fill the vacancy. In case a majority of ~~((said))~~ the county ~~((commissioners))~~ legislative authority members do not agree upon the appointment within ~~((sixty days after~~

~~the vacancy occurs)) the time prescribed by statute, the governor shall ((within thirty days thereafter, and)), from the list of nominees provided for herein if such a list was timely submitted to the county legislative authorities, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.~~

(5) An otherwise qualified member of a county legislative authority is eligible to be appointed to fill a vacancy governed by this section only if the member does not vote in an action or joint action to fill the vacancy.

(6) The legislature may prescribe the time limits within which the state and county central committees must submit lists of nominees, within which a county legislative authority or county legislative authorities must agree upon an appointment, and within which the governor must make appointments under the terms of this section.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate refuses to concur in the House amendment to Substitute Senate Joint Resolution No. 138 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4525 with the following amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 43.10 RCW to read as follows:

The legislature may employ or retain counsel of its own choosing. However, the legislature shall notify the attorney general whenever it makes a decision to use the services of such counsel to represent it or any of its members in a particular judicial or administrative proceeding. With respect to any such proceeding where the legislature has not so notified the attorney general, the attorney general shall represent the legislature until so notified. For purposes of this section, "legislature" means the senate and house of representatives together, either the senate or the house of representatives by itself, or any committee or entity of the legislative branch having the authority to select its own employees. The major purposes of this section are to confirm and implement in statute law the constitutional power of the legislative branch to select its own counsel."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Thompson moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 4525.

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Thompson, I wanted to be sure that we fully understand precisely what this amendment is doing. Under the lines 23 through 30, where it states that the Legislature means the Senate and House of Representatives together, either the Senate or the House of Representatives by itself, and/or any committee or entity of the legislative branch having the authority to select its own employees. Now, would we be precise in saying that includes the Legislative Transportation Committee, the Legislative Budget Committee and the LEAP Committee only? They were talking about no other legislative committee?"

Senator Thompson: "It is certainly my understanding that only those entities would fit this language at this point in time and I wouldn't anticipate any change nor does anyone else in the Legislature. It precludes the opportunity of any standing committee, special interim committee, ad hoc committee, select committee or other such creation of the Legislature from retaining counsel, because they do not have the authority to hire their own employees."

Senator Zimmerman: "But do you see the possibility that if a strong chairman in the House or strong chairman in the Senate said he wanted to pick his own employees and consequently could be in that position--that he could possibly

decide that he wanted to pick his own attorney for his committee and, therefore, get around--"

Senator Thompson: "Senator Zimmerman, all of our chairmen are strong, but they're not strong enough to fit this definition and do not possess the authority to hire their own employees."

Senator Zimmerman: "We wanted to establish that fact and I appreciate your explanation. Fine. Thank you. This is a big step in terms of change of policy and I think we wanted to be sure what we're doing."

Senator Thompson: "Thank you, Senator Zimmerman, and a beneficial one to the Legislature."

The President declared the question before the Senate to be the motion by Senator Thompson that the Senate do concur in the House amendment to Substitute Senate Bill No. 4525.

The motion by Senator Thompson carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 4525.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4525, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4525, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, McDermott, McManus, Metcalf, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Moore, Newhouse, Patterson, Sellar, von Reichbauer, Zimmerman - 18.

Excused: Senator Stratton - 1.

SUBSTITUTE SENATE BILL NO. 4525, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 4541 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section .18.29, chapter 79, Laws of 1947 as last amended by section 17, chapter 264, Laws of 1985 and RCW 48.18.290 are each amended to read as follows:

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy, may be effected as to any interest only upon compliance with either or both of the following:

(a) Written notice of such cancellation, accompanied by the actual reason therefor, must be actually delivered or mailed to the insured ((or)) and to his or her representative in charge of the subject of the insurance not less than forty-five days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date and except for cancellation of fire insurance policies under chapter 48.53 RCW, which notice shall not be less than five days prior to such date: PROVIDED, That ten days' notice of cancellation is sufficient if cancellation occurs within thirty days after the effective date of a binder for new insurance. No additional notice of cancellation or nonrenewal is required if the coverage is evidenced by a written binder delivered to the insured containing a clearly stated expiration date: PROVIDED FURTHER, That in all cases a loss payee shall receive no less than forty-five days' notice of cancellation;

(b) Like notice of not less than forty-five days must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his or her last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as possible, and no later than forty-five days after the date of notice of cancellation to the insured for homeowners', dwelling fire, and private passenger auto. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid, to surety bonds required by statute, or to contracts of insurance procured under the provisions of chapter 48.15 RCW.

Sec. 2, Chapter 20, chapter 264, Laws of 1985 and RCW 48.18.2901 are each amended to read as follows:

(1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.290 unless one of the following situations exists:

(a) The insurer gives the named insured at least forty-five days' notice in writing as provided for in RCW 48.18.290, that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) At least twenty days prior to its expiration date, the insurer has communicated its willingness to renew in writing to the named insured, or to his or her representative, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, ~~((including the amount by which the premium or deductibles have changed from the previous policy period, and the date by which such payment must be made;))~~ and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

(c) The insured's agent or broker has procured other coverage acceptable to the insured prior to the expiration of the policy period.

(2) Any insurer failing to provide the notice required by RCW 48.18.2901(1)(b) shall renew a policy subject to that subsection according to the rates and contract provisions applicable to the expiring policy: PROVIDED, That an insurer may change rates and contract provisions applicable to any such policy after the renewal date if the insurer provides at least twenty days' advance notice of the changes to the named insured or to his or her representative.

(3) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal, or with respect to cancellation of fire policies under chapter 48.53 RCW.

~~((3))~~ (4) "Renewal" or "to renew" means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term: PROVIDED, HOWEVER, That any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295 be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295, be considered as if written for successive policy periods or terms of one year.

Sec. 3, Section 23, chapter 241, Laws of 1969 ex. sess. as last amended by section 22, chapter 264, Laws of 1985 and RCW 48.18.296 are each amended to read as follows:

The provisions of RCW 48.18.291 through 48.18.297 shall not apply to:

(1) Contracts of insurance issued under the assigned risk plan; ~~((and))~~

(2) Any policy covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards; and

(3) Contracts of insurance procured under the provisions of chapter 48.15 RCW.

NEW SECTION, Sec. 4. A new section is added to chapter 41.04 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Disabled employee" means an individual receiving a disability retirement allowance from the public employees' retirement system.

(b) "Health plan" means any contract, policy, fund, trust, or other program established by a county, municipality, or other political subdivision of the state that provides for all or a part of hospitalization or medical aid for its employees and their eligible dependents pursuant to RCW 41.04.180.

(c) "Retired employee" means an individual who is a public employee covered under the public employees' retirement system with not less than five years of service at the date of retirement.

(d) "Supplemental plan" means an individual or group health plan designed primarily as a supplement to reimbursements under federal medicare for the hospital, medical, or surgical expenses of persons eligible for medicare by reason of age.

(e) "Person" means a retired or disabled employee.

(2) Any county, municipality, or other political subdivision that provides a health plan for its employees shall permit retired and disabled employees and their eligible dependents to continue participation in such plan subject to the exceptions, limitations, and conditions set forth in this section. However, this section does not apply to:

(a) A county, municipality, or other political subdivision participating in an insurance program administered under chapter 41.05 RCW if retired and disabled employees and their eligible dependents of such participating county, municipality, or other political subdivision are covered under an insurance program administered under chapter 41.05 RCW;

(b) Members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW; or

(c) Members of the first class cities' retirement system under chapter 41.28 RCW.

(3) A person who requests continued participation in their employer's health plan may be required to pay for such participation. However, such payment shall not exceed the rate, cost, or premium that is calculated for an active employee under the same plan. If the utilization of health plan benefits by those continuing participation in the health plan causes a greater than ten percent increase in the active employee rate or cost for the plan, then the rate or cost for those continuing participation in the health plan shall be adjusted to cover the costs in excess of the ten percent increase. However, no provision of this subsection shall be deemed to require any employer who is currently paying for all or part of a health plan for their retired and disabled employees and their eligible dependents from discontinuing those payments.

(4) When a person or his or her spouse continuing participation under a health plan becomes eligible for federal medicare, then health plan participation shall be terminated and the person or his or her spouse shall have the option of participating in a supplemental plan provided by the employer. Any payment required of the person or his or her spouse shall be modified to reflect cost differences between the health plan and the supplemental plan.

(5) Payments for continued participation in a former employer's health plan may be assigned to the underwriter of the health plan from public pension benefits or may be paid to the former employer, as determined by the former employer, so that an underwriter of the health plan that is an insurance company, health care service contractor, or health maintenance organization shall not be required to accept individual payments from persons continuing participation in the employer's health plan.

(6) There shall be a one time initial open enrollment period from May 1, 1986, to June 30, 1986. An employer shall not be required to permit a person to participate in the health plan if the person is responsible for a lapse in coverage under the plan. In addition, an employer shall not be required to permit a person to participate in the employer's health plan if the employer offered continued participation in a health plan with substantially similar benefits and at substantially the same price as that plan provided for active employees and the person failed to enroll in that plan at the time the person was retired or disabled.

(7) If a person continuing participation in the former employer's health plan has other medical coverage as a result of that person's employment or that person's spouse's employment, the other medical coverage shall be the primary coverage for purposes of coordination of benefits as provided for in the former employer's health plan.

(8) If an eligible dependent's continued participation in a health plan was permitted because of the person's relationship to a retired or disabled employee of the employer providing the health plan and the retired or disabled employee dies, then that eligible dependent shall be permitted to continue participation in the health plan for a period of not less than six months after the death of the retired or disabled employee.

(9) An employer may offer one or more health plans different from that provided for active employees and designed to meet the needs of persons requesting continued participation in the employer's health plan. These health plans for continued participation shall be provided at a rate, cost, or premium which does not exceed that provided for active employee health plans. An employer, in designing or offering continued participation in a health plan, may utilize terms or conditions necessary to administer such plans to the extent such terms and conditions do not conflict with this section.

(10) If an employer changes the underwriter of a health plan, the replaced underwriter has no further responsibility or obligation to persons who continued participation in a health plan of the replaced underwriter. However, the employer shall permit such persons to participate in any new health plan.

(11) The benefits granted pursuant to this section shall not be considered a matter of contractual right. Should the legislature revoke or change or a county, municipality, or other political subdivision of the state change any benefits granted under this section, an affected person shall not be entitled thereafter to receive the benefits as a matter of contractual right.

(12) Nothing contained in this section shall be deemed to affect any health plan contained in a collective bargaining agreement in existence as of the effective date of this act. However,

any plan contained in future collective bargaining agreements shall conform to the provisions of this section. In addition, nothing contained in this section shall be deemed to affect any health plan contract or policy in existence as of the effective date of this act, except any renewal of the contract or policy shall conform to the provisions of this section.

NEW SECTION, Sec. 5. Participation in the health plans provided under section 4 of this act shall take effect January 1, 1987, for all self-insured plans and for all plans renewed on or after September 1, 1986. Participation in health plans provided under section 4 of this act which are renewed after the effective date of this act but prior to September 1, 1986, shall take effect on the date the plan is next renewed, but in no case later than January 1, 1988.

Sec. 6. Section 3, chapter 12, Laws of 1967 ex. sess. as amended by section 6, chapter 1, Laws of 1983 2nd ex. sess. and RCW 48.30.270 are each amended to read as follows:

(1) No officer or employee of this state, or of any public agency, public authority or public corporation except a public corporation or public authority created pursuant to agreement or compact with another state, and no person acting or purporting to act on behalf of such officer or employee, or public agency or public authority or public corporation, shall, with respect to any public building or construction contract which is about to be, or which has been competitively bid, require the bidder to make application to, or to furnish financial data to, or to obtain or procure, any of the surety bonds or contracts of insurance specified in connection with such contract, or specified by any law, general, special or local, from a particular insurer or agent or broker.

(2) No such officer or employee or any person, acting or purporting to act on behalf of such officer or employee shall negotiate, make application for, obtain or procure any of such surety bonds or contracts of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be obtained or procured by the bidder, contractor or subcontractor.

(3) This section shall not be construed to prevent the exercise by such officer or employee on behalf of the state or such public agency, public authority, or public corporation of its right to approve the form, sufficiency or manner or execution of the surety bonds or contracts of insurance furnished by the insurer selected by the bidder to underwrite such bonds, or contracts of insurance.

(4) Any provisions in any invitation for bids, or in any of the contract documents, in conflict with this section are declared to be contrary to the public policy of this state.

(5) A violation of this section shall be subject to the penalties provided by RCW 48.01.080.

(6) This section shall not apply to the public nonprofit corporation authorized under RCW 67.40.020 nor shall it apply to metropolitan corporations authorized under RCW 35.58.030: PROVIDED, That no self-insurance program established pursuant to chapter 51.14 RCW shall be deemed to affect the employer-employee relationship of the individual participating employees in such program for the purpose of establishing whether an injury to a worker is due to the negligence or wrong of a third person not in the same employ, within the meaning of RCW 51.24.030.

NEW SECTION, Sec. 7. Sections 4 and 5 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION, Sec. 8. Sections 1, 2, and 3 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect May 10, 1986."

On page 1, line 1 of the title, after "insurance;" strike "and" and on line 2 of the title, after "48.18.296," strike "and" and after "48.18.2901" insert ", and 48.32.270; adding a new section to chapter 41.04 RCW; creating a new section; and declaring an emergency".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Reengrossed Substitute Senate Bill No. 4541.

POINT OF ORDER

Senator Newhouse: "Mr. President, at this point, I rise to raise the point of order on the scope and object on the amendments to the bill."

MOTION

At 2:12 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:45 p.m. by President Cherberg.

MOTION

On motion of Senator Zimmerman, Senator Guess was excused.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SENATE BILL NO. 3193 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 21, chapter 274, Laws of 1947 as last amended by section 3, chapter 18, Laws of 1982 and RCW 41.40.200 are each amended to read as follows:

(1) Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his or her employer, a member who becomes totally incapacitated for duty as the natural and proximate result of an accident occurring in the actual performance of duty or who becomes totally incapacitated for duty and qualifies to receive benefits under Title 51 RCW as a result of an occupational disease, as now or hereafter defined in RCW 51.08.140, while in the service of an employer, without wilful negligence on his or her part, shall be retired: PROVIDED, The medical adviser after a medical examination of such member made by or under the direction of the said medical adviser shall certify in writing that such member is mentally or physically totally incapacitated for the further performance of his or her duty ((to his employer)) and that such member should be retired: PROVIDED FURTHER, That the ((retirement board)) director concurs in the recommendation of the medical adviser: AND PROVIDED FURTHER, No application shall be valid or a claim thereunder enforceable unless in the case of an accident the claim is filed within two years after the date upon which the injury occurred or, in the case of an occupational disease, the claim is filed within two years after the member separated from service with the employer. The coverage provided for occupational disease under this section may be restricted in the future by the legislature for all current and future members.

(2) The retirement for disability of a judge, who is a member of the retirement system, by the supreme court under Article IV, section 31 of the Constitution of the state of Washington (House Joint Resolution No. 37, approved by the voters November 4, 1980), with the concurrence of the ((retirement board)) director, shall be considered a retirement under subsection (1) of this section."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 3193.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3193, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3193, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Gaspard, Johnson, McDermott, McDonald - 4.

Excused: Senators Guess, Stratton - 2.

SENATE BILL NO. 3193, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3278 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature intends to permit the governing boards of the four-year institutions of higher education to waive tuition and fees for certain students of foreign

nations. To the greatest extent possible, students chosen for these waivers and for the institutions' own approved study abroad programs shall reflect the range of socioeconomic and ethnic characteristics of the students', institutions and native countries.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.15 RCW to read as follows:

The boards of regents of the state universities and the boards of trustees of the regional universities and The Evergreen State College may waive the tuition, operating, and services and activities fees for undergraduate or graduate students of foreign nations subject to the following limitations:

(1) No more than the equivalent of one hundred waivers may be awarded to undergraduate or graduate students of foreign nations at each of the two state universities;

(2) No more than the equivalent of twenty waivers may be awarded to undergraduate or graduate students of foreign nations at each of the regional universities and The Evergreen State College;

(3) Priority in the awarding of waivers shall be given to students on academic exchanges or academic special programs sponsored by recognized international educational organizations;

(4) An undergraduate or graduate student of a foreign nation receiving a waiver under this section is not eligible for any other.

The waiver programs under this section, to the greatest extent possible, shall promote reciprocal placements and waivers in foreign nations for Washington residents. The number of waivers awarded by each institution shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period.

Sec. 3. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 33, chapter 390, Laws of 1985 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsection (2).

(2) The total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under section 2 of this 1986 act are not subject to the limitation under this section."

On page 1, line 2 of the title, after "28B.15.740;" strike "and" and after "28B.15 RCW" insert "; and creating a new section".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Rinehart, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3278.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3278, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3278, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; absent, 3; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Haisan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Benitz, Craswell, Lee, Newhouse, Pullen - 6.

Absent: Senators Gaspard, Johnson, McDonald - 3.

Excused: Senator Stratton - 1.

ENGROSSED SENATE BILL NO. 3278, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senator McDonald was excused.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3416 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 23, Laws of 1967 ex. sess. as last amended by section 1, chapter 254, Laws of 1981 and RCW 62A.3-515 are each amended to read as follows:

(1) Whenever a check as defined in RCW 62A.3-104 has been dishonored by nonacceptance or nonpayment the payee or holder of the check is entitled to collect a reasonable handling fee for each such instrument. When such check has not been paid within fifteen days and after the holder of such check sends such notice of dishonor as provided by RCW 62A.3-520 to the drawer at his last known address, then if the instrument does not provide for the payment of interest, or collection costs and attorneys fees, the drawer of such instrument shall also be liable for payment of interest at the rate of twelve percent per annum from the date of dishonor and cost of collection not to exceed forty dollars or the face amount of the check, whichever is the lesser. In addition, in the event of court action on the check the court, after such notice and the expiration of said fifteen days, shall award a reasonable attorneys fee, and three times the face amount of the check or one hundred dollars, whichever is less, as part of the damages payable to the holder of the check. This section shall not apply to any instrument which has been dishonored by reason of any justifiable stop payment order.

(2)(a) Subsequent to the commencement of the action but prior to the hearing, the defendant may tender to the plaintiff as satisfaction of the claim, an amount of money equal to the sum of the amount of the check, a reasonable handling fee, accrued interest, collection costs equal to the face amount of the check not to exceed forty dollars, and the incurred court and service costs.

(b) Nothing in this section precludes the right to commence action in any court under chapter 12.40 RCW for small claims.

Sec. 2. Section 2, chapter 62, Laws of 1969 as amended by section 2, chapter 254, Laws of 1981 and RCW 62A.3-520 are each amended to read as follows:

The notice of dishonor shall be sent by mail to the drawer at his or her last known address, and said notice shall be substantially in the following form:

NOTICE OF DISHONOR OF CHECK

A check drawn by you and made payable by you to in the amount of has not been accepted for payment by, which is the drawee bank designated on your check. This check is dated and it is numbered, No.

You are CAUTIONED that unless you pay the amount of this check within fifteen days after the date this letter is postmarked, you may very well have to pay the following additional amounts:

(1) Costs of collecting the amount of the check, including an attorney's fee which will be set by the court: ((and))

(2) Interest on the amount of the check which shall accrue at the rate of twelve percent per annum from the date of dishonor; and

(3) One hundred dollars or three times the face amount of the check, whichever is less, by award of the court.

You are advised to make your payment to at the following address:

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3416.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3416, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3416, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamat, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDonald, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3416, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 3182 with the following amendments:

On page 5, beginning on line 22, strike all material down to and including line 25 on page 6

Renumber the sections consecutively and correct internal references accordingly.

On page 6, after line 25, insert the following:

"Sec. 7. Section 22, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 44.44.040 are each amended to read as follows:

The state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law. Reimbursement for such services shall be made to the state actuary pursuant to the provisions of RCW 39.34.130 as now or hereafter amended.

(2) Advise the legislature and the governor regarding the benefit provisions, funding policies, and investment policies of the department of retirement systems.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which ~~((shall))~~ briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time."

Renumber the remaining sections consecutively.

On page 6, line 25 insert the following:

"NEW SECTION. Sec. 7. There is created a sixteen-member joint committee on public retirement during the 1986 interim as follows:

(1) The president of the senate shall appoint eight members, with four members to be appointed from each caucus;

(2) The speaker of the house of representatives shall appoint eight members, with four members to be appointed from each caucus.

On page 6, after line 25, insert the following:

"NEW SECTION. Sec. 7. Until June 1, 1987, the director of retirement systems is authorized to retroactively suspend any administrative action initiated on or after January 1, 1986, to recover pension overpayments from retirees who have returned to covered employment.

This section shall not be codified and shall be effective only until May 31, 1987."

Renumber the sections consecutively and correct internal references accordingly.

On page 6, after line 25, insert the following:

"Sec. 7. Section 13, chapter 274, Laws of 1947 as last amended by section 13, chapter 184, Laws of 1984 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, in any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of enrollment under the relief and compensation provisions or the pension provisions of the volunteer firemen's relief and pension fund under chapter 41.24 RCW;

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain

within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application;

(17) The city manager or chief administrative officer of a city or town who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of the effective date of this 1986 act shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions.

Renumber the sections consecutively.

On page 7, after line 1, insert the following:

"Sec. 8. Section 12, chapter 205, Laws of 1979 ex. sess. and RCW 41.04.330 are each amended to read as follows:

The provisions of this 1979 amendatory act shall apply only to court decrees of dissolution or legal separation and court-approved property settlement agreements regardless of whether entered before or after (May 25, 1979) the effective date of this 1986 act, and only to those persons who have actually retired."

Renumber the remaining sections consecutively.

On page 1, line 2 of the title, after "41.40 RCW;" insert "creating a new section;"

On page 1, line 2 of the title, strike "new sections" and insert "a new section"

On page 1, line 2 of the title, strike "and 41.40.150" and insert ", 41.40.150, and 41.40.120"

On page 1, line 2 of the title, strike "and 41.40.150" and insert ", 41.40.150, and 44.44.040"

On page 1, line 2 of the title, strike "and 41.40.150" and insert ", 41.40.150, and 41.04.330",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Bauer moved that the Senate do concur in the House amendments to Reengrossed Substitute Senate Bill No. 3182.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate concur in the House amendments to Reengrossed Substitute Senate Bill No. 3182.

The motion by Senator Bauer carried and the Senate concurred in the House amendments to Reengrossed Substitute Senate Bill No. 3182.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3182, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3182, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vogndil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Bailey, Cantu, Craswell, Hayner, McCaslin, McDonald, Sellar - 7.

Excused: Senator Stratton - 1.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3182, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 4305 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 10.19 RCW to read as follows:

The surety on the appearance bond shall be released from liability when the case against the person is dismissed, the case is deferred, the person is acquitted, or the person is found guilty of the charges made the basis for the appearance bond.

Sec. 2. Section 1, page 103, Laws of 1867 as last amended by section 1137, Code of 1881 and RCW 10.19.090 are each amended to read as follows:

In criminal cases where a recognizance for the appearance of any person, either as a witness or to appear and answer, shall have been taken and a default entered, the recognizance shall be declared forfeited by the court(~~and~~). At the time of adjudging such forfeiture said court shall enter judgment against the principal and sureties named in such recognizance for the sum therein mentioned or an amount less than that stated in the bond if recommended by the prosecuting attorney and approved by the court or approved by the court on its own motion, and execution may issue thereon the same as upon other judgments. If the surety is not notified by the court in writing of the unexplained failure of the defendant to appear within thirty days of the date for appearance, then the forfeiture shall be null and void and the recognizance exonerated.

NEW SECTION, Sec. 3. A new section is added to chapter 10.19 RCW to read as follows:

If a forfeiture has been entered against a person in a criminal case and the person is returned to custody or produced in court within twelve months from the forfeiture, then the full amount of the bond, less any and all costs determined by the court to have been incurred by law enforcement in transporting, locating, apprehending, or processing the return of the person to the jurisdiction of the court, shall be remitted to the surety if the surety was directly responsible for producing the person in court or directly responsible for apprehension of the person by law enforcement.

NEW SECTION, Sec. 4. A new section is added to chapter 10.19 RCW to read as follows:

The liability of the surety is limited to the amount of the bond when acting within the scope of the surety's duties in issuing the bond.

NEW SECTION, Sec. 5. A new section is added to chapter 10.19 RCW to read as follows:

The surety on the bond may return to custody a person in a criminal case under the surety's bond if the surrender is accompanied by a notice of forfeiture or a notarized affidavit specifying the reasons for the surrender. The surrender shall be made to the facility in which the person was originally held in custody or the county or city jail affiliated with the court issuing the warrant resulting in bail.

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

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Reengrossed Substitute Senate Bill No. 4305.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 4305, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 4305, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Sellar - 1.

Excused: Senator Stratton - 1.

REENGROSSED SUBSTITUTE SENATE BILL NO. 4305, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4418 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds that:

(a) The wise management and utilization of the state's water resources is in the best interests of the citizens of the state of Washington;

(b) Long-term planning of water uses and water supply projects is necessary to assure our state's water resources will be managed and utilized with the vision to maximize long-term benefits to assure that long-term opportunities are not permanently lost based on short-term conditions;

(c) Future allocations of water shall be considered in conjunction with an analysis of competing demands for water resources;

(d) It is the policy of the state to join with federal agencies and others in developing economically feasible, environmentally sound, and water conservation oriented facilities; and

(e) The state is participating in studies now being conducted by the federal government through the bureau of reclamation in the Yakima river and Columbia river basins for the purpose of determining plans for the proper development and utilization of the state's water resources under sound financing arrangements.

(2) It is the intent of the legislature that additional information be developed on future agricultural needs for water.

NEW SECTION, Sec. 2. (1) The director of the department of agriculture shall organize a committee including but not limited to irrigation and dry land farmers, irrigation district representatives, agricultural economists, electric utility representatives, fisheries group representatives, and electric ratepayer representatives to conduct a study on water supply availability in the Columbia Basin area. The study shall include the following:

(a) An examination of the potential for expansion of irrigated land in the state;

(b) An evaluation of the alternatives that are available to renew water rights reserved to maintain future options to expand the production of food;

(c) A review of areas in the state in which available water and irrigable land both exist that have a reasonable potential for food production to meet growing demand for food in coming decades;

(d) An analysis of the impact of additional irrigation on the competitive position and profitability of existing agriculture;

(e) A review of the impact of additional irrigation on electricity costs in the Pacific northwest and alternatives for mitigating electrical cost impact;

(f) An analysis of options that facilitate water supply availability for irrigation through conservation and other methods;

(g) A supply and demand analysis of major crops produced in the state including an investigation of alternative crops for those that are in surplus;

(h) A review of available analyses of jobs and economic activity derived from future expansion of other major energy consuming industries and major water uses and their related dependent industries as compared to the jobs and economic activity of future expansion of irrigated agriculture and its related dependent industries. Consistent economic assumptions and methodology shall be used in developing this comparative analysis; and

(i) A review of the bureau of reclamation draft environmental impact statement and other relevant federal reports. The committee organized by the director of agriculture under this section shall not create new data which duplicates the data being developed by the environmental impact statement process.

(2) The director of the department of agriculture shall submit a preliminary report by January 1, 1987, and a final report by January 1, 1988, to the governor and the legislature.

(3) Persons appointed to the committee shall be entitled to reimbursement by the department of agriculture under RCW 43.03.050 and 43.03.060 for travel expenses incurred in the performance of their duties.

NEW SECTION, Sec. 3. The director of the department of ecology shall:

(1) Continue to participate with the federal government in its studies of the Yakima enhancement project and of options for future development of the second half of the Columbia Basin project;

(2) Vigorously represent the state's interest in said studies, particularly as they relate to protection of existing water rights and resolution of conflicts in the adjudication of the Yakima river within the framework of state water rights law and propose means of resolving the conflict that minimize adverse effects on the various existing uses;

(3) As a cooperative federal and nonfederal effort, work with members of the congressional delegation to identify and advance for federal authorization elements of the Yakima enhancement project which: Have general public support and acceptable cost-sharing arrangements, meet study objectives, and otherwise have potential for early implementation; and

(4) In developing acceptable cost-sharing arrangements, request federal recognition of state credit for expenditures of moneys from Washington state utility ratepayers.

NEW SECTION. Sec. 4. (1) The department of ecology is authorized to transfer funds currently available from Referendum 38, up to one hundred fifty thousand dollars, to the department of agriculture, together with necessary full-time equivalent staff years, for direct, indirect, and contractual purposes to conduct studies required under section 2 of this act.

(2) The department of ecology is authorized to expend up to two hundred fifty thousand dollars of currently available Referendum 38 funds, together with necessary full-time equivalent staff years, for direct, indirect, and contractual purposes to accomplish the activities required under section 3 of this act.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "irrigation;" strike "and" and after "sections" insert "; and declaring an emergency".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Hansen moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4418.

Debate ensued.

POINT OF INQUIRY

Senator Bauer: "Senator Hansen, Section 2 of the House amendment directs the Department of Agriculture to conduct a study on water supply availability for potential expansion of irrigated land in future years. On page 2, line 22, the amendment states, 'The study shall include the following,' and lists nine specific areas of studies. Is the department limited in looking at only the nine items listed in the bill?"

Senator Hansen: "No. The language you cited does not restrict the Department of Agriculture from looking at additional items. I have checked with the Code Reviser's Office and they cited the reference of Sutherlands Statutory Construction and they tell me that the Department of Agriculture does have the authority and the flexibility to do so."

Senator Bauer: "Thank you, Senator Hansen."

The President declared the question before the Senate to be the motion by Senator Hansen that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4418.

The motion by Senator Hansen carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4418.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4418, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4418, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4418, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4465 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 9A.16.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.010 are each amended to read as follows:

In this chapter, unless a different meaning is plainly required:

(1) "Necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

(2) "Deadly force" means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

Sec. 2. Section 9A.16.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.040 are each amended to read as follows:

(1) Homicide or the use of deadly force is justifiable ~~((when committed by a public officer, or person acting under his command and in his aid:))~~ in the following cases:

~~((+))~~ (a) When a public officer is acting in obedience to the judgment of a competent court~~((:))~~; or

~~((2))~~ (b) When ~~((necessary))~~ necessarily used by a peace officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty.

~~((3))~~ When necessary in retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony; or in arresting a person who has committed a felony and is fleeing from justice; or in attempting, by lawful ways or means, to apprehend a person for a felony actually committed; or in lawfully suppressing a riot or preserving the peace;)) (c) When necessarily used by a peace officer or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

(ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; or

(iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or

(iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

(a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given.

(3) A public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

(4) This section shall not be construed as:

(a) Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or

(b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section.

NEW SECTION. Sec. 3. The legislature recognizes that RCW 9A.16.040 establishes a dual standard with respect to the use of deadly force by peace officers and private citizens, and further recognizes that private citizens' permissible use of deadly force under the authority of RCW 9.01.200, 9A.16.020, or 9A.16.050 is not restricted and remains broader than the limitations imposed on peace officers.*.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 4465.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4465, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4465, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Garrett, Pullen - 2.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4465, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4481 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 13, Laws of 1965 as last amended by section 2, chapter 259, Laws of 1985 and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social worker, psychologist, pharmacist, or employee of the department has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect, he shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2) Any other person who has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(3) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who has been subjected to sexual abuse, shall report such incident in writing to the proper law enforcement agency.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them.

(5) Any county prosecutor or city attorney receiving a report under subsection (4) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(6) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those

persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(7) Persons or agencies exchanging information under subsection (6) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Engrossed Senate Bill No. 4481.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4481, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4481, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Graniund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

ENGROSSED SENATE BILL NO. 4481, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4486 with the following amendments:

On page 3, after line 14, insert the following:

*Sec. 2. Section 36.01.010, chapter 4, Laws of 1963 and RCW 36.01.010 are each amended to read as follows:

The several counties in this state shall have capacity as bodies corporate, to sue and be sued in the manner prescribed by law; to purchase and hold lands (~~within their own limits~~); to make such contracts, and to purchase and hold such personal property, as may be necessary to their corporate or administrative powers, and to do all other necessary acts in relation to all the property of the county.

Sec. 3. Section 35.22.280, chapter 7, Laws of 1965 as last amended by section 802, chapter 258, Laws of 1984 and RCW 35.22.280 are each amended to read as follows:

Any city of the first class shall have power:

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and

maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use:

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof:

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change:

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads:

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof:

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange:

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof:

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor:

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied:

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof:

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof:

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To provide for establishing and maintaining reform schools for juvenile offenders;

(19) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public:

(20) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof:

(21) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to

regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(22) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(23) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(25) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(27) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(29) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(30) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(31) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: PROVIDED, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(32) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: PROVIDED, That no license shall be granted to continue for longer than one year from the date thereof;

(33) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(35) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five thousand dollars or imprisonment in the city jail for one year, or both such fine and imprisonment. Such cities alternatively may provide that violations of ordinances constitute a civil violation subject to monetary penalties;

(36) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(37) To provide in their respective charters for a method to propose and adopt amendments thereto.

Sec. 4. Section 35.23.440, chapter 7, Laws of 1965 as last amended by section 5, chapter 189, Laws of 1984 and by section 803, chapter 258, Laws of 1984 and RCW 35.23.440 are each reenacted and amended to read as follows:

The city council of each second class city shall have power and authority:

(1) Ordinances: To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress, and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; and to regulate as authorized by state law all tipping houses, dram shops, saloons, bars, and barrooms.

(5) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(6) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property.

(7) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(8) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: PROVIDED, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(9) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace, or disorderly conduct in any place, house, or street in the city.

(10) Nuisances: To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(11) Stock pound: To establish, maintain, and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(12) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(13) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein.

(14) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions, and shows.

(15) Markets: To establish and regulate markets and market places.

(16) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles, or other vehicles may run within the city limits, or any portion thereof.

(17) City commons: To provide for and regulate the commons of the city.

(18) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(19) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(20) Property: To have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control, or improve the same; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city.

(21) Fire department: To establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city.

(22) Water supply: To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(23) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

(24) House numbers: To provide for the numbering of houses.

(25) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate internments and to prohibit them within the city limits.

(26) Harbors and wharves: To build, alter, improve, keep in repair, and control the waterfront; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(27) License of steamers: To license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(28) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(29) Penalty for violation of ordinances: To provide that violations of ordinances constitute a civil violation subject to monetary penalties or to determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five thousand dollars or imprisonment for one year, or both; and every violation of any lawful order, regulation, or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington: PROVIDED, That violation of an order, regulation, or ordinance relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, regulation, or ordinance equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

(30) Police department: To create and establish a city police; to prescribe their duties and their compensation; and to provide for the regulation and government of the same.

(31) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.

(32) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or business of the city.

(33) Contracts: To make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name.

(34) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of any thereof; and for the construction, regulation, and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof.

(35) Waterways: To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

(36) Sewerage: To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

(37) Buildings and parks: To provide for all public buildings, public parks, or squares, necessary or proper for the use of the city.

(38) Franchises: To permit the use of the streets for railroad or other public service purposes.

(39) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever.

(40) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: PROVIDED, That such fees shall in all cases be paid by the parties requiring such service.

(41) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

(42) Waterworks: To provide for the erection, purchase, or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(43) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric, or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: PROVIDED, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(44) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(45) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(46) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks, or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(47) To provide for the assessment of taxes: To provide for the assessment, levying, and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(48) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(49) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(50) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained.

(51) Safety and sanitary measures: To require the owners of public halls, theaters, hotels, and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(52) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state.

(53) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(54) To provide for the general welfare.

Sec. 5. Section 35.24.290, chapter 7, Laws of 1965 as last amended by section 804, chapter 258, Laws of 1984 and RCw 35.24.290 are each amended to read as follows:

The city council of each third class city shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;

(2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;

(3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits;

(4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;

(5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

(11) In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: PROVIDED, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;

(12) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five thousand dollars nor the term of such imprisonment exceed the term of one year; or to provide that violations of ordinances constitute a civil violation subject to monetary penalty;

(13) To establish fire limits, with proper regulations;

(14) To establish and maintain a free public library;

(15) To establish and regulate public markets and market places;

(16) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places:

(17) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

(18) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other watercraft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

Sec. 6. Section 35.27.370, chapter 7, Laws of 1965 as last amended by section 805, chapter 258, Laws of 1984 and RCW 35.27.370 are each amended to read as follows:

The council of said town shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(7) To impose and collect an annual license on every dog within the limits of the town, to prohibit dogs running at large, and to provide for the killing of all dogs found at large and not duly licensed;

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

(11) To erect and maintain buildings for municipal purposes;

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed five thousand dollars, nor the term of imprisonment exceed one year; or to provide that violations of ordinances constitute a civil violation subject to a monetary penalty;

(15) To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service;

(16) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Sec. 7. Section 35A.11.020, chapter 119, Laws of 1967 ex. sess. as last amended by section 807, chapter 258, Laws of 1984 and RCW 35A.11.020 are each amended to read as follows:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: PROVIDED, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provisions establishing or respecting a merit system or system of civil service for firemen and policemen which does not substantially accomplish the same purpose as provided by general law in chapter 41.08 RCW for firemen and chapter 41.12 RCW for policemen now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for firemen or policemen which provides different pensions or retirement benefits than are provided by general law for such classes. Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five thousand dollars or imprisonment for any term not exceeding one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. Such a body alternatively may provide that violation of such ordinances constitutes a civil violation subject to monetary penalty. The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns. In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120. ((RCW)) 82.36.440, ((RCW)) 48.14.020, and ((RCW)) 48.14.080."

On page 1, line 1 of the title, after "RCW" insert "36.01.010 and"

On page 1, line 1 of the title, after "36.32.120" insert ", 35.22.280, 35.24.290, 35.27.370, and 35A.11.020; reenacting and amending RCW 35.23.440".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Thompson moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 4486 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Thompson to not concur in the House amendments to Substitute Senate Bill No. 4486.

The motion by Senator Thompson carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 4486 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3847 with the following amendments:

On page 1, line 7 before "Any", insert "(1)"

On page 1, after line 11, strike everything through and including "act" on line 14 and insert:

"(2) Subsection (1) of this section" and underline all material through "act." on line 17,

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Substitute Senate Bill No. 3847.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3847, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3847, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SUBSTITUTE SENATE BILL NO. 3847, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed SENATE BILL NO. 4506 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The office of financial management, in cooperation with the state board of health, the social and health services committee of the house of representatives, and the human services and corrections committee of the senate, shall study the desirability and feasibility of consolidating into a single state agency existing public health and environmental health services presently administered by the departments of social and health services, ecology, agriculture, labor and industries, and fisheries.

The office of financial management shall report to the appropriate committees of the legislature no later than December 1, 1986, on the results of the study. The report shall include: Recommendations on consolidation; any necessary legislation to implement the consolidation; and other options considered, but not adopted and the reason for rejection.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

(1) Section 33, chapter 99, Laws of 1979, section 16, chapter 235, Laws of 1983, section 29, chapter 213, Laws of 1985 and RCW 43.131.213; and

(2) Section 75, chapter 99, Laws of 1979, section 17, chapter 235, Laws of 1983, section 30, chapter 213, Laws of 1985 and RCW 43.131.214."

On page 1, line 1 of the title, after "health," insert "creating a new section,"
and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Wojahn, the Senate concurred in the House amendments to Senate Bill No. 4506.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4506, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4506, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SENATE BILL NO. 4506, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SENATE BILL NO. 4535 with the following amendment:
On page 1, line 25, strike "licensed health care".

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 4535.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4535, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4535, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SENATE BILL NO. 4535, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed SENATE BILL NO. 4538 with the following amendments:

On page 1, beginning on line 20, strike all material through the end of line 22.

On page 1, after line 22, insert the following:

*Sec. 2. Section 69, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 160, Laws of 1983 and RCW 66.08.050 are each amended to read as follows:

The board, subject to the provisions of this title and the regulations, shall

(1) determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

(2) appoint in cities and towns and other communities, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this title as the board may require;

(3) establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(4) provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;

(5) determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(6) execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(7) pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

(8) require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

(9) perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the board and the commission;

(10) perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor; PROVIDED, That the board shall have no authority to regulate the content of spoken language on licensed premises where wine and other liquors are served and where there is not a clear and present danger of disorderly conduct being provoked by such language.

On page 1, line 1 of the title, after "wine," insert "amending RCW 66.08.050";

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Senate Bill No. 4538.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4538, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4538, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Voting nay: Senators Craswell, McDonald, Zimmerman - 3.

Absent: Senator Newhouse - 1.

Excused: Senator Stratton - 1.

SENATE BILL NO. 4538, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SENATE BILL NO. 4540 with the following amendments:

On page 1, line 23, after "insurance;" strike "or"

On page 1, line 24, after "policies" insert "or (c) agents whose licenses are then or become subject to an outstanding order of the commissioner issued pursuant to RCW 48.17.540".

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Senate Bill No. 4540.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4540, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4540, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Guess, McDonald - 2.

Excused: Senator Stratton - 1.

SENATE BILL NO. 4540, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4571 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, page 124, Laws of 1886 as last amended by section 1, chapter 211, Laws of 1981 and RCW 10.85.030 are each amended to read as follows:

The legislative authority of any county in the state ((or)), a port commission, or the governing body of a city or town, when in its opinion the public good requires it, is hereby authorized to offer and pay a suitable reward to any person or persons for information leading to:

(a) The arrest of a specified person or persons convicted of or charged with any criminal offense; or

(b) The arrest and conviction of a person or persons committing a specified criminal offense.

In the event of crimes against county ((or)), port district, city, or town property, including but not limited to road signs, vehicles, buildings, or any other type of county ((or)), port district, city, or town property, the legislative authority of any county ((or)), a port commission, or the governing body of a city or town may offer and pay a suitable reward to any person or persons who shall furnish information leading to the arrest and conviction of any person of any offense against this county ((or)), port district, city, or town property, including but not limited to those offenses set forth in RCW 9A.48.070 through 9A.48.090, whether or not the offense is a felony, gross misdemeanor, or misdemeanor.

Sec. 2. Section 3, page 124, Laws of 1886 as amended by section 2, chapter 53, Laws of 1979 ex. sess. and RCW 10.85.040 are each amended to read as follows:

When more than one claimant applies for the payment of any reward, offered by any county legislative authority, board of commissioners of a port district, or city or town governing body, the county legislative authority, board of commissioners of a port district, or city or town governing body shall determine to whom the same shall be paid, and if to more than one person, in what proportion to each; and their determination shall be final and conclusive.

Sec. 3. Section 2, page 124, Laws of 1886 as amended by section 3, chapter 53, Laws of 1979 ex. sess. and RCW 10.85.050 are each amended to read as follows:

Whenever any reward has been offered by any county legislative authority, board of commissioners of a port district, or city or town governing body in the state under RCW 10.85.030, the person or persons providing the information shall be entitled to the reward, and the county legislative authority, board of commissioners of a port district, or city or town governing body which has offered the reward is authorized to draw a warrant or warrants out of any money in the county, port district, or city or town treasury, as appropriate, not otherwise appropriated."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Substitute Senate Bill No. 4571.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4571, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4571, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SUBSTITUTE SENATE BILL NO. 4571, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4544 with the following amendments:

On page 1, line 17, strike "the person" and insert "~~(the person)~~"

On page 2, after line 24, insert the following:

NEW SECTION, Sec. 4. The legislature finds that vulnerable adults, who are physically or emotionally abused or financially exploited may need the protection of the courts. The legislature further finds that many of these elderly persons may be homebound or otherwise may be unable to represent themselves in court or to retain legal counsel in order to obtain the relief available to them under this chapter.

NEW SECTION, Sec. 5. An action known as a petition for protection of a vulnerable adult in cases of abuse or exploitation is created.

(1) A vulnerable adult may seek relief from abuse or exploitation, or the threat thereof, by filing a petition for an order for protection in superior court.

(2) A petition shall allege that the petitioner is a vulnerable adult and that the petitioner has been abused or exploited or is threatened with abuse or exploitation by respondent.

(3) A petition shall be accompanied by affidavit made under oath stating the specific facts and circumstances which demonstrate the need for the relief sought.

(4) A petition for an order may be made whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(5) A petitioner is not required to post bond to obtain relief in any proceeding under this section.

(6) An action under this section shall be filed in the county where the petitioner resides; except that if the petitioner has left the residence as a result of abuse or exploitation, or in order to avoid abuse or exploitation, the petitioner may bring an action in the county of either the previous or new residence.

NEW SECTION, Sec. 6. The court shall order a hearing on a petition under section 5 of this act not later than fourteen days from the date of filing the petition. Personal service shall be made upon the respondent not less than five court days before the hearing. If timely service cannot be made, the court may set a new hearing date. A petitioner may move for temporary relief under chapter 7.40 RCW.

NEW SECTION, Sec. 7. The court may order relief as it deems necessary for the protection of the petitioner, including, but not limited to the following:

(1) Restraining respondent from committing acts of abuse or exploitation;

(2) Excluding the respondent from petitioner's residence for a specified period or until further order of the court;

(3) Prohibiting contact by respondent for a specified period or until further order of the court;

(4) Requiring an accounting by respondent of the disposition of petitioner's income or other resources;

(5) Restraining the transfer of property for a specified period not exceeding ninety days;

(6) Requiring the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year.

NEW SECTION, Sec. 8. When an order for protection under section 7 of this act is issued upon request of the petitioner, the court may order a peace officer to assist in the execution of the order of protection.

NEW SECTION, Sec. 9. The department of social and health services, in its discretion, may seek relief under sections 5 through 8 of this act on behalf of and with the consent of any vulnerable adult. Neither the department of social and health services nor the state of Washington shall be liable for failure to seek relief on behalf of any persons under this section.

NEW SECTION, Sec. 10. The provision of services under RCW 74.34.030, 74.34.040, 74.34.050, and sections 4 through 11 of this act are discretionary and the department shall not be required to expend additional funds beyond those appropriated.

NEW SECTION, Sec. 11. Any proceeding under sections 5 through 9 of this act is in addition to any other civil or criminal remedies.

NEW SECTION, Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 13. Sections 4 through 11 of this act are added to chapter 74.34 RCW."

On page 1, line 1 of the title, strike "and"

On page 1, line 2 of the title, after "74.34.050" insert "; and adding new sections to chapter 74.34 RCW",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 4544.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4544, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4544, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SUBSTITUTE SENATE BILL NO. 4544, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4582 with the following amendments:

On page 2, line 7, after "any" strike "individual"

On page 2, line 14, after "made" strike "of" and insert "or",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4582.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4582, as amended by the House.

POINT OF INQUIRY

Senator Pullen: "Senator Moore, as prime sponsor of Engrossed Senate Bill No. 4582 and Chairman of the Financial Institutions Committee through which the bill passed, I was hoping you would answer a couple of questions to determine legislative intent. My questions revolve around Section 3 which provides criminal penalties for any person who submits a claim that falsely represents that the goods or

services were medically necessary, in accordance with professionally accepted standards.

"My first question is this, would a health-care provider or a patient be guilty of a violation of this section if in good faith, without intent to defraud either, submitted a claim for goods or services and the claim was subsequently rejected on the basis that the goods or services were not usual and customary?"

Senator Moore: "Senator Pullen, that is absolutely and positively not the intent of this bill."

Senator Pullen: "Suppose a physician were an authority on holistic medicine and in good faith prescribed nutritional therapy for a patient and the claim was subsequently rejected on the basis that nutritional therapy was not covered by the insurance contract. Would that physician be subject to a class B felony?"

Senator Moore: "No, most vehemently. That would not be the intent of the bill. This bill would, however, allow criminal action against any provider who knowingly submits a false claim."

Senator Pullen: "Thank you."

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4582, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Stratton - 1.

ENGROSSED SENATE BILL NO. 4582, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed SENATE BILL NO. 4452, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3419,
 SUBSTITUTE SENATE BILL NO. 3453,
 SENATE BILL NO. 3636,
 SUBSTITUTE SENATE BILL NO. 4425,
 SUBSTITUTE SENATE BILL NO. 4553,
 SUBSTITUTE SENATE BILL NO. 4664,
 SUBSTITUTE SENATE BILL NO. 4682,
 SENATE BILL NO. 4708,
 SUBSTITUTE SENATE BILL NO. 4926,
 SUBSTITUTE SENATE BILL NO. 4933,
 SENATE JOINT MEMORIAL NO. 113,
 SENATE JOINT MEMORIAL NO. 126,
 SENATE JOINT MEMORIAL NO. 143.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 4452.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4590 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this chapter is to enable political subdivisions to participate with the state in providing maximum opportunities for the investment of surplus public funds consistent with the safety and protection of such funds. The legislature finds and declares that the public interest is found in providing maximum prudent investment of surplus funds, thereby reducing the need for additional taxation. The legislature also recognizes that not all political subdivisions are able to maximize the return on their temporary surplus funds. The legislature therefore provides in this chapter a mechanism whereby political subdivisions may, at their option, utilize the resources of the state treasurer's office to maximize the potential of surplus funds while ensuring the safety of public funds.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Public funds investment account" or "investment pool" means the aggregate of all funds from political subdivisions that are placed in the custody of the state treasurer for investment and reinvestment.

(2) "Political subdivision" means any county, city, town, municipal corporation, political subdivision, or special purpose taxing district in the state.

(3) "Local government official" means any officer or employee of a political subdivision who has been designated by statute or by local charter, ordinance, or resolution as the officer having the authority to invest the funds of the political subdivision. However, the county treasurer shall be deemed the only local government official for all political subdivisions for which the county treasurer has exclusive statutory authority to invest the funds thereof.

(4) "Funds" means public funds under the control of or in the custody of any local government official by virtue of the official's authority that are not immediately required to meet current demands.

NEW SECTION. Sec. 3. There is created a trust fund in the state treasury to be known as the public funds investment account. All moneys remitted by local government officials under this chapter shall be deposited in this account. The earnings on any balances in the public funds investment account shall be credited to the public funds investment account, notwithstanding RCW 43.84.090.

NEW SECTION. Sec. 4. If authorized by local ordinance or resolution, a local government official may place funds into the public funds investment account for investment and reinvestment by the state treasurer in those securities and investments set forth in RCW 43.84.080 and chapter 39.58 RCW. The state treasurer shall invest the funds in such manner as to effectively maximize the yield to the investment pool. In investing and reinvesting moneys in the public funds investment account and in acquiring, retaining, managing, and disposing of investments of the investment pool, there shall be exercised the judgment and care under the circumstances then prevailing which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of the funds considering the probable income as well as the probable safety of the capital.

NEW SECTION. Sec. 5. The state treasurer's office is authorized to employ such personnel as are necessary to administer the public funds investment account. The bond of the state treasurer as required by law shall be made to include the faithful performance of all functions relating to the investment pool.

NEW SECTION. Sec. 6. The state treasurer shall by rule prescribe the time periods for investments in the investment pool and the procedure for withdrawal of funds from the investment pool. The state treasurer shall promulgate such other rules as are deemed necessary for the efficient operation of the investment pool. The rules shall also provide for the administrative expenses of the investment pool, including repayment of the initial administrative costs financed out of the appropriation included in this act, to be paid from the pool's earnings and for the interest earnings in excess of the expenses to be credited or paid to the political subdivisions participating in the pool. The state treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any funds appropriated and expended for the initial administrative costs of the pool. Any credits or payments to political subdivisions shall be calculated and made in a manner which equitably reflects the differing amounts of the political subdivisions' respective deposits in the investment pool fund and the differing periods of time for which the amounts were placed in the investment pool: PROVIDED, That the appropriated start-up costs of the pool must be repaid by June 30, 1989.

NEW SECTION. Sec. 7. The state treasurer shall keep a separate account for each political subdivision having funds in the investment pool. Each separate account shall record the individual amounts deposited in the investment pool, the date of withdrawals, and the earnings credited or paid to the political subdivision. The state treasurer shall report monthly the status of the respective account to each local government official having funds in the pool during the previous month.

NEW SECTION. Sec. 8. At the end of each fiscal year, the state treasurer shall submit to the governor, the state auditor, and the legislative budget committee a summary of the activity of the investment pool. The summary shall indicate the quantity of funds deposited; the earnings of the pool; the investments purchased, sold, or exchanged; the administrative expenses of the investment pool; and such other information as the state treasurer deems relevant.

NEW SECTION. Sec. 9. The state finance committee shall administer this chapter and adopt appropriate rules.

NEW SECTION. Sec. 10. Local governments may not invest in repurchase agreements, nor have their money invested in repurchase agreements, unless the local government or its agent takes possession of the securities to be repurchased, or a third party holds the securities in trust for the local government.

NEW SECTION. Sec. 11. A new section is added to chapter 36.29 RCW to read as follows:

Upon the request of one or several units of local government that invest their money with the county under the provisions of RCW 36.29.020, the treasurer of that county may combine those units' moneys for the purposes of investment.

Sec. 12. Section 15, chapter 103, Laws of 1959 as last amended by section 21, chapter 66, Laws of 1983 and RCW 56.16.160 are each amended to read as follows:

Whenever there shall have accumulated in any general or special fund of a sewer district moneys, the disbursement of which is not yet due, the board of commissioners may, by resolution, authorize the county treasurer to deposit or invest such moneys in qualified public depositories, or to invest such moneys in (~~direct obligations of the United States government~~) any investment permitted at any time by RCW 36.29.020; PROVIDED, That the county treasurer may refuse to invest any district moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district.

Sec. 13. Section 16, chapter 108, Laws of 1959 as last amended by section 22, chapter 66, Laws of 1983 and RCW 57.20.160 are each amended to read as follows:

Whenever there shall have accumulated in any general or special fund of a water district moneys, the disbursement of which is not yet due, the board of water commissioners may, by resolution, authorize the county treasurer to deposit or invest such moneys in qualified public depositories, or to invest such moneys in (~~direct obligations of the United States government~~) any investment permitted at any time by RCW 36.29.020; PROVIDED, That the county treasurer may refuse to invest any district moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district.

NEW SECTION. Sec. 14. There is hereby appropriated for the biennium ending June 30, 1987, to the state treasurer from the state treasurer's service fund the sum of one hundred thousand dollars, or so much thereof as may be necessary, to defray the initial administrative costs of the public funds investment account. On or before June 30, 1991, the state treasurer's service fund shall be reimbursed for the amount of such money expended by the state treasurer to defray these initial administrative costs by transferring such money from the public funds investment account to the state treasurer's service fund.

NEW SECTION. Sec. 15. Sections 1 through 10 of this act shall constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "government;" insert "amending RCW 56.16.160 and 57.20.160;"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 4590 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4596 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 204, Laws of 1982 and RCW 71.24.015 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which provides for:

(1) Access to mental health services for (~~residents~~) adults and children of the state who are acutely mentally ill, seriously disturbed, or chronically mentally ill, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. It is also the purpose of this chapter to ensure that children

in need of mental health care and treatment receive the care and treatment appropriate to their developmental level, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children:

(2) Accountability of services through state-wide standards for management, monitoring, and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill: ~~((and))~~

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which may also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

Sec. 2. Section 3, chapter 204, Laws of 1982 and RCW 71.24.025 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) "Available resources" means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045.

(3) "Licensed service provider" means an entity licensed by the department according to state minimum standards or individuals licensed under chapter 18.71, 18.83, or 18.88 RCW.

(4) "Child" means a person under the age of eighteen years.

(5) "Chronically mentally ill person" means a ((person)) child or adult who has a mental disorder, in the case of a child as defined by chapter 71.34 RCW, and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years or, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services;

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; ((or))

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended, and shall include school attendance in the case of a child; or

(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect.

~~((6))~~ (6) "Community mental health program" means all mental health services established by a county authority.

~~((6))~~ (7) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((7))~~ (8) "Department" means the department of social and health services.

~~((8))~~ (9) "Mental health services" means community services pursuant to RCW ~~(71.24.035(4)(b))~~ 71.24.035(5)(b) and other services provided by the state for the mentally ill.

~~((9))~~ (10) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), ~~((4))~~ (5), and ~~((11))~~ (12) of this section.

~~((10))~~ (11) "Residential services" means a facility or distinct part thereof which provides food, clothing, and shelter, and may include day treatment services as defined in RCW 71.24.045, for acutely mentally ill, chronically mentally ill, or seriously disturbed persons as defined in this section. Such facilities include, but are not limited to, congregate care facilities providing mental health client services as stipulated by contract with the department beginning January 1, 1982.

((††)) (12) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a ((minor)) child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

((†2)) (13) "Secretary" means the secretary of social and health services.

((†3)) (14) "State minimum standards" means: (a) Minimum requirements for management and delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to county administration, licensing service providers, information, accountability, contracts, and services; and (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter 34.04 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service for those priority groups identified in RCW ((7-24.035(4)(b))) 71.24.035(5)(b); and the rights and responsibilities of persons receiving mental health services pursuant to this chapter.

Sec. 3. Section 4, chapter 204, Laws of 1982 and RCW 71.24.035 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children by including children's representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

((†4)) (5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for ((the)) mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) the chronically mentally ill; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Consultation and education services; and

(F) Community support services for acutely and chronically mentally ill persons which include: (I) Discharge planning for clients leaving state mental hospitals ((and)); other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (II) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (III) medication monitoring.

(c) Develop and promulgate rules establishing state minimum standards for the management and delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) County administration;

(iii) Information required to assure accountability of services delivered to the mentally ill; and

(iv) Residential and inpatient services, if a county chooses to provide such optional services;

(d) Assure coordination of services consistent with state minimum standards for individuals who are released from a state hospital into the community to assure a continuum of care;

(e) Assure that the special needs of minorities, (~~children~~) the elderly, disabled, and low-income persons are met within the priorities established in (~~RCW 71.24.035(4)(b)~~) subsection (5)(b) of this section;

(f) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

(g) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

(h) Develop and maintain an information system to be used by the state and counties which shall include a tracking method which allows the department to identify mental health clients' participation in any mental health service or public program. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440;

(i) License service providers who meet state minimum standards;

(j) Establish criteria to evaluate the performance of counties in administering mental health programs as established under this chapter. Evaluation of community mental health services shall include all categories of illnesses treated, all types of treatment given, the number of people treated, and costs related thereto; and

(k) Prior to September 1, 1982, adopt such rules as are necessary to implement this chapter pursuant to chapter 34.04 RCW: PROVIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption.

~~((5))~~ (6) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under RCW 71.24.045.

~~((6))~~ (7) The department shall propose in its biennial budget document the formulas used to distribute available resources to county authorities for the priorities listed in subsection ~~((4)(b))~~ (5)(b) of this section. The formula shall be based on the needs assessment required by RCW 71.24.045(1).

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

By November 1, 1986, the department shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the total amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

Sec. 5. Section 5, chapter 204, Laws of 1982 and RCW 71.24.045 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services for acutely and chronically mentally ill persons which include: (i) Discharge planning for clients leaving state mental hospitals (~~and~~), other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (ii) sufficient contacts with clients, schools, families, or significant others to provide for an effective program of community maintenance; and (iii) medication monitoring.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective. Whenever a county authority chooses to operate as a licensed service provider, the secretary shall act as the county authority for that service.

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of management and service delivery as established by the department;

(5) Assure that the special needs of minorities, ~~((children:))~~ the elderly, disabled, and low-income persons are met within the priorities established in RCW ~~((71.24.035(4)(b)))~~ 71.24.035(5)(b);

(6) Maintain patient tracking information in a central location for the chronically mentally ill;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board: ~~((and))~~

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

NEW SECTION. Sec. 6. A new section is added to chapter 71.24 RCW to read as follows:

By January 1, 1987, and each odd-numbered year thereafter, the county authority shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

NEW SECTION. Sec. 7. A new section is added to chapter 71.24 RCW to read as follows:

Nothing in this chapter shall be construed as prohibiting the secretary from consolidating within the department children's mental health services with other departmental services related to children.

NEW SECTION. Sec. 8. The secretary of social and health services shall study the desirability and feasibility of consolidating children and family services presently provided by the department. The analysis of consolidation shall include, at a minimum, children's services related to: Mental illness; juvenile rehabilitation; maternal and child health; crippled children; women, infants, and children; alcohol and substance abuse; child welfare; children's protection; developmental disabilities; nutrition; and learning problems. The scope of this review shall include prevention and early intervention services, in-home care, residential care, and institutional care.

The secretary and the superintendent of public instruction shall examine ways to more closely link children and family services with the public school system.

The secretary shall report to the social and health services committee of the house of representatives and the human services and corrections committee of the senate no later than December 1, 1986. The report shall include an analysis of consolidating these services, ways to improve linkages with the public school system, and appropriate recommendations. It shall also include all options considered but not accepted and reasons for rejection, and the legislative and organizational changes necessary for the implementation of the recommendations.

Sec. 9. Section 9, chapter 204, Laws of 1982 and RCW 71.24.155 are each amended to read as follows:

Grants shall be made by the department to counties for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter. The department shall provide a biennial accounting of the use of these funds to the ways and means committees of the senate and the house of representatives.

NEW SECTION. Sec. 10. A new section is added to chapter 71.24 RCW to read as follows:

The department shall waive postgraduate educational requirements applicable to mental health professionals under this chapter for those persons who have a bachelor's degree and on the effective date of this act:

(1) Are employed by an agency subject to licensure under this chapter, the community mental health services act, in a capacity involving the treatment of mental illness; and
(2) Have at least ten years of full-time experience in the treatment of mental illness.

NEW SECTION. Sec. 11. Sections 1, 2, 3, 5, and 9 of this act shall take effect on July 1, 1987." On page 1, line 3 of the title, after "RCW;" insert "creating a new section;"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Granlund moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4596.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 4596 was deferred.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4601 with the following amendments:

On page 5, line 6, after "84.26.090" strike "(1) (a) and (b)" and insert "(((1) (a) and (b)))"
On page 5, line 14, strike "84.26.100" and insert "84.26.090",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4601.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4601, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4601, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Stratton - 1.

ENGROSSED SENATE BILL NO. 4601, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Lee was excused.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4658 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 246, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 60, Laws of 1983 and RCW 72.33.125 are each amended to read as follows:

(1) In order to provide ongoing points of contact with the handicapped individual and his family so that they may have a place of entry for state services and return to the community as the need may appear; to provide a link between those individuals and services of the community and state operated services so that the individuals with handicapping conditions and their families may have access to the facilities best suited to them throughout the life of the individual; to offer viable alternatives to state residential school admission; and to encourage the placement of persons from state residential schools, the secretary of social and health services or his designee, pursuant to rules and regulations of the department, shall receive applications of persons for care, treatment, hospitalization, support, training, or rehabilitation provided by state programs or services for the handicapped. Written applications shall be submitted in accordance with the following requirements:

(a) In the case of a minor person, the application shall be made by his parents or by the parent, guardian, limited guardian where so authorized, person or agency legally entitled to custody, which application shall be in the form and manner required by the department; and

(b) In the case of an adult person, the application shall be made by such person, by his or her guardian, or limited guardian where so authorized, or agency legally entitled to custody, which application shall be in the form and manner required by the department.

(2) Upon receipt of the written application the secretary shall determine if the individual to receive services has a handicapping condition as defined in RCW 72.33.020 qualifying him for services. In order to determine eligibility for services, the secretary may require a supporting affidavit of a physician or a clinical psychologist, or one of each profession, certifying that the individual is handicapped as herein defined.

(3) After determination of eligibility because of a handicapping condition, the secretary shall determine the necessary services to be provided for the individual. Individuals may be temporarily admitted, for a period not to exceed thirty days, to departmental residential facilities for observation prior to determination of needed services, where such observation is necessary to determine the extent and necessity of services to be provided.

(4) The secretary shall annually advise the persons specified in subsection (1) (a) or (b) of this section that they may, by application, propose program and placement alternatives for care, treatment, hospitalization, support, training, or rehabilitation of the handicapped person; PROVIDED, That current appropriations are sufficient to implement alternative services without reducing services to existing clients.

(5) Upon receipt of an application for alternative care, the secretary shall consult with the applicant and within ninety days of the application determine whether the following criteria are met:

(a) That the alternative plan proposes a less dependent program than the current services provide;

(b) That the alternative plan is appropriate under the goals and objectives of the individual program plan;

(c) That the alternative plan is not in violation of applicable state and federal law; and

(d) That necessary services can reasonably be made available.

(6) If the alternative plan meets all the criteria of subsection (5) of this section, it shall be implemented as soon as reasonable, but not later than one hundred twenty days after completion of the determination process, unless the secretary determines:

(a) That the alternative plan is more costly than the current plan; or

(b) Current appropriations are not sufficient to implement alternative services without reducing services to existing clients; or

(c) The alternative plan would take precedent over other priority placements.

~~(7) ((One year after April 21, 1983, the secretary shall forward to the appropriate legislative committees of the senate and house of representatives a report that includes a description of each application that was denied and the basis for denial:~~

~~(8) Within thirty days of April 21, 1983, the secretary shall submit to the appropriate legislative committees explicit criteria for determining whether an alternative plan is more costly than a current plan as required by subsection (6) of this section.)) The secretary shall by July 1st of each even-numbered year report to the legislature on the use of program options. The report shall include the number of persons applying for program options, the number denied and reasons, the number approved and implemented, the programs they transferred from and to, the costs and savings incurred, and the amounts and sources of funding used to finance program options services. The report shall also estimate use and funding for the next biennium."~~

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 4658.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4658, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4658, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Lee, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4658, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed SENATE BILL NO. 4584 with the following amendments:
Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 7, chapter 366, Laws of 1977 ex. sess. as last amended by section 22, chapter 35, Laws of 1982 1st ex. sess. and RCW 54.28.055 are each amended to read as follows:

(1) After computing the tax imposed by RCW 54.28.025(1), the department of revenue shall instruct the state treasurer to distribute the amount collected as follows:

(a) Fifty percent to the state general fund for the support of schools; and

(b) Twenty-two percent to the counties, twenty-three percent to the cities, three percent to the fire protection districts, and two percent to the library districts.

(2) Each county, city, fire protection district and library district shall receive a percentage of the amount for distribution to counties, cities, fire protection districts and library districts, respectively, in the proportion that the population of such district residing within the impacted area bears to the total population of all such districts residing within the impacted area. For the purposes of this chapter, the term "library district" includes only regional libraries as defined in RCW 27.12.010(4), rural county library districts as defined in RCW 27.12.010(5), intercounty rural library districts as defined in RCW 27.12.010(6), and island library districts as defined in RCW 27.12.010(7). The population of a library district, for purposes of such a distribution, shall not include any population within the library district and the impact area that also is located within a city or town.

(3) If any distribution pursuant to subsection (1)(b) of this section cannot be made, then that share shall be prorated among the state and remaining local districts.

(4) All distributions directed by this section to be made on the basis of population shall be calculated in accordance with data to be provided by the office of financial management.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, strike "and amending RCW 54.28.055" and insert "amending RCW 54.28.055; and declaring an emergency".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Senate Bill No. 4584.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4584, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4584, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan,

Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Lee, Stratton - 2.

SENATE BILL NO. 4584, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4659 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 74.09 RCW to read as follows:

(1) An agreement between spouses transferring or assigning rights to future income from one spouse to the other shall be invalid for purposes of determining eligibility for medical assistance or the limited casualty program for the medically needy, but this subsection does not affect agreements between spouses transferring or assigning resources, and income produced by transferred or assigned resources shall continue to be recognized as the separate income of the transferee; and

(2) In determining eligibility for medical assistance or the limited casualty program for the medically needy for a married person in need of institutional care, or care under home and community based waivers as defined in Title XIX of the Social Security Act, if the community income received in the name of the nonapplicant spouse exceeds the community income received in the name of the applicant spouse, the applicant's interest in that excess shall be considered unavailable to the applicant.

NEW SECTION, Sec. 2. There is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1987, the sum of two million seven hundred nine thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act."

On page 1, line 2 of the title, after "programs," strike the remainder of the title and insert "adding a new section to chapter 74.09 RCW; and making an appropriation."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4659.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4659, as amended by the House.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, this is a bill that would prohibit separate property agreements for senior citizens when they're going into nursing homes?"

Senator Talmadge: "No, it would not prohibit separate property agreements, Senator Rasmussen. What it would do, would be to recognize such separate property agreements as to income, only in a limited fashion. In other words, in certain circumstances, depending upon which spouse it was that had the limited income, you would not recognize a separate property agreement as income in certain situations. We are permitting some of those to exist where the greatest hardship is present and that's why the appropriation is 2.7 million dollars to deal with that particular issue."

Senator Rasmussen: "My further question, Senator Talmadge. At what time is it recognized, if you made a separate property agreement? Let's suppose that your wife or you are in the hospital or nursing home or whatever and you had made a separate agreement eight or ten years before. I presume this bill would say it was illegal if you made the agreement just at the point of going into a separate home. Is that--?"

Senator Talmadge: "My understanding, Senator Rasmussen, is that if the separate property agreement were entered into after the effective date of the act, then

it would not be recognized if it was not recognized under the bill. If the separate property agreement was something that was in agreement for a period of seven or eight years, that would be valid. The bill would not affect such a previously entered into separate property agreement."

Senator Rasmussen: "Even after the act?"

Senator Talmadge: "Even after the act. If the separate property agreement were dated and entered into prior to the effective date of the act, my understanding is that it would not be subject to the provisions of this bill."

Senator Rasmussen: "Further question. Does it require filing of the separate agreement with the auditor?"

Senator Talmadge: "No. Ordinarily, such agreements, either separate property agreements or community property agreements are not, in fact, filed with the auditor."

Senator Rasmussen: "I was wondering where they were establishing a valid date. There is no requirement for filing, then they could just hold it in there safety deposit or whatever?"

Senator Talmadge: "Yes."

Senator Rasmussen: "Thank you, Senator Talmadge."

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, in view of the House amendments which I haven't read--one more time--does this in any way affect the transfer of assets between one spouse and another?"

Senator Talmadge: "Senator, it will not affect the Deccio amendment as stated in the editorial of the Yakima Herald Republic of March 4, 1986. The Deccio amendment from 1982 is not affected."

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4659, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn - 38.

Voting nay: Senators Bluechel, Cantu, Garrett, Newhouse, Rasmussen, Sellar, Williams, Zimmerman - 8.

Absent: Senator Warnke - 1.

Excused: Senators Lee, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4659, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4741 and the pending motion by Senator Owen that the Senate do concur in the House amendments, with the exception of Section 3, deferred earlier today.

MOTION

On motion of Senator Owen, and there being no objection, the motion to concur in the House amendments with the exception of Section 3 was withdrawn.

MOTION

On motion of Senator Owen, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 4741 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4779 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This chapter may be known and cited as the "auctioneer registration act."

Sec. 2. Section 5, chapter 205, Laws of 1982 and RCW 18.11.050 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Auctioneer" means ~~((a person who sells goods or real estate at public auction for another on commission or for recompense, or one who conducts an auction for another on commission or for recompense))~~ an individual who calls bids at an auction.

(2) "Auction" ~~((or "sale at auction"))~~ means ~~((the verbal))~~ a transaction conducted by means of exchanges between an auctioneer and the members of his or her audience, constituting a series of invitations for offers for the ((state)) purchase of goods or real property made by the auctioneer, offers by members of the audience, and the acceptance of the highest or most favorable offer ((by the auctioneer)).

(3) "Auction mart" means any fixed or established place designed, intended, or used for the conduct of auctions ~~((sales)).~~

(4) "Auction company" means a sole proprietorship, partnership, corporation, or other legal or commercial entity that sells or offers to sell goods or real estate at auction or arranges, sponsors, or manages auctions. The term "auction company" shall exclude any sole proprietorship owned by an auctioneer licensed under this chapter whose gross annual sales do not exceed twenty-five thousand dollars.

(5) "Department" means the department of licensing.

~~((5))~~ (6) "Director" means the director of licensing.

~~((6))~~ (7) "Person" means an individual, ~~((or a partner or member of a firm;))~~ partnership, ~~((or))~~ association, ~~((or an officer, director, or employee of a))~~ corporation, or any other form of business enterprise.

~~((7))~~ (8) "Goods" mean wares, chattels, merchandise, or personal property owned or consigned, which may be lawfully kept or offered for sale ~~((including domestic animals and farm products)).~~

~~((8))~~ "Qualified public depository" means a depository defined by RCW 39.58.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, or a federal credit union or a federal savings and loan association organized, operated, and governed by any act of Congress;

(9) "License" means state authority to operate as an auctioneer or auction company, which authority is conferred by issuance of a certificate of registration subject to annual renewal.

(10) "Licensee" means an auctioneer or auction company registered under this chapter.

Sec. 3. Section 2, chapter 205, Laws of 1982 and RCW 18.11.060 are each amended to read as follows:

This chapter shall be administered under chapter 43.24 RCW. The director shall set registration and renewal fees in accordance with RCW 43.24.086. If an auctioneer or auction company does not renew a license before it expires, the renewal shall be subject to payment of a penalty fee.

Sec. 4. Section 6, chapter 205, Laws of 1982 and RCW 18.11.070 are each amended to read as follows:

(1) ~~((On and after June 10, 1982;))~~ It is unlawful for any person to act as an auctioneer ~~((;))~~ or for an auction company to engage in ~~((the))~~ any business ~~((of an auctioneer))~~ in this state without a license. ~~((A person conducting an auction or sale at auction of equipment, livestock, household goods, personal property, or real estate individually owned by that person is not required to obtain a license;))~~

(2) This ~~((section;))~~ chapter does not apply to ~~((an auction or a sale at auction));~~

(a) An auction of goods conducted by an individual who personally owns those goods and who did not acquire those goods for resale;

~~((b))~~ An auction conducted by or under the direction of a public authority;

~~((b))~~ ~~((c))~~ An auction held under judicial order in the settlement of a decedent's estate;

~~((c))~~ ~~((d))~~ An auction which is required by law to be at auction;

~~((d))~~ ~~((e))~~ An auction conducted by or on behalf of a political organization or a charitable corporation or association if the person conducting the sale receives no compensation;

~~((e))~~ Conducted by or under the auspices of national, state, or county livestock breeder or producer associations;) or

~~((f))~~ An auction of livestock or agricultural products which is conducted ((by a person licensed by the federal government; or

~~((g))~~ Conducted by or under the auspices of the Future Farmers of America, the 4-H Club, or a county or district fair) under chapter 16.65 or 20.01 RCW. Auctions not regulated under chapter 16.65 or 20.01 RCW shall be fully subject to the provisions of this chapter.

NEW SECTION. Sec. 5. Every individual, before acting as an auctioneer, shall obtain an auctioneer certificate of registration. To be licensed as an auctioneer, an individual shall meet all of the following requirements:

- (1) Be at least eighteen years of age or sponsored by a licensed auctioneer.
- (2) File with the department a completed application on a form prescribed by the director.
- (3) Show that the proper tax registration certificate required by RCW 82.32.030 has been obtained from the department of revenue.
- (4) Pay the auctioneer registration fee required under the agency rules adopted pursuant to this chapter.
- (5) File with the department an auctioneer surety bond in the amount and form required by section 8 of this act and the agency rules adopted pursuant to this chapter.

(6) Have no disqualifications under RCW 18.11.160.

NEW SECTION. Sec. 6. Every person, before operating an auction company as defined in RCW 18.11.050, shall obtain an auction company certificate of registration. To be licensed as an auction company, a person shall meet all of the following requirements:

- (1) File with the department a completed application on a form prescribed by the director.
- (2) Sign a notarized statement included on the application form that all auctioneers hired by the auction company to do business in the state shall be properly registered under this chapter.
- (3) Show that the proper tax registration certificate required by RCW 82.32.030 has been obtained from the department of revenue.

(4) Pay the auction company registration fee required under the agency rules adopted pursuant to this chapter.

(5) File with the department an auction company surety bond in the amount and form required by section 8 of this act and the agency rules adopted pursuant to this chapter.

(6) Have no disqualifications under RCW 18.11.160.

Sec. 7. Section 8, chapter 205, Laws of 1982 as amended by section 9, chapter 7, Laws of 1985 and RCW 18.11.100 are each amended to read as follows:

(1) ~~((A nonresident of this state may be licensed as an auctioneer upon complying with the rules of the department and this chapter))~~ Nonresident auctioneers and auction companies are required to comply with the provisions of this chapter and the rules of the department as a condition of conducting business in the state.

(2) ~~((The department may accept, in lieu of the recommendations and statements otherwise required to accompany the application for a license, an auctioneer's license issued to the applicant by the state of his or her domicile upon the payment by the applicant of the proper license fee and filing with the department of a certified copy of the license issued by the other state. This section shall only apply to licensed auctioneers of those states under the laws of which similar recognition and courtesies are extended to licensed auctioneers of this state.~~

~~((3))~~ The application of ~~((a person for))~~ a nonresident ~~((auctioneer's license))~~ under this chapter shall constitute the appointment of the secretary of state as the applicant's agent upon whom process may be served in any action or proceeding against the applicant arising out of a transaction or operation connected with or incidental to the business of an auctioneer or an auction company.

~~((4))~~ Nonresidents must pay the issuance fee, annual renewal fees, and such other fees as prescribed by the director under RCW 43-24-006, and file the bond or proof of the establishment of a trust account as required by this chapter.)

NEW SECTION. Sec. 8. (1) Each auctioneer and each auction company shall as a condition to the granting and retention of a license have on file with the department an approved surety bond or other security in lieu of a bond. The bond or other security of an auctioneer shall be in the amount of five thousand dollars.

(2) The bond or other security of an auction company shall be in an amount not less than five thousand dollars and not more than twenty-five thousand dollars. The amount shall be based on the value of the goods and real estate sold at auctions conducted, supervised, arranged, sponsored, or managed by the auction company during the previous calendar year or, for a new auction company, the estimated value of the goods and real estate to be sold at auction during the current calendar year. The director shall establish by rule the procedures to be used for determining the amount of auction company bonds or other security.

(3) In lieu of a surety bond, an auctioneer or auction company may deposit with the department any of the following:

- (a) Savings accounts assigned to the director;
- (b) Certificates of deposit payable to the director;
- (c) Investment certificates or share accounts assigned to the director; or
- (d) Any other security acceptable to the director.

All obligations and remedies relating to surety bonds authorized by this section shall apply to deposits filed with the director.

(4) Each bond shall comply with all of the following:

- (a) Be executed by the person seeking the license as principal and by a corporate surety licensed to do business in the state;
- (b) Be payable to the state;

(c) Be conditioned on compliance with all provisions of this chapter and the agency rules adopted pursuant to this chapter, including payment of any administrative fines assessed against the licensee; and

(d) Remain in effect for one year after expiration, revocation, or suspension of the license.

(5) If any licensee fails or is alleged to have failed to comply with the provisions of this chapter or the agency rules adopted pursuant to this chapter, the director may hold a hearing in accordance with chapter 34.04 RCW, determine those persons who are proven claimants under the bond, and, if appropriate, distribute the bond proceeds to the proven claimants. The state or an injured person may also bring an action against the bond in superior court. The liability of the surety shall be only for actual damages and shall not exceed the amount of the bond.

(6) Damages that exceed the amount of the bond may be remedied by actions against the auctioneer or the auction company under section 25 of this act or other available remedies at law.

Sec. 9. Section 11, chapter 205, Laws of 1982 and RCW 18.11.130 are each amended to read as follows:

No ~~((person may act as auctioneer in the sale at public auction of any))~~ goods or real estate shall be sold at auction until ~~((he or she))~~ the auctioneer or auction company has entered into a written contract or agreement with the owner or consignor in duplicate which contains the terms and conditions upon which the licensee receives or accepts the property for sale at auction. ~~((Auction marts shall not be subject to this section.))~~

A person who violates this section shall be ~~((guilty of a misdemeanor and, upon conviction, shall be fined))~~ subject to an administrative fine in a sum not exceeding five hundred dollars for each violation.

Sec. 10. Section 12, chapter 205, Laws of 1982 and RCW 18.11.140 are each amended to read as follows:

Every person engaged in the business of selling goods or real estate at auction shall keep ~~((permanent))~~ written records for a period of three years available for inspection which indicate clearly the name and address of the owner ~~((- employer))~~ or consignor of the goods or real estate, the terms of acceptance and sale, and a copy of the signed written contract ~~((of the auctioneer))~~ required by RCW 18.11.130. A person who violates this section shall be subject to an administrative fine in a sum not exceeding five hundred dollars for each violation.

Sec. 11. Section 13, chapter 205, Laws of 1982 and RCW 18.11.150 are each amended to read as follows:

All ~~((persons, partnerships, associations, and corporations licensed as auctioneers under this chapter))~~ auctioneers and auction companies shall ~~((be required to))~~ have their certificates of registration prominently displayed in their offices and the current renewal card or a facsimile available on demand at all ~~((sales at))~~ auctions conducted or supervised by the licensee.

~~((The violation of this section by any licensee shall be, in the discretion of the department sufficient cause for license suspension or revocation.))~~ A person who violates this section shall be subject to an administrative fine in a sum not exceeding one hundred dollars for each violation.

Sec. 12. Section 14, chapter 205, Laws of 1982 and RCW 18.11.160 are each amended to read as follows:

(1) ~~((If an auctioneer's license is revoked by the department after June 10, 1982, no new license may be issued to the person unless he or she complies with this chapter.))~~

(2) ~~((After the revocation of any license, no new license may be issued to the same licensee within a period of at least one year from the date of the revocation nor at any time thereafter except in the sole discretion of the department.))~~

~~((3))~~ No license ~~((may))~~ shall be issued by the department to any person who has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy, fraud, theft, receiving stolen goods, unlawful issuance of checks or drafts, or other similar offense, or to any partnership of which the person is a member, or to any association or corporation of which the person is an officer ~~((or employee))~~ or in which as a stockholder the person has or exercises a controlling interest either directly or indirectly.

(2) The following shall be grounds for denial, suspension, or revocation of a license, or imposition of an administrative fine by the department:

(a) Misrepresentation or concealment of material facts in obtaining a license;

(b) Underreporting to the department of sales figures so that the auctioneer or auction company surety bond is in a lower amount than required by law;

(c) Revocation of a license by another state;

(d) Misleading or false advertising;

(e) A pattern of substantial misrepresentations related to auctioneering or auction company business;

(f) Failure to cooperate with the department in any investigation or disciplinary action;

(g) Nonpayment of an administrative fine prior to renewal of a license;

(h) Aiding an unlicensed person to practice as an auctioneer or as an auction company;

and

(i) Any other violations of this chapter.

Sec. 13. Section 15, chapter 205, Laws of 1982 and RCW 18.11.170 are each amended to read as follows:

~~Any ((person, partnership, association, or corporation who after June 10, 1982, engages in the profession, or acts in the capacity of an)) auctioneer and any auction company that conducts business within this state without a license or after the suspension or revocation of his or her license ((is guilty of a misdemeanor. Upon conviction, the person shall be fined for the first offense not less than one hundred dollars, nor more than five hundred dollars. For a second offense, the person shall be fined not less than five hundred dollars nor more than one thousand dollars, or be imprisoned for a period of not more than one year, or both)) shall be fined by the department five hundred dollars for the first offense and one thousand dollars for the second or subsequent offense.~~

Sec. 14. Section 16, chapter 205, Laws of 1982 and RCW 18.11.180 are each amended to read as follows:

It shall be unlawful for a licensed auctioneer or licensed auction company to pay compensation in money or otherwise to anyone not licensed under this chapter to render any service or to do any act forbidden under this chapter to be rendered or performed except by licensees. The department shall fine any person who violates this section five hundred dollars for the first offense and one thousand dollars for the second or subsequent offense. Furthermore, the violation of this section by any licensee shall be, in the discretion of the department, sufficient cause for license suspension or revocation.

Sec. 15. Section 17, chapter 205, Laws of 1982 and RCW 18.11.190 are each amended to read as follows:

No action or suit may be instituted in any court of this state by any person, partnership, association, or corporation not licensed as an auctioneer and as an auction company to recover compensation for an act done or service rendered which is prohibited under this chapter.

Sec. 16. Section 18, chapter 205, Laws of 1982 and RCW 18.11.200 are each amended to read as follows:

~~The director ((may prescribe)) shall adopt rules for the purpose of carrying out and developing this chapter, including rules governing the conduct of investigations and inspections and the imposition of administrative penalties. ((Upon finding that any provision of this chapter has been violated, the director may deny issuance or renewal of any license authorized under this chapter or suspend or revoke any such license.))~~

NEW SECTION. Sec. 17. The director shall impose and collect the administrative fines authorized by this chapter. Any administrative fine imposed under this chapter or the agency rules adopted pursuant to this chapter may be appealed under chapter 34.04 RCW, the administrative procedure act. Assessment of an administrative fine shall not preclude the initiation of any disciplinary, civil, or criminal action for the same or similar violations.

NEW SECTION. Sec. 18. (1) There is created within the department a disciplinary review committee composed of two licensees and three public members to be appointed by the director. Members shall be residents of the state, and no member shall be an employee of the department. Each member shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(2) The director shall appoint members for terms of two years, except that two of the initial members shall be appointed for one-year terms. No member shall serve more than two consecutive terms. Vacancies shall be filled by the director for the remainder of the unexpired term. The committee shall elect a chairperson from among its members for a term of one year or until a successor has been elected.

(3) The committee shall meet four times a year or as often as necessary with the department staff responsible for administration of the auctioneer registration program. The committee may (a) advise the department on all matters pertaining to the auctioneer registration program, and (b) review administrative fines and other disciplinary actions under this chapter and make appropriate recommendations to the director.

Sec. 19. Section 1, chapter 189, Laws of 1984 and RCW 18.11.210 are each amended to read as follows:

All newspaper advertising regarding auctions that is purchased by an auctioneer or an auction company licensed under this chapter shall include the auctioneer's or auction company's name and license number. Any auctioneer or auction company that violates this section is subject to an administrative fine of one hundred dollars per violation.

NEW SECTION. Sec. 20. The client of an auctioneer or auction company has a right to (1) an accounting for any money that the auctioneer or auction company receives from the sale of the client's goods, and (2) payment of all money due to the client within twenty-one calendar days unless the parties have mutually agreed in writing to another time of payment.

NEW SECTION. Sec. 21. Auction proceeds due to the client that are received by the auctioneer or auction company and not paid to the client within twenty-four hours of the sale shall be deposited by the auctioneer or auction company in a trust account for the client in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in the

state. The auctioneer or auction company shall draw on the trust account only to pay proceeds to the client, or such other persons who are legally entitled to such proceeds, and to obtain the sums due to the auctioneer or auction company for services as set out in the written contract required under RCW 18.11.130. Funds in the trust account shall not be subject to the debt of the auctioneer or auction company and shall not be used for personal reasons or other business reasons.

NEW SECTION. Sec. 22. The following requirements shall apply to bidding at auctions:

(1) An auctioneer conducting an auction and an auction company where an auction is being held shall not bid on or offer to buy any goods or real property at the auction unless the auctioneer or the auction company discloses the name of the person on whose behalf the bid or offer is being made.

(2) An auctioneer and an auction company shall not use any method of bidding at an auction that will allow goods or real property to be purchased in an undisclosed manner on behalf of the auctioneer or auction company.

(3) At a public auction conducted or supervised by an auctioneer or auction company, the auctioneer or auction company shall not fictitiously raise any bid, knowingly permit any person to make a fictitious bid, or employ or use another person to act as a bidder or buyer.

(4) All goods or real property offered for sale at an auction shall be subject to a reserve or a confirmation from the owner or consignor unless otherwise indicated by the auctioneer or auction company. Except as provided in this subsection, an auctioneer or auction company shall not use any method of bidding at an auction that allows the auctioneer or auction company to avoid selling any property offered for sale at auction.

(5) A licensee who violates any provision of this section shall be subject to an administrative fine in a sum not exceeding five hundred dollars for each violation.

NEW SECTION. Sec. 23. Auctioneers and auction companies may call for bids on real estate but only persons licensed under chapter 18.85 RCW may perform activities regulated under that chapter.

NEW SECTION. Sec. 24. No city and no county shall license auctioneers or auction companies or require auctioneers or auction companies to obtain surety bonding.

NEW SECTION. Sec. 25. A violation of this chapter is hereby declared to affect the public interest and to offend public policy. Any violation, act, or practice by an auctioneer or auction company which is unfair or deceptive, shall constitute an unfair or deceptive act or practice in violation of RCW 19.86.020. The remedies and sanctions provided in this section shall not preclude application of other available remedies and sanctions.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 205, Laws of 1982, section 8, chapter 7, Laws of 1985 and RCW 18.11-.080;

(2) Section 7, chapter 205, Laws of 1982 and RCW 18.11.090;

(3) Section 9, chapter 205, Laws of 1982, section 10, chapter 7, Laws of 1985 and RCW 18.11.110;

(4) Section 10, chapter 205, Laws of 1982, section 3, chapter 189, Laws of 1984 and RCW 18.11.120;

(5) Section 1, chapter 205, Laws of 1982 and RCW 18.11.900;

(6) Section 19, chapter 205, Laws of 1982 and RCW 18.11.910;

(7) Section 1, chapter 239, Laws of 1953 and RCW 18.12.010;

(8) Section 2, chapter 239, Laws of 1953 and RCW 18.12.020;

(9) Section 3, chapter 239, Laws of 1953 and RCW 18.12.030;

(10) Section 7, chapter 239, Laws of 1953 and RCW 18.12.040;

(11) Section 4, chapter 239, Laws of 1953 and RCW 18.12.050;

(12) Section 5, chapter 239, Laws of 1953 and RCW 18.12.060;

(13) Section 6, chapter 239, Laws of 1953 and RCW 18.12.070;

(14) Section 8, chapter 239, Laws of 1953 and RCW 18.12.080;

(15) Section 19, chapter 239, Laws of 1953 and RCW 18.12.090;

(16) Section 14, chapter 239, Laws of 1953 and RCW 18.12.100;

(17) Section 16, chapter 239, Laws of 1953 and RCW 18.12.110;

(18) Section 17, chapter 239, Laws of 1953 and RCW 18.12.120;

(19) Section 9, chapter 239, Laws of 1953 and RCW 18.12.130;

(20) Section 10, chapter 239, Laws of 1953 and RCW 18.12.140;

(21) Section 11, chapter 239, Laws of 1953 and RCW 18.12.150;

(22) Section 12, chapter 239, Laws of 1953 and RCW 18.12.160;

(23) Section 13, chapter 239, Laws of 1953 and RCW 18.12.170;

(24) Section 15, chapter 239, Laws of 1953 and RCW 18.12.180;

(25) Section 18, chapter 239, Laws of 1953 and RCW 18.12.190;

(26) Section 20, chapter 239, Laws of 1953 and RCW 18.12.200; and

(27) Section 21, chapter 239, Laws of 1953 and RCW 18.12.900.

NEW SECTION. Sec. 27. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. Sections 5, 6, 8, 17, 18, 20 through 25, and 27 of this act are each added to chapter 18.11 RCW.

NEW SECTION. Sec. 29. This act shall take effect on July 1, 1986.*

On page 1, line 1 of the title, after "auctions;" insert "amending RCW 18.11.050, 18.11.060, 18.11.070, 18.11.100, 18.11.130, 18.11.140, 18.11.150, 18.11.160, 18.11.170, 18.11.180, 18.11.190, 18.11.200, and 18.11.210; adding new sections to chapter 18.11 RCW; creating a new section; repealing RCW 18.11.080, 18.11.090, 18.11.110, 18.11.120, 18.11.900, 18.11.910, 18.12.010, 18.12.020, 18.12.030, 18.12.040, 18.12.050, 18.12.060, 18.12.070, 18.12.080, 18.12.090, 18.12.100, 18.12.110, 18.12.120, 18.12.130, 18.12.140, 18.12.150, 18.12.160, 18.12.170, 18.12.180, 18.12.190, 18.12.200, and 18.12.900; prescribing penalties; and providing an effective date."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 4779 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4905 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 6, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE PATROL—FIELD OPERATIONS BUREAU

Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$	((86,582,000))
		89,399,000

The appropriation in this section does not provide for any increase in state patrol troopers' salaries.

Sec. 2. Section 7, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE PATROL—SUPPORT SERVICES BUREAU

Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$	((31,696,000))
		32,106,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The state patrol shall conduct a study to determine the level of fees that would be necessary to recover the actual costs incurred in providing training services to other law enforcement agencies at the state patrol academy.

(2) Up to \$250,000 is provided to implement the recommendations of the legislative transportation committee study of the budget, accounting, and other related systems of the state patrol. No moneys may be expended under this subsection without the prior approval of the legislative transportation committee.

(3) The appropriation in this section does not provide for any increase in state patrol troopers' salaries.

Sec. 3. Section 9, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES

Motor Vehicle Fund Appropriation	\$	((32,891,000))
		33,704,000
Game Fund Appropriation	\$	((323,000))
		354,000
Total Appropriation	\$	((33,214,000))
		34,058,000

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

Computer terminal equipment purchased for the county auditor automation project shall be provided only to the auditors or licensing divisions of the 39 counties, the presently authorized 157 subagents, and the department of licensing's vehicle licensing counter. The department shall by ~~((January 13))~~ December 15, 1986, present to the legislative transportation committee a detailed report on implementation of the county auditor automation project, including equipment purchased and installed, and revised six-year cost estimate.

Sec. 4. Section 10, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account Appropria- tion	\$	2,056,000
Highway Safety Fund Appropriation	\$	((30,065,000))
		30,215,000

Highway Safety Fund—Motorcycle Safety Education Account

Appropriation	\$	((193,000)) 226,000
Total Appropriation	\$	((32,254,000)) 32,497,000

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

(1) The appropriations in this section provide no moneys for the administrative suspension of drivers' licenses pursuant to chapter 165, Laws of 1983 (SHB 289).

(2) The appropriations in this section provide no moneys for the "predriver education program" operated by the department and no funds may be expended by the department for this purpose.

Sec. 5. Section 12, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS

Game Fund Appropriation	\$	4,000
Highway Safety Fund Appropriation	\$	((3,538,000)) 3,913,000
Motor Vehicle Fund Appropriation	\$	((1,687,000)) 12,062,000
Total Appropriation	\$	((15,229,000)) 15,979,000

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

Not more than \$375,000 of the motor vehicle fund appropriation and \$375,000 of the highway safety fund appropriation are provided for a study to analyze the long-range motor vehicle and driver information system requirements of the department and the information system alternatives that will provide efficient and effective means of meeting these requirements. The department shall provide a preliminary report of the progress of this study to the legislative transportation committee by January 1, 1987. The department shall not proceed beyond the management assessment phase of this project without the approval of the legislative transportation committee.

Sec. 6. Section 15, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM

A	Motor Vehicle Fund Appropriation—State	\$	((109,000,000)) 109,900,000
	Motor Vehicle Fund Appropriation—Federal and Local	\$	((124,000,000)) 134,900,000
	Total Appropriation	\$	((233,000,000)) 244,800,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. Any amounts expended during the 1983-85 biennium from the motor vehicle fund—state appropriation in excess of the amount appropriated under section 21, chapter 53, Laws of 1983 1st ex. sess. as amended by chapter 2, Laws of 1984 shall be transferred to reserve status from amounts appropriated from the motor vehicle fund—state by this section.

If federal funds become available for the Mt. St. Helens road, the transportation commission, in consultation with the legislative transportation committee, shall seek unanticipated receipts for design and construction of the Mt. St. Helens road.

Sec. 7. Section 16, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM

B	Motor Vehicle Fund Appropriation—State	\$	((52,000,000)) 57,000,000
	Motor Vehicle Fund Appropriation—Federal and Local	\$	((478,000,000)) 523,000,000
	Total Appropriation	\$	((530,000,000)) 580,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030.

The appropriation of \$~~((52,000,000))~~ 57,000,000 in state funds includes \$32,600,000 in proceeds from the sale of bonds authorized by RCW 47.10.790, for state matching funds for the construction of SR 90 from SR 5 to SR 405, and \$~~((19,400,000))~~ 24,400,000 in proceeds from the sale of bonds authorized by RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

In the event federal discretionary funds are made available to the state, the motor vehicle fund—state appropriation is increased proportionally to provide matching state funds from

the sale of bonds authorized by RCW 47.10.801 not to exceed \$10,000,000 and it is understood that the department shall seek unanticipated receipts for the federal portion.

In the event federal action or inaction precludes conversion of authorized advance construction-interstate projects to federal funding, up to \$20,000,000 of advance construction-interstate bonds authorized by RCW 47.10.790 may be sold to partially fund the federal appropriation. In that case, the department may transfer such amount from the federal appropriation to the state appropriation in this section, without a modification in the total appropriation.

Sec. 8. Section 17, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM

C		
Motor Vehicle Fund Appropriation—State	\$	((137,000,000)) 143,000,000
Motor Vehicle Fund Appropriation—Local	\$	1,000,000
Total Appropriation	\$	((138,000,000)) 144,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "C" under RCW 47.05.030.

The motor vehicle fund—state appropriation will be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801 in the amount of ~~\$((65,000,000))~~ 73,000,000: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~\$((4,000,000))~~ 10,000,000 of the motor vehicle fund—state appropriation or so much thereof as is necessary is provided for preconstruction activities on new projects to be selected by the transportation commission. Funding of these activities shall be derived in the following manner: \$4,000,000 shall be funded from underexpenditures in motor vehicle fund—state appropriations in the 1983-1985 biennium ~~((to the extent they become available))~~ and \$6,000,000 shall be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801(1)(a): PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

Selection of category "C" projects for construction must be within projected available future funding and shall be in order of priority established by chapter 47.05 RCW unless reported in advance to the legislative transportation committee.

Sec. 9. Section 18, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CONSTRUCTION MANAGEMENT AND SUPPORT—PROGRAM

Motor Vehicle Fund Appropriation	\$	((28,583,000)) 28,883,000
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The appropriation in this section is provided for the improvement and construction of buildings and other highway plant construction, for management and support of the highway construction programs, and for administrative support necessary to support cities and counties in obtaining federal aid.

\$2,000,000 of the motor vehicle fund—state appropriation, or so much thereof as may be required, is provided to fund the study required by Senate Concurrent Resolution No. 130 adopted by the 1983 legislature and provided for under RCW 46.68.110 and 46.68.120 of city, county, and state highway needs in relation to current statutory distributions of motor vehicle fuel taxes, other state and local highway revenue sources, and alternatives for financing long-term highway needs, and for other related studies.

Sec. 10. Section 19, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

General Fund—Aeronautics Account Appropriation—State	\$	((1,270,000)) 1,670,000
General Fund—Aeronautics Account Appropriation—Federal	\$	((91,000)) 391,000
Total Appropriation	\$	((1,361,000)) 2,061,000

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program. The aeronautics account—state appropriation contains ~~\$((100,000))~~ 150,000 for transfer to the motor vehicle fund as the first of four installments in repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington, Spokane county superior court, cause No. 239168.

\$100,000 of the general fund—aeronautics account—state appropriation is contingent on the enactment of Senate Bill No. 4615, amending chapter 82.36 RCW.

Sec. 11. Section 20, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—SEARCH AND RESCUE—PROGRAM F

General Fund—Search and Rescue Account Appropriation \$ 110,000

The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

Sec. 12. Section 21, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M
Motor Vehicle Fund Appropriation \$ ~~(+74,195,000)~~
177,495,000

The appropriation in this section is for the maintenance and operations of state highways, maintenance and operations of highway plants, and associated management and support. The appropriation includes \$300,000 to be used solely for increased maintenance and other operational activities designed to accommodate additional highway traffic and visitors to the state enroute to the 1986 World Exposition.

Sec. 13. Section 25, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T

(1) For public transportation and rail programs:

General Fund Appropriation—State \$ 536,000
General Fund Appropriation—Federal \$ 4,664,000
General Fund Appropriation—Local \$ 190,000

(2) For planning and research:

Motor Vehicle Fund Appropriation—State \$ 3,438,000
Motor Vehicle Fund Appropriation—Federal \$ 12,619,000
Total Public Transportation and
Planning Appropriation \$ 21,447,000

The appropriations in this section are provided for the management and support of the public transportation and planning division, urban mass transportation administration programs, for rail programs, for studies which support local public transportation programs, for highway planning and research by the department of transportation, and for research and studies approved by the department of transportation.

The department of transportation may transfer up to \$3,600,000 from the motor vehicle fund—federal appropriation to the motor vehicle fund—state appropriation if federal funds are not available to fully fund the motor vehicle fund—federal appropriation in this section.

Sec. 14. Section 27, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM W

Motor Vehicle Fund—Puget Sound Reserve Account Appropriation \$ 3,958,000
Motor Vehicle Fund—Puget Sound Ferry Operations Account
Appropriation \$ ~~(46,400,000)~~
49,290,000
Motor Vehicle Fund—Puget Sound Capital Construction Account
Appropriation—State \$ ~~(56,300,000)~~
51,700,000
Motor Vehicle Fund Appropriation—State \$ 1,140,000
Motor Vehicle Fund—Puget Sound Capital Construction Account
Appropriation—Federal \$ ~~(7,300,000)~~
2,000,000
Total Appropriation \$ ~~(+13,958,000)~~
108,088,000

The appropriations in this section are provided for the management and support of the marine transportation division of the department of transportation and for the operation, maintenance, and capital improvements of the Washington state ferry system. The appropriations are subject to the following conditions and limitations:

(1) The Puget Sound reserve account appropriation is provided to carry out RCW 47.60.420.

(2) The Puget Sound ferry operations account appropriation is provided for the operation and maintenance of the Washington state ferries, supplementing revenues available from the Washington state ferry system. The Puget Sound ferry operations account appropriation includes up to \$~~(+4,500,000)~~ 16,385,000 transferred from the Puget Sound capital construction account in accordance with RCW 47.60.505. To the extent that revenue collections exceed that amount assumed in this act the transfer authority authorized in this subsection shall be reduced by a like amount. If the elimination of the sales tax on fuel consumed by the marine division is not enacted by July 1, 1986, then the transfer authority authorized in this subsection shall be increased by \$1,005,000.

(3) The Puget Sound capital construction account appropriation is provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements.

The appropriation of state funds from the Puget Sound capital construction account contains \$20,000,000 of the proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(4) It is the intent of the legislature that the Puget Sound capital construction account appropriation is provided to carry out the projects presented to the transportation committees of the senate and house of representatives. The department of transportation shall consult with the legislative transportation committee prior to revising the programming of these projects or adding new projects. The department of transportation shall implement the terminal projects as delineated in 1986 Supplemental Budget Request for Marine Division Capital Construction Program (dated January 16, 1986) as presented to the joint house and senate transportation committees in accordance with state procurement regulations. Should the commission determine it is not feasible to refurbish the ferry "Rhododendron", and with the approval of the legislative transportation committee, the capital appropriation of \$2,500,000 provided for that purpose may be used to purchase a passenger-only vessel, provided that the marine division shall make application for reimbursement from the federal urban mass transportation administration (UMTA) for the cost of the initial vessel and any subsequent vessel purchase.

(5) Savings realized in marine operations as of the end of the fiscal period shall be placed into reserve status and no expenditure shall be made from that reserve without consulting with the legislative transportation committee and obtaining the approval of the office of financial management pursuant to RCW 43.88.110.

(6) ~~(The results of the passenger-only ferry study using leased vessels shall be reported to the legislative transportation committee during the 1986 regular session of the legislature.)~~ Prior to the implementation of any passenger-only project, the department of transportation shall request approval from the legislative transportation committee. If the project is not implemented, then \$560,000 of the moneys appropriated in this section for that purpose shall not be expended for any other purpose.

(7) The traditional and customary ferry transportation service supported by these appropriations shall receive priority in the implementation of all directives contained in this section. It is the intent of the legislature that the motor vehicle fund appropriation—state of \$1,140,000 contained in this section shall be expended exclusively for the support of costs associated with EXPO '86 services. Any additional costs associated with the EXPO '86 services shall be funded by fare revenue generated from EXPO '86 traffic. The marine division shall provide the legislative transportation committee with a monthly financial report concerning the status of the EXPO '86 services.

(8) Pursuant to the limitations authorized in RCW 47.64.180(1), for the fiscal year ending June 30, 1986, none of the Puget Sound ferry operations account appropriation, the Puget Sound capital construction account appropriations, or moneys in the ferry system, 1963, revolving fund may be expended to effect an increase in the base salaries for ferry employees, as ferry employee is defined in RCW 47.64.011(5), or to effect an increase in insurance benefits for any ferry employee, except as may be required by state or federal law.

(9) Pursuant to the limitations authorized in RCW 47.64.180(1), for the fiscal year ending June 30, 1987, no more than \$1,135,000 of the Puget Sound ferry operations account appropriation, the Puget Sound capital construction account appropriations, or moneys in the ferry system, 1963, revolving fund may be expended to effect an increase in the base salaries for ferry employees or to effect an increase in insurance benefits for ferry employees. The amount determined for base salary increases shall be reduced by the amount by which the ferry system's contribution for employees' and dependents' insurance and health care plans exceeds that provided for other state agencies, as specified in RCW 47.64.270.

(10) After all possible internal management economies have been achieved, if an operating budget deficit still exists, the transportation commission is authorized to request authority from the legislative transportation committee to effect an interfund loan from the motor vehicle fund to the Puget Sound ferry operations account for some or all of the deficit as authorized by the legislative transportation committee: PROVIDED, That any amount loaned to the Puget Sound ferry operations account shall be repaid to the motor vehicle fund from ferry system operating revenues collected in the 1987-89 biennium.

NEW SECTION, Sec. 15. The transportation commission shall provide a detailed analysis of feasible alternatives that will achieve a long-range balance between funding requirements of the marine division's operating and capital programs and funding sources. The commission also shall identify the alternative that it believes should be implemented and the rationale for its choice. The analysis and the commission's recommended alternative shall be submitted to the legislative transportation committee and the office of financial management no later than September 1, 1986.

If the commission's recommendation includes changes in the funding sources for the marine division, it shall provide an assessment of the impact such changes will have on other state-funded transportation programs.

Sec. 16. Section 3, chapter 169, Laws of 1982 and RCW 35.21.850 are each amended to read as follows:

No demand for a fee or tax or penalty shall be made by a city or town against a motor carrier of freight for hire on gross income derived from providing transportation services more than four years after the close of the year in which the same accrued except (1) against a taxpayer who has been guilty of fraud or misrepresentation of a material fact; or (2) where a taxpayer has executed a written waiver of such limitations; ~~(or (3) against a taxpayer who has not registered as required by the ordinance of the city or town imposing such tax or fee, provided this subsection shall not apply to a taxpayer who has registered in any city or town where the taxpayer maintains an office or terminal, or in the case of a taxpayer who has paid a license fee or tax based on such gross receipts to any city or town levying same which may reasonably be construed to be the principal market of the taxpayer but in which he maintains no office or terminal)).~~

Sec. 17. Section 43.10.100, chapter 8, Laws of 1965 amended by section 42, chapter 75, Laws of 1977 and RCW 43.10.100 are each amended to read as follows:

The attorney general, by February 1st of each year, shall annually prepare and report to the governor and the legislature a concise statement, in layman's terms, of all matters pertaining to his official duties, making such suggestions for lessening the public expenses and promoting frugality in the public offices as he deems expedient and proper. The attorney general shall include in his report a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The amount of any settlement or verdict reached, and the terms for payment;
- (6) A summary of all settlement offers made by the parties where a verdict was returned against the state;

(7) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefor; and

(8) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

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

On page 1, line 1 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 35.21.850 and 43.10.100; amending section 6, chapter 460, Laws of 1985 (uncodified); amending section 7, chapter 460, Laws of 1985 (uncodified); amending section 9, chapter 460, Laws of 1985 (uncodified); amending section 10, chapter 460, Laws of 1985 (uncodified); amending section 12, chapter 460, Laws of 1985 (uncodified); amending section 15, chapter 460, Laws of 1985 (uncodified); amending section 16, chapter 460, Laws of 1985 (uncodified); amending section 17, chapter 460, Laws of 1985 (uncodified); amending section 18, chapter 460, Laws of 1985 (uncodified); amending section 19, chapter 460, Laws of 1985 (uncodified); amending section 20, chapter 460, Laws of 1985 (uncodified); amending section 21, chapter 460, Laws of 1985 (uncodified); amending section 25, chapter 460, Laws of 1985 (uncodified); amending section 27, chapter 460, Laws of 1985 (uncodified); creating a new section; making appropriations; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Peterson moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4905.

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the question of scope and object on the amendment to Substitute Senate Bill No. 4905 that appears in Section 16 of the act. Section 16 purports to repeal a portion of a substantive part of our statute in a one-year supplemental budget act. It clearly expands the scope and object of the bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Substitute Senate Bill No. 4905 is a measure adopting the supplemental transportation budget.

"The House amendments adopt the supplemental transportation budget and place a limit on the number of years allowed to assess back taxes on certain motor freight carriers.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and the point of order is well taken."

The House amendments to Substitute Senate Bill No. 4905 were ruled out of order.

MOTION

On motion of Senator Peterson, and there being no objection, the motion to concur in the House amendments to Substitute Senate Bill No. 4905 was withdrawn.

MOTION

On motion of Senator Peterson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 4905 and asks the House to recede therefrom.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4596 and the pending motion by Senator Granlund that the Senate concur in the House amendments, deferred earlier today.

The President declared the question before the Senate to be the motion by Senator Granlund that the Senate do concur in the House amendments to Substitute Senate Bill No. 4596.

The motion by Senator Granlund carried and the House amendments were adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4596, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4596, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, Pullen - 2.

Absent: Senator McCaslin - 1.

Excused: Senators Lee, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4596, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4661 with the following amendments:

On page 2, line 8, after "annually" and before the period insert "to determine, among other things, if the use of bond proceeds complies with the general plan of housing finance objectives including compliance with the objective for the use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings."

On page 2, line 12, after "exceed" strike "~~((one))~~ two" and insert "one and one-half".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Thompson moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4661.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Thompson that the Senate do concur in the House amendments to Substitute Senate Bill No. 4661.

The motion by Senator Thompson carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 4661.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4661, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4661, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McCaslin, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 28.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Guess, Hayner, Johnson, Kiskaddon, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer - 19.

Excused: Senators Lee, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4661, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Bottiger was excused.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4665 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 8, chapter 193, Laws of 1969 ex. sess. as last amended by section 14, chapter 177, Laws of 1984 and RCW 39.58.080 are each amended to read as follows:

Except for funds deposited pursuant to a fiscal agency contract with the state fiscal agent or its correspondent bank, no public funds shall be deposited in demand or investment deposits except in a qualified public depository located in this state or as otherwise expressly permitted by statute; PROVIDED, That the commission, upon good cause shown, may authorize a treasurer to maintain a demand deposit account with a banking institution located outside the state of Washington solely for the purpose of transmitting money received to financial institutions in the state of Washington for deposit for such time and upon such terms and conditions as the commission deems appropriate.

NEW SECTION. Sec. 2. A new section is added to chapter 39.58 RCW to read as follows:

With the written approval of the commission, state and local governmental entities may establish demand accounts in out-of-state and alien banks in an aggregate amount not to exceed one million dollars. No single governmental entity shall be authorized to hold more than fifty thousand dollars in one demand account.

The governmental entities establishing such demand accounts shall be solely responsible for their proper and prudent management and shall bear total responsibility for any losses incurred by such accounts. Accounts established under the provisions of this section shall not be considered insured by the commission.

The state auditor shall annually monitor compliance with this section and the financial status of such demand accounts and report the findings to the appropriate committee of the legislature."

On page 1, line 1 of the title, after "funds;" strike the remainder of the title and insert "amending RCW 39.58.080; and adding a new section to chapter 39.58 RCW."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Substitute Senate Bill No. 4665.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4665, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4665, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Boltiger, Lee, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 4665, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4676 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1, Section 24, chapter 289, Laws of 1984 and RCW 49.70.170 are each amended to read as follows:

(1) The worker and community right to know fund is hereby established in the custody of the state treasurer. The department shall deposit all moneys received under this chapter in the fund. Moneys in the fund may be spent only for the purposes of this chapter following legislative appropriation. Disbursements from the fund shall be on authorization of the director or the director's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW.

(2) The department shall ~~((after July 1, 1985, assess each employer a fee of seventy-five cents per employee to provide for the implementation of the provisions of this chapter. After this initial assessment, the fees shall be based on a fee schedule developed by the department and shall be collected only from those employers who have hazardous substances present at their workplaces))~~ assess each employer who reported ten thousand four hundred or more worker hours in the prior calendar year an annual fee to provide for the implementation of this chapter. The department shall promulgate rules establishing a fee schedule for all employers who reported ten thousand four hundred or more worker hours in the prior calendar year and are engaged in business operations having a standard industrial classification, as designated in the standard industrial classification manual prepared by the federal office of management and budget, within major group numbers 01 through 08 (agriculture and forestry industries), numbers 10 through 14 (mining industries), numbers 15 through 17 (construction industries), numbers 20 through 39 (manufacturing industries), numbers 41, 42, and 44 through 49 (transportation, communications, electric, gas, and sanitary services), number 75 (automotive repair, services, and garages), number 76 (miscellaneous repair services), number 80 (health services), and number 82 (educational services). The department shall establish the annual fee for each employer who reported ten thousand four hundred or more worker hours in the prior calendar year in industries identified by this section, provided that fees assessed shall not be more than two dollars and fifty cents per full time equivalent employee. The annual fee shall not exceed fifty thousand dollars. The fees shall be collected solely from employers whose industries have been identified by rule under this chapter. The department shall promulgate rules allowing employers who do not have hazardous substances at their workplace to request an exemption from the assessment and shall establish penalties for fraudulent exemption requests. All fees collected by the department pursuant to this section shall be collected in a cost-efficient manner and shall be deposited in the fund.

(3) Records required by this chapter shall at all times be open to the inspection of the director, or his designee including, the traveling auditors, agents or assistants of the department provided for in RCW 51.16.070 and 51.48.040. The information obtained from employer records under the provisions of this section shall be subject to the same confidentiality requirements as set forth in RCW 51.16.070.

(4) An employer may appeal the assessment of the fee or penalties pursuant to the procedures set forth in chapter ((49-17)) Title 51 RCW and accompanying rules except that the employer shall not have the right of appeal to superior court as provided in chapter ((49-17)) Title 51 RCW. The employer from whom the fee or penalty is demanded or enforced, may however, within thirty days of the board of industrial insurance appeal's final order, pay the fee or penalty under written protest setting forth all the grounds upon which such fee or penalty is claimed to be unlawful, excessive or otherwise improper and thereafter bring an action in superior court against the department to recover such fee or penalty or any portion of the fee or penalty which was paid under protest.

(5) Repayment shall be made to the general fund of any moneys appropriated by law in order to implement this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 49.70 RCW to read as follows:

If payment of any fee assessed under RCW 49.70.170 is not received by the department by the due date, there shall be assessed a penalty of five percent of the amount of the fee. If the fee is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the fee. If the fee is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the fee. No penalty added may be less than ten dollars. If a warrant is issued by the department for the collection of fees, penalties, and interest, there shall be an additional penalty of five percent of the amount of the fee, but not less than five dollars nor more than one hundred dollars. Warrants shall earn interest at the rate of one percent per month, or fraction thereof, from and after the date of entry of the warrant. The department may utilize the procedures for collection of fees, penalties, and interest set forth in Title 51 RCW."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Bender, the Senate concurred in the House amendment to Substitute Senate Bill No. 4676.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4676, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4676, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bottiger, Lee, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 4676, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Reengrossed Substitute Senate Bill No. 4541 and the pending House amendments, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Newhouse, the President finds that Reengrossed Substitute Senate Bill No. 4541 is a measure establishing procedures for cancelling insurance policies.

"The House amendments provide shorter cancellation notice provisions for certain coverages, allow retired and disabled public employees to continue participation in the same group coverages offered to active employees and provide an exemption for metropolitan municipal corporations from the insurance requirements imposed on other public building or construction contracts.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The House amendments to Reengrossed Substitute Senate Bill No. 4541 were ruled out of order.

MOTION

On motion of Senator Moore, and there being no objection, the Vognild motion to concur in the House amendments to Reengrossed Substitute Senate Bill No. 4541 was withdrawn.

MOTION

On motion of Senator Moore, the Senate refuses to concur in the House amendments to Reengrossed Substitute Senate Bill No. 4541 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4683 with the following amendment:

On page 1, line 12, after "dead," strike the remaining language in subjection (1) and insert "In any case, death shall be pronounced by a licensed physician.".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Wojahn, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 4683.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4683, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4683, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent, 1; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators McDermott, Moore - 2.

Absent: Senator Kiskaddon - 1.

Excused: Senators Bottiger, Lee, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4683, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed SENATE BILL NO. 4691 with the following amendment:

On page 1, after line 13 insert the following:

"NEW SECTION. Sec. 2. The director of the department of labor and industries shall appoint a temporary chiropractic advisory committee from health care professionals licensed under chapter 18.25 RCW. The committee shall consist of six members, three from eastern Washington and three from western Washington, who shall serve without compensation, with the director or the director's designee as chair. The committee shall assist in the development for the director's consideration of standards for the determination of temporary and permanent disability, standards for chiropractic treatment, care and practice, and a proposal for a chiropractic peer review program. The temporary chiropractic advisory committee established by this section shall cease to exist on June 30, 1987.".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Warnke moved that the Senate do concur in the House amendment to Senate Bill No. 4691.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate do concur in the House amendment to Senate Bill No. 4691.

The motion by Senator Warnke carried and the Senate concurred in the House amendment to Senate Bill No. 4691.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4691, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4691, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 40.

Voting nay: Senators Cantu, Hayner, McCaslin, McDonald, Metcalf, Zimmerman - 6.

Excused: Senators Bottiger, Lee, Stratton - 3.

SENATE BILL NO. 4691, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4717 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The long-range health and economic and environmental goals for the state of Washington require the protection of the state's surface and underground waters for the health, safety, use, and enjoyment of its people. It is the purpose of this chapter to provide public bodies an additional means by which to provide for financing, development, and operation of water pollution control facilities needed for achievement of state and federal water pollution control requirements for the protection of the state's waters.

It is the intent of the legislature that public bodies be authorized to provide service from water pollution control facilities by means of service agreements with public or private parties as provided in this chapter.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Water pollution control facilities" or "facilities" means any facilities, systems, or subsystems owned or operated by a public body, or owned or operated by any person or entity for the purpose of providing service to a public body, for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential wastes, commercial wastes, industrial wastes, and agricultural wastes, that are causing or threatening the degradation of subterranean or surface bodies of water due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities do not include dams or water supply systems.

(2) "Public body" means the state of Washington or any agency, county, city or town, political subdivision, municipal corporation, or quasi-municipal corporation.

(3) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any surface or subterranean waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(4) "Agreement" means any agreement to which a public body and a service provider are parties by which the service provider agrees to deliver service to such public body in connection with its design, financing, construction, ownership, operation, or maintenance of water pollution control facilities in accordance with this chapter.

(5) "Service provider" means any privately owned or publicly owned profit or nonprofit corporation, partnership, joint venture, association, or other person or entity that is legally

capable of contracting for and providing service with respect to the design, financing, ownership, construction, operation, or maintenance of water pollution control facilities in accordance with this chapter.

NEW SECTION, Sec. 3. (1) Public bodies may enter into agreements with service providers for the furnishing of service in connection with water pollution control facilities pursuant to the process set forth in section 4 of this act. The agreements may provide that a public body pay a minimum periodic fee in consideration of the service actually available without regard to the amount of service actually used during all or any part of the contractual period. Agreements may be for a term not to exceed forty years or the life of the facility, whichever is longer, and may be renewable.

(2) The source of funds to meet periodic payment obligations assumed by a public body pursuant to an agreement permitted under this section may be paid from taxes, or solely from user fees, charges, or other revenues pledged to the payment of the periodic obligations, or any of these sources.

NEW SECTION, Sec. 4. The legislative authority of a public body may secure services by means of an agreement with a service provider. Such an agreement may obligate a service provider to design, finance, construct, own, operate, or maintain water pollution control facilities by which services are provided to the public body. Service agreements and related agreements under this chapter shall be entered into in accordance with the following procedure:

(1) The legislative authority of the public body shall publish notice that it is seeking to secure certain specified services by means of entering into an agreement with a service provider. The notice shall be published in the official newspaper of the public body, or if there is no official newspaper then in a newspaper in general circulation within the boundaries of the public body, at least once each week for two consecutive weeks. The final notice shall appear not less than sixty days before the date for submission of proposals. The notice shall state (a) the nature of the services needed, (b) the location in the public body's offices where the requirements and standards for construction, operation, or maintenance of projects needed as part of the services are available for inspection, and (c) the final date for the submission of proposals. The legislative authority may undertake a prequalification process by the same procedure set forth in this subsection.

(2) The request for proposals shall (a) indicate the time and place responses are due, (b) include evaluation criteria to be considered in selecting a service provider, (c) specify minimum requirements or other limitations applying to selection, (d) insofar as practicable, set forth terms and provisions to be included in the service agreement, and (e) require the service provider to demonstrate in its proposal that a public body's annual costs will be lower under its proposal than they would be if the public body financed, constructed, owned, operated, and maintained facilities required for service.

(3) The criteria set forth in the request for proposals shall be those determined to be relevant by the legislative authority of the public body, which may include but shall not be limited to: The respondent's prior experience, including design, construction, or operation of other similar facilities; respondent's management capability, schedule availability, and financial resources; cost of the service; nature of facility design proposed by respondents; system reliability; performance standards required for the facilities; compatibility with existing service facilities operated by the public body or other providers of service to the public body; project performance warranties; penalty and other enforcement provisions; environmental protection measures to be used; and allocation of project risks. The legislative authority shall designate persons or entities (a) to assist it in issuing the request for proposals to ensure that proposals will be responsive to its needs, and (b) to assist it in evaluating the proposals received. The designee shall not be a member of the legislative authority.

(4) After proposals under subsections (1) through (3) of this section have been received, the legislative authority's designee shall determine, on the basis of its review of the proposals, whether one or more proposals have been received from respondents which are (a) determined to be qualified to provide the requested services, and (b) responsive to the notice and evaluation criteria, which shall include, but not be limited to, cost of services. These chosen respondents shall be referred to as the selected respondents in this section. The designee shall conduct a bidder's conference to include all these selected respondents to assure a full understanding of the proposals. The bidder's conference shall also allow the designee to make these selected respondents aware of any changes in the request for proposal. Any information related to revisions in the request for proposal shall be made available to all these selected respondents. Any selected respondent shall be accorded a reasonable opportunity for revision of its proposal prior to commencement of the negotiation provided in subsection (5) of this section, for the purpose of obtaining best and final proposals.

(5) After such conference is held, the designee may negotiate with the selected respondent whose proposal it determines to be the most advantageous to the public body, considering the criteria set forth in the request for proposals. If the negotiation is unsuccessful, the legislative authority may authorize the designee to commence negotiations with any other selected

respondent. On completion of this process, the designee shall report to the legislative authority on his or her recommendations and the reasons for them.

(6) Any person aggrieved by the legislative authority's approval of a contract may appeal the determination to an appeals board selected by the public body, which shall consist of not less than three persons determined by the legislative authority to be qualified for such purposes. Such board shall promptly hear and determine whether the public body entered into the agreement in accordance with this chapter and other applicable law. The hearing shall be conducted in the same manner as contested a case under chapter 34.04 RCW. The board shall have the power only to affirm or void the agreement.

(7) Notwithstanding the foregoing, where contracting for design services by the public body is done separately from contracting for other services permitted under this chapter, the contracting for design of water pollution control facilities shall be done in accordance with chapter 39.80 RCW.

(8) A service agreement shall include provision for an option by which a public body may acquire at fair market value facilities dedicated to such service.

(9) Before any service agreement is entered into by the public body, it shall be reviewed and approved by the department of ecology to ensure that the purposes of chapter 90.48 RCW are implemented.

(10) Prior to entering into any service agreement under this chapter, the public body must have made written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the service agreement and that the service agreement is financially sound and advantageous compared to other methods.

(11) Each service agreement shall include project performance bonds or other security by the service provider which in the judgment of the public body is sufficient to secure adequate performance by the service provider.

NEW SECTION. Sec. 5. A public body may sell, lease, or assign public property for fair market value to any service provider as part of a service agreement entered into under the authority of this chapter. The property sold or leased shall be used by the provider, directly or indirectly, in providing services to the public body. Such use may include demolition, modification, or other use of the property as may be necessary to execute the purposes of the service agreement.

NEW SECTION. Sec. 6. A public body that enters into a service agreement pursuant to this chapter, under which a facility is owned wholly or partly by a service provider, shall be eligible for grants or loans to the extent permitted by law or regulation as if the entire portion of the facility dedicated to service to such public body were publicly owned. The grants or loans shall be made to and shall inure to the benefit of the public body and not the service provider. Such grants or loans shall be used by the public body for all or part of its ownership interest in the facility, and/or to defray a part of the payments it makes to the service provider under a service agreement if such uses are permitted under the grant or loan program.

NEW SECTION. Sec. 7. Sections 3 through 6 of this act shall be deemed to provide an additional method for the provision of services from and in connection with facilities and shall be regarded as supplemental and additional to powers conferred by other state laws and by federal laws.

NEW SECTION. Sec. 8. (1) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a service agreement entered into under this act to the same extent as if the facilities dedicated to such service were owned by a public body.

(2) Subsection (1) of this section shall not be construed to apply to agreements or actions by persons or entities which are not undertaken pursuant to this act.

(3) Except for section 13 of this act, this act shall not be construed as a limitation or restriction on the application of Title 39 RCW to public bodies.

(4) Prevailing wages shall be established as the prevailing wage in the largest city of the county in which facilities are built.

NEW SECTION. Sec. 9. This chapter may be cited as the water quality joint development act.

NEW SECTION. Sec. 10. A new section is added to chapter 35.23 RCW to read as follows: RCW 35.23.352 does not apply to agreements entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 11. A new section is added to chapter 35.94 RCW to read as follows: This chapter does not apply to dispositions of utility property in connection with an agreement entered into pursuant to chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 36.34 RCW to read as follows: RCW 36.34.150 through 36.34.190 shall not apply to agreements entered into pursuant to chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 13. A new section is added to chapter 39.04 RCW to read as follows:

This chapter does not apply to agreements entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 54.04 RCW to read as follows: RCW 54.04.070 through 54.04.090 shall not apply to agreements entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 15. A new section is added to chapter 56.08 RCW to read as follows: RCW 56.08.070, 56.08.080 through 56.08.090, and 56.08.120 through 56.08.160 shall not apply to an agreement entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 16. A new section is added to chapter 57.08 RCW to read as follows: RCW 57.08.015, 57.08.016, 57.08.050, 57.08.120, and 57.08.130 shall not apply to agreements entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 17. Sections 1 through 9 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 4717.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4717, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4717, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Wojahn, Zimmerman - 38.

Voting nay: Senators Fleming, Garrett, Gaspard, McDermott, Pullen, Rinehart, Williams - 7.

Absent: Senator McDonald - 1.

Excused: Senators Bottiger, Lee, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4717, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3458 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Any schedule of rates or rating plan for automobile liability and physical damage insurance submitted to or filed with the commissioner shall provide for an appropriate reduction in premium charges except for underinsured motorist coverage for those insureds who are fifty-five years of age and older, for a two-year period after successfully completing a motor vehicle accident prevention course meeting the criteria of the department of licensing with a minimum of eight hours, or additional hours as determined by rule of the department of licensing. This course may be conducted by a public or private agency approved by the department.

NEW SECTION. Sec. 2. All insurance companies writing automobile liability and physical damage insurance in this state shall allow an appropriate reduction in premium charges except for underinsured motorist coverage to all eligible persons subject to section 1 of this act.

NEW SECTION. Sec. 3. Upon successfully completing the approved course, each participant shall be issued by the course's sponsoring agency, a certificate that shall be the basis of qualification for the discount on insurance.

NEW SECTION. Sec. 4. Each participant shall take an approved course every two years to continue to be eligible for the discount on insurance.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall be added to chapter 48.19 RCW."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Moore move that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 3458.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Moore, if an insurance company is required, as it would under this language, to make a discount on an insurance policy, is there any standard by which you can expect the size of that discount to be available to us today? Can you tell us what a discount minimum would have to be or is likely to be under such language?"

Senator Moore: "Well, we're talking basically about a ten percent discount, but the problem, of course, is somewhat similar to when you hear all these ads about come in and get a forty percent discount on your glasses. You know, forty percent of what?"

Senator Goltz: "Does the same problem that hospitals have in cost shift, will the cost shift then go to other buyers of insurance? Or is this truly a discount, because it will bring down the rates?"

Senator Moore: "Since we have no federal regulation governing insurance companies, you know anything can happen. This will be largely up to the Insurance Commissioner to see to it that it's enforced."

POINT OF INQUIRY

Senator Hayner: "Senator Moore, this House amendment says--'that the persons of fifty-five or older who successfully complete a motor vehicle accident prevention course'--does that mean that they have to take a test or that they just have to be present, or is there any assurance that it's going to make them a better driver?"

Senator Moore: "I think that that probably comes under the general heading of when one passes the driver's test, does that make him or her a better driver? To answer the first part of your question, yes it will be actually required that they pass a test and, hopefully, it will not be as easy as some of the tests that are given to real estate and security salesmen."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, please, would you answer a very pertinent question? In the event that you and I--we're approaching that age when we would qualify--we take the examination and fail the examination--would that mean that our insurance would cost ten percent more?"

Senator Moore: "No. The rates will stay the same. This is just a benefit to those people who may be fortunate enough to reach that golden age."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Moore that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 3458.

The motion by Senator Moore carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3458.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3458, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3458, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Taimadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 32.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Owen, Pullen, Zimmerman - 14.

Excused: Senators Bottiger, Lee, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3458, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

March 8, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 8, 1986, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 4512

Relating to the expiration of identicards.

Senate Bill No. 4527

Relating to commodities and securities licensing.

Senate Bill No. 4528

Relating to public disclosure.

Senate Bill No. 4617

Relating to driver's instruction permits.

Substitute Senate Bill No. 4618

Relating to motor vehicle licensing and registration.

Senate Bill No. 4644

Relating to the treatment of tips as wages for unemployment insurance purposes.

Substitute Senate Bill No. 4684

Relating to inmate restitution.

Senate Bill No. 4721

Relating to the Washington industrial safety and health act.

Sincerely,

TERRY SEBRING, Counsel to the Governor

MOTION

At 5:09 p.m., on motion of Senator Vognild, the Senate adjourned until 1:00 p.m., Sunday, March 9, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-SIXTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, March 9, 1986

The Senate was called to order at 1:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Granlund, Kiskaddon, Lee, Metcalf and Stratton. On motion of Senator von Reichbauer, Senator Kiskaddon was excused. On motion of Senator Bender, Senator Stratton was excused.

The Sergeant at Arms Color Guard, consisting of Pages Tod McDonald and Laura Chandler, presented the Colors. Reverend Sarasopa Enari, Jr., minister of youth and education for the First Christian Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

March 8, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1218,

SUBSTITUTE HOUSE BILL NO. 1391,

SUBSTITUTE HOUSE BILL NO. 1401,

SUBSTITUTE HOUSE BILL NO. 1403,

HOUSE BILL NO. 1407,

SUBSTITUTE HOUSE BILL NO. 1408,

HOUSE BILL NO. 1415,

HOUSE BILL NO. 1441,

HOUSE BILL NO. 1450,

SUBSTITUTE HOUSE BILL NO. 1458,

SUBSTITUTE HOUSE BILL NO. 1580,

HOUSE BILL NO. 1635,

HOUSE BILL NO. 1656,

SUBSTITUTE HOUSE BILL NO. 1669,

SUBSTITUTE HOUSE BILL NO. 1678,

HOUSE BILL NO. 1720,

SUBSTITUTE HOUSE BILL NO. 1815, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 8, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 686,

SUBSTITUTE HOUSE BILL NO. 1148,

HOUSE BILL NO. 1374,

HOUSE BILL NO. 1419,

SUBSTITUTE HOUSE BILL NO. 1839,

SUBSTITUTE HOUSE BILL NO. 1865,

HOUSE BILL NO. 1900,

HOUSE BILL NO. 2055, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 8, 1986

Mr. President:

The House has concurred in the Senate amendment(s) to the following listed bills and has passed said bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 355,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1270,
 ENGROSSED HOUSE BILL NO. 1725,
 HOUSE BILL NO. 1899,
 HOUSE BILL NO. 1962,
 SUBSTITUTE HOUSE BILL NO. 1967,
 HOUSE JOINT RESOLUTION NO. 55,
 ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 19.

DENNIS L. HECK, Chief Clerk

March 8, 1986

Mr. President:

The House has concurred in the Senate amendment(s) to the following listed bills and has passed said bills as amended by the Senate:

HOUSE BILL NO. 507,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333,
 SUBSTITUTE HOUSE BILL NO. 1349,
 SUBSTITUTE HOUSE BILL NO. 1356,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1382,
 SUBSTITUTE HOUSE BILL NO. 1433,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1687,
 SUBSTITUTE HOUSE BILL NO. 1726,
 ENGROSSED HOUSE BILL NO. 1763,
 SUBSTITUTE HOUSE BILL NO. 1869.

DENNIS L. HECK, Chief Clerk

March 8, 1986

Mr. President:

The House has concurred in the Senate amendment(s) to the following listed bills and has passed said bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 136,
 SUBSTITUTE HOUSE BILL NO. 205,
 HOUSE BILL NO. 244,
 SUBSTITUTE HOUSE BILL NO. 594,
 SUBSTITUTE HOUSE BILL NO. 614,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1355,
 SUBSTITUTE HOUSE BILL NO. 1363,
 SUBSTITUTE HOUSE BILL NO. 1388,
 HOUSE BILL NO. 1393,
 SUBSTITUTE HOUSE BILL NO. 1400,
 HOUSE BILL NO. 1486,
 SUBSTITUTE HOUSE BILL NO. 1495,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1545,
 SUBSTITUTE HOUSE BILL NO. 1624,
 ENGROSSED HOUSE BILL NO. 1652.

DENNIS L. HECK, Chief Clerk

March 8, 1986

Mr. President:

The House has concurred in the Senate amendment(s) to the following listed bills and has passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1762,
 SUBSTITUTE HOUSE BILL NO. 1838,
 HOUSE BILL NO. 1954.

DENNIS L. HECK, Chief Clerk

March 8, 1986

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 3110,
 SENATE BILL NO. 3334,
 SENATE BILL NO. 3495,
 SUBSTITUTE SENATE BILL NO. 4221,
 SUBSTITUTE SENATE BILL NO. 4458.

SENATE BILL NO. 4551,
 SUBSTITUTE SENATE BILL NO. 4574,
 SECOND SUBSTITUTE SENATE BILL NO. 4626,
 SENATE BILL NO. 4680,
 SENATE BILL NO. 4723,
 SENATE BILL NO. 4959,
 SENATE JOINT MEMORIAL NO. 133,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 135,
 SENATE JOINT MEMORIAL NO. 136, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1218,
 SUBSTITUTE HOUSE BILL NO. 1391,
 SUBSTITUTE HOUSE BILL NO. 1401,
 SUBSTITUTE HOUSE BILL NO. 1403,
 HOUSE BILL NO. 1407,
 SUBSTITUTE HOUSE BILL NO. 1408,
 HOUSE BILL NO. 1415,
 HOUSE BILL NO. 1441,
 HOUSE BILL NO. 1450,
 SUBSTITUTE HOUSE BILL NO. 1458,
 SUBSTITUTE HOUSE BILL NO. 1580,
 HOUSE BILL NO. 1635,
 HOUSE BILL NO. 1656,
 SUBSTITUTE HOUSE BILL NO. 1669,
 SUBSTITUTE HOUSE BILL NO. 1678,
 HOUSE BILL NO. 1720,
 SUBSTITUTE HOUSE BILL NO. 1815.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 686,
 SUBSTITUTE HOUSE BILL NO. 1148,
 HOUSE BILL NO. 1374,
 HOUSE BILL NO. 1419,
 SUBSTITUTE HOUSE BILL NO. 1839,
 SUBSTITUTE HOUSE BILL NO. 1865,
 HOUSE BILL NO. 1900,
 HOUSE BILL NO. 2055.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4769 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of feed consumed by livestock at a public livestock market.

NEW SECTION, Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of feed consumed by livestock at a public livestock market."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendment to Substitute Senate Bill No. 4769.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4769, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4769, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Deccio, Granlund, Lee, Metcalf - 4.

Excused: Senators Kiskaddon, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4769, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Granlund was excused.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5044 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 15.04.100, chapter 11, Laws of 1961 as amended by section 1, chapter 76, Laws of 1969 ex. sess. and RCW 15.04.100 are each amended to read as follows:

The director shall establish a horticulture inspection trust fund to be derived from horticulture inspection district funds. The director shall adjust district payments so that the balance in the trust fund shall not exceed ~~((seventy-five))~~ three hundred thousand dollars. The director is authorized to make payments from the trust fund to:

(1) Pay fees and expenses provided in the inspection agreement between the state department of agriculture and the agricultural marketing service of the United States department of agriculture;

(2) Pay portions of salaries of inspectors-at-large as provided under RCW 15.04.040;

(3) Assist horticulture inspection districts in temporary financial distress as result of less than normal production of horticultural commodities: PROVIDED, That districts receiving such assistance shall make repayment to the trust fund as district funds shall permit;

(4) Pay necessary administrative expenses for the ~~((division of plant industry))~~ commodity inspection division attributable to the supervision of the horticulture inspection services.

Sec. 2. Section 23, chapter 122, Laws of 1963 as last amended by section 1, chapter 7, Laws of 1975 1st ex. sess. and RCW 15.17.230 are each amended to read as follows:

For the purpose of this chapter the state shall be divided into not less than ~~((four))~~ three horticulture inspection districts to which the director may assign one or more inspectors-at-large who as a representative of the director shall supervise and administer regulatory and inspection affairs of the districts: PROVIDED, That for purposes of efficiency and economy the director may by rule promulgated in accordance with the Administrative Procedure Act establish or adjust district boundaries or abolish any district: PROVIDED, HOWEVER, That there shall be at least ~~((four))~~ three districts in existence at all times.

Sec. 3. Section 15.24.070, chapter 11, Laws of 1961 as amended by section 5, chapter 145, Laws of 1963 and RCW 15.24.070 are each amended to read as follows:

The Washington state apple advertising commission is hereby declared and created a corporate body. The powers and duties of the commission shall include the following:

(1) To elect a chairman and such other officers as it deems advisable; and to adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers hereunder, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To investigate and prosecute violations hereof;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and products thereof;

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation; and

(9) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient.

Sec. 4. Section 22, chapter 190, Laws of 1971 ex. sess. as amended by section 20, chapter 297, Laws of 1981 and RCW 15.58.220 are each amended to read as follows:

For the purpose of this section public pest control consultant means any individual who is employed by a governmental agency or unit to act as a pest control consultant as defined in RCW 15.58.030(23). No person shall act as a public pest control consultant on or after February 28, 1973 without first obtaining a nonfee license from the director (~~which~~). Public pest control consultant licenses shall expire on the ((third)) fifth December 31st from the date of issuance; PROVIDED, That all public pest control consultant licenses valid on December 31, 1985, shall expire on December 31, 1990. Application for a license shall be on a form prescribed by the director: PROVIDED, That federal and state employees whose principal responsibilities are in pesticide research, the jurisdictional health officer or his duly authorized representative, and public operators licensed under RCW 17.21.220 shall be exempt from this licensing provision.

Sec. 5. Section 24, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.240 are each amended to read as follows:

The director may classify licenses to be issued under the provisions of this chapter. Such classifications may include but not be limited to agricultural crops, ornamentals, or noncrop land herbicides. If the licensee has a classified license he shall be limited to practicing within these classifications. Each such classification shall be subject to separate testing procedures and requirements: PROVIDED, That no person shall be required to pay an additional license fee if such person desires to be licensed in one or all of the license classifications provided for by the director under the authority of this section. The director may renew any applicant's license under the classification for which the applicant is licensed, subject to reexamination or other recertification standards as determined by the director when deemed necessary because new knowledge or new classifications are required to carry out the responsibilities of the licensee.

Sec. 6. Section 6, chapter 100, Laws of 1969 and RCW 16.38.060 are each amended to read as follows:

The director may, following a public hearing, establish a schedule of fees for services performed in carrying out such diagnostic service program. All fees collected under this provision shall be retained by the director of agriculture to be spent only for carrying out the purposes of this chapter.

Sec. 7. Section 9, chapter 249, Laws of 1961 as last amended by section 2, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.090 are each amended to read as follows:

The director shall not issue a pesticide applicator's license until the applicant, if he is the sole owner of the business, or if there is more than one owner, the person managing the business, has passed an examination to demonstrate to the director (1) his knowledge of how to apply pesticides under the classifications he has applied for, manually or with the various apparatuses that he may have applied for a license to operate under the provisions of this chapter, and (2) his knowledge of the nature and effect of pesticides he may apply manually or with such apparatuses under such classifications. ~~((The director may renew any applicant's license under the classification for which such applicant is licensed, subject to examination for new knowledge that may be required to apply pesticides manually or with apparatuses the applicant has been licensed to operate.))~~ The pesticide applicator's license shall expire on December 31 following issuance. The director shall charge an examination fee of five dollars when an examination is necessary before a license may be issued or when application for such license and examination is made at other than a regularly scheduled examination date as provided for by the director.

Sec. 8. Section 12, chapter 249, Laws of 1961 as amended by section 7, chapter 177, Laws of 1967 and RCW 17.21.120 are each amended to read as follows:

The director shall not issue an operator's license before such applicant has passed an examination to demonstrate to the director (1) his ability to apply pesticides in the classifications he has applied for, manually or with the various apparatuses that he may have applied for a license to operate, and (2) his knowledge of the nature and effect of pesticides applied manually or used in such apparatuses under such classifications. ~~((The director may renew any applicant's license under the classification for which such applicant is licensed, subject to examination for new knowledge that may be required to apply pesticides manually or with apparatuses the applicant has been licensed to operate.))~~ The operator's license shall expire on December 31 following issuance. The director shall charge an examination fee of five dollars when an examination is necessary before a license may be issued and when application for such license and examination is made at other than a regularly scheduled examination date as provided for by the director.

Sec. 9. Section 9, chapter 92, Laws of 1979 and RCW 17.21.128 are each amended to read as follows:

The director may renew any ~~((private applicator's))~~ certification or ~~((private-commercial applicator's))~~ license issued under authority of this chapter under the classification for which such applicant is licensed or certificated subject to ~~((demonstration of competency))~~ recertification standards as determined by the director or examination regarding new knowledge that may be required to apply pesticides ~~((manually or with apparatuses the applicant has been licensed to operate)).~~

Sec. 10. Section 13, chapter 249, Laws of 1961 and RCW 17.21.130 are each amended to read as follows:

Any license provided for in this chapter ~~((shall expire on December 31st following issuance unless it has been))~~ may be revoked or suspended ~~((prior thereto))~~ by the director for cause.

Sec. 11. Section 22, chapter 249, Laws of 1961 as last amended by section 24, chapter 297, Laws of 1981 and RCW 17.21.220 are each amended to read as follows:

(1) All state agencies, municipal corporations, and public utilities or any other governmental agency shall be subject to the provisions of this chapter and rules adopted thereunder concerning the application of pesticides: PROVIDED, That the operators applying any pesticide restricted to use by certified applicators or in charge of any apparatuses used by any state agencies, municipal corporations and public utilities or any governmental agencies shall be subject to the provisions of RCW 17.21.100, 17.21.110 and 17.21.120: PROVIDED FURTHER, That the director shall issue a limited public operator license without a fee to such operators which shall be valid only when such operators are acting as ~~((operators on apparatuses used by such entities and which shall expire on the third December 31st from the date of issuance))~~ employees of a state agency, municipal corporation, public utility, or other government agency: AND PROVIDED FURTHER, That the jurisdictional health officer or his duly authorized representative is exempt from this licensing provision when applying pesticides not restricted to use by certified applicators to control pests other than weeds. Public operator licenses shall expire on the fifth December 31 from the date of issuance. All public operator licenses valid on December 31, 1985, shall expire on December 31, 1990.

(2) Such agencies, municipal corporations and public utilities shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred.

Sec. 12. Section 19, chapter 177, Laws of 1967 and RCW 17.21.305 are each amended to read as follows:

The provisions of this chapter requiring all structural pest control operators, exterminators and fumigators to license with the department shall not preclude a city of the first class with a population of one hundred thousand people or more, or the county in which it is situated, from also licensing structural pest control operators, exterminators and fumigators operating within the territorial confines of said city or county: PROVIDED, That when structural pest control operators, exterminators and fumigators are licensed by both ~~((such))~~ the city of the first class and the county in which ~~((such))~~ the city is situated, and there exists a joint county-city health department, then ~~((such))~~ the joint county-city health department may enforce the provisions of ~~((such))~~ the city and county as to the license requirements for ~~((said))~~ the structural pest control operators, exterminators and fumigators.

Sec. 13. Section 5, chapter 124, Laws of 1963 as last amended by section 22, chapter 305, Laws of 1983 and RCW 22.09.050 are each amended to read as follows:

Any application for a license to operate a warehouse shall be accompanied by a license fee of ~~((two))~~ four hundred dollars for a terminal warehouse, ~~((one hundred fifty))~~ three hundred dollars for a subterminal warehouse, and ~~((fifty))~~ one hundred dollars for a country warehouse. If a licensee operates more than one warehouse under one state license as provided for in RCW 22.09.030, the license fee shall be computed by multiplying the number of physically separated warehouses within the station by the applicable terminal, subterminal, or country warehouse license fee. If an application for renewal of a warehouse license or licenses is not received by the department prior to June 30th of any year, a penalty of fifty dollars for the first week and one hundred dollars for each week thereafter shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license may be issued. This penalty does not apply if the applicant furnishes an affidavit certifying that he has not acted as a warehouseman subsequent to the expiration of his prior license.

Sec. 14. Section 23, chapter 305, Laws of 1983 and RCW 22.09.055 are each amended to read as follows:

An application for a license to operate as a grain dealer shall be accompanied by a license fee of ~~((one))~~ three hundred dollars unless the applicant is also a licensed warehouseman, in which case the fee for a grain dealer license shall be one hundred fifty dollars.

If an application for renewal of a grain dealer license is not received by the department before June 30th of any year, a penalty of fifty dollars for the first week and one hundred dollars for each week thereafter shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license may be issued. This penalty does not apply if the

applicant furnishes an affidavit certifying that he has not acted as a grain dealer after the expiration of his prior license.

Sec. 15. Section 2, chapter 256, Laws of 1961 as last amended by section 1, chapter 261, Laws of 1985 and by section 13, chapter 457, Laws of 1985 and RCW 15.65.020 are each reenacted and amended to read as follows:

The following terms are hereby defined:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative. The phrase "director or his designee" means the director unless, in the provisions of any marketing agreement or order, he has designated an administrator, board or other designee to act for him in the matter designated, in which case "director or his designee" means for such order or agreement the administrator, board or other person(s) so designated and not the director.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Marketing agreement" means an agreement entered into and issued by the director pursuant to this chapter.

(5) "Agricultural commodity" means any animal or any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable, or animal product, including, but not limited to, products qualifying as organic food products under chapter 15.86 RCW and private sector cultured aquatic products as defined in RCW 15.85.020 and other fish and fish products, either in its natural or processed state, including bees and honey and Christmas trees but not including timber or timber products. The director is hereby authorized to determine (on the basis of common usage and practice) what kinds, types or sub-types should be classed together as an agricultural commodity for the purposes of this chapter.

(6) "Production area" and "marketing area" means any area defined as such in any marketing order or agreement in accordance with RCW 15.65.350. "Affected area" means the marketing or production area so defined in such order, agreement or proposal.

(7) "Unit" of an agricultural commodity means a unit of volume, weight, quantity, or other measure in which such commodity is commonly measured. The director shall designate in each marketing order and agreement the unit to be used therein.

(8) "Affected unit" means in the case of marketing agreements and orders drawn on the basis of a production area, any unit of the commodity specified in or covered by such agreement or order which is produced in such area and sold or marketed or delivered for sale or marketing; and "affected unit" means, in the case of marketing agreements and orders drawn on the basis of marketing area, any unit of the commodity specified in or covered by such agreement or order which is stored in frozen condition or sold or marketed or delivered for sale or marketing within such marketing area: PROVIDED, That in the case of marketing agreements "affected unit" shall include only those units which are produced by producers or handled by handlers who have assented to such agreement.

(9) "Affected commodity" means that part or portion of any agricultural commodity which is covered by or forms the subject matter of any marketing agreement or order or proposal, and includes all affected units thereof as herein defined and no others.

(10) "Producer" means any person engaged in the business of producing any agricultural commodity for market in commercial quantities. "Affected producer" means any producer of an affected commodity. "To produce" means to act as a producer. For the purposes of RCW 15.65.140 and 15.65.160 as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(11) "Handler" means any person who acts, either as principal, agent or otherwise, in processing, selling, marketing or distributing an agricultural commodity or storage of a frozen agricultural commodity which was not produced by him. "Handler" does not mean a common carrier used to transport an agricultural commodity. "Affected handler" means any handler of an affected commodity. "To handle" means to act as a handler.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to any agricultural commodity. A producer-handler shall be deemed to be a producer with respect to the agricultural commodities which he produces, and a handler with respect to the agricultural commodities which he handles, including those produced by himself.

(13) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of congress of the United States of February 18, 1922 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a non-profit cooperative basis.

(14) "Member of a cooperative association" means any producer who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the

control of or is a party to a marketing agreement with such cooperative association with respect to such product.

(15) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer or cooperative association of producers in preparing for market and marketing, and shall include: (a) selling any agricultural commodity produced by such producer(s) to any handler; (b) delivering any such commodity or otherwise disposing of it for commercial purposes to or through any handler.

(16) "Commercial quantities" as applied to producers and/or production means such quantities per year (or other period of time) of an agricultural commodity as the director finds are not less than the minimum which a prudent man engaged in agricultural production would produce for the purpose of making such quantity of such commodity a substantial contribution to the economic operation of the farm on which such commodity is produced. "Commercial quantities" as applied to handlers and/or handling means such quantities per year (or other period of time) of an agricultural commodity or product thereof as the director finds are not less than the minimum which a prudent man engaged in such handling would handle for the purpose of making such quantity a substantial contribution to the handling operation in which such commodity or product thereof is so handled. In either case the director may in his discretion: (a) determine that substantial quantity is any amount above zero; and (b) apply the quantity so determined on a uniform rule applicable alike to all persons which he finds to be similarly situated.

(17) "Commodity board" means any board established pursuant to RCW 15.65.220. "Board" means any such commodity board unless a different board is expressly specified.

(18) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(19) "Section" means a section of this chapter unless some other statute is specifically mentioned. The present includes the past and future tenses, and the past or future the present. The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural includes the singular.

(20) "Represented in a referendum" means that a written document evidencing approval or assent or disapproval or dissent is duly and timely filed with or mailed to the director by or on behalf of an affected producer and/or a volume of production of an affected commodity in a form which the director finds meets the requirements of this chapter.

(21) "Person" as used in this chapter shall mean any person, firm, association or corporation.

Sec. 16. Section 15.66.010, chapter 11, Laws of 1961 as last amended by section 14, chapter 457, Laws of 1985 and RCW 15.66.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him concerning some matter under this chapter.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Agricultural commodity" means any animal or any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product, including, but not limited to, products qualifying as organic food products under chapter 15.86 RCW and private sector cultured aquatic products as defined in RCW 15.85.020 and other fish and fish products, within its natural or processed state, including bees and honey and Christmas trees but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity. For the purposes of RCW 15.66.060, 15.66.090, and 15.66.120, as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(6) "Affected producer" means any producer of an affected commodity.

(7) "Affected commodity" means any agricultural commodity for which the director has established a list of producers pursuant to RCW 15.66.060.

(8) "Commodity commission" or "commission" means a commission formed to carry out the purposes of this chapter under a particular marketing order concerning an affected commodity.

(9) "Unit" means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured.

(10) "Unfair trade practice" means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77, 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended.

known as the "Federal Trade Commission Act of 1914", or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(11) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(12) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large 388 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(13) "Member of a cooperative association" or "member" means any producer of an agricultural commodity who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product.

NEW SECTION, Sec. 17. A new section is added to chapter 69.04 RCW to read as follows:

(1) If a theater or other commercial food service establishment prepares and sells popcorn for human consumption, the establishment, at the point of sale, shall disclose by posting a sign in a conspicuous manner to prospective consumers a statement as to whether the butter or butter-like flavoring added to or attributed to the popcorn offered for sale is butter as defined in RCW 15.32.010 or is some other product. If the flavoring is some other product, the establishment shall also disclose the ingredients of the product.

The director of agriculture shall adopt rules prescribing the size and content of the sign upon which the disclosure is to be made. Any popcorn sold by or offered for sale by such an establishment to a consumer in violation of this section or the rules of the director implementing this section shall be deemed to be misbranded for the purposes of this chapter.

(2) The provisions of subsection (1) of this section do not apply to packaged popcorn labeled so as to disclose ingredients as required by law for prepackaged foods.

Sec. 18. Section 36, chapter 7, Laws of 1975 1st ex. sess. and RCW 69.04.398 are each amended to read as follows:

(1) The purpose of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 is to promote uniformity of state legislation and regulations with the Federal Food, Drug and Cosmetic Act 21 USC 301 et seq. and regulations adopted thereunder. In accord with such declared purpose any regulation adopted under said federal food, drug and cosmetic act concerning food in effect on July 1, 1975, and not adopted under any other specific provision of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 are hereby deemed to have been adopted under the provision hereof. Further, to promote such uniformity any regulation adopted hereafter under the provisions of the federal food, drug and cosmetic act concerning food and published in the federal register shall be deemed to have been adopted under the provisions of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 in accord with chapter 34.04 RCW as enacted or hereafter amended. The director may, however, within thirty days of the publication of the adoption of any such regulation under the federal food, drug and cosmetic act give public notice that a hearing will be held to determine if such regulation shall not be applicable under the provisions of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396. Such hearing shall be in accord with the requirements of chapter 34.04 RCW as enacted or hereafter amended.

(2) The provisions of subsection (1) of this section do not apply to rules adopted by the director as necessary to permit the production of kosher food products as defined in RCW 69.09.010.

NEW SECTION, Sec. 19. A new section is added to chapter 15.36 RCW to read as follows:

(1) The director of agriculture shall adopt rules imposing a civil penalty for violations of the standards for component parts of fluid dairy products which are established by RCW 15.36.030 or adopted pursuant to RCW 69.04.398. The penalty shall not exceed ten thousand dollars and shall be such as is necessary to achieve proper enforcement of the standards. The rules shall be adopted before January 1, 1987, and shall become effective on July 1, 1987.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a contested case hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters 34.04 and 34.12 RCW and, to the extent they are not inconsistent with this subsection, the provisions of RCW 15.36.580. At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, reduced, or not imposed and shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.04 RCW. Tests performed for the component parts of milk products by a state laboratory of a milk sample collected by a department official shall be admitted as prima facie evidence of the amounts of milk components in the product.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department.

(4) All penalties received or recovered from violations of this section shall be remitted by the violator to the department and deposited in the revolving fund of the Washington state dairy products commission. One-half of the funds received shall be used for purposes of education with the remainder one-half to be used for dairy processing and/or marketing research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the standards for the composition of milk products, an investigation shall be made to determine the cause of the violation which shall be corrected. Additional samples shall be taken as soon as possible and tested by the department.

NEW SECTION, Sec. 20. The director of agriculture shall establish a special study committee which shall identify and review issues related to packaged fluid dairy products standards and the enforcement of such standards. The committee shall include appropriate representatives of the department of agriculture, the dairy producers of this state, and the dairy processors of this state. The committee shall submit a report, with recommendation as to any proposed legislation, to the agriculture committees of the senate and the house of representatives no later than November 1, 1986.

NEW SECTION, Sec. 21. A new section is added to chapter 15.65 RCW to read as follows:

The legislature finds that the production of marketable rapeseed within this state is in the interest of the public welfare. The legislature further finds that the production of incompatible varieties of rapeseed in close geographical proximity adversely affects the purity and marketability of rapeseed, and that it is in the public interest to establish geographical districts and buffer zones wherein the production of rapeseed may be restricted by variety.

For the purpose of rapeseed production in the state of Washington, the director of the department of agriculture shall have the regulatory authority on the production of rapeseed by variety and geographic location until such time as a rapeseed commodity commission is formulated. Once formed, the rapeseed commodity commission shall assume the regulatory authority on the production of rapeseed by variety and geographic location in the state of Washington.

NEW SECTION, Sec. 22. A new section is added to chapter 15.66 RCW to read as follows:

For the purpose of rapeseed production in the state of Washington, the director of the department of agriculture shall have the regulatory authority on the production of rapeseed by variety and geographical location until such time as a rapeseed commodity commission is formulated. Once formed, the rapeseed commodity commission shall assume the regulatory authority on the production of rapeseed by variety and geographic location in the state of Washington.

Sec. 23. Section 3, chapter 159, Laws of 1985 and RCW 43.23.035 are each amended to read as follows:

The department of agriculture is hereby designated as the agency of state government for the administration and implementation of state agricultural market development programs and activities, both domestic and foreign, and shall, in addition to the powers and duties otherwise imposed by law, have the following powers and duties:

(1) To study the potential marketability of various agricultural commodities of this state in foreign and domestic trade;

(2) To collect, prepare, and analyze foreign and domestic market data;

(3) To establish a program to promote and assist the marketing of Washington-bred horses;

(4) To encourage and promote the sale of Washington's agricultural commodities and products at the site of their production through the development and dissemination of referral maps and other means;

((4)) (5) To encourage and promote those agricultural industries, such as the wine industry, which attract visitors to rural areas in which other agricultural commodities and products are produced and are, or could be, made available for sale;

((5)) (6) To encourage and promote the establishment and use of public markets in this state for the sale of Washington's agricultural products;

((6)) (7) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;

((7)) (8) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of chapters 43.23, 15.64, 15.65, and 15.66 RCW;

((8)) (9) To encourage and promote the movement of foreign and domestic agricultural goods through the ports of Washington;

((9)) (10) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state's agricultural commodities and products;

((10)) (11) To assist and to make Washington agricultural concerns more aware of the potentials of foreign trade and to encourage production of those commodities that will have high export potential and appeal;

((11)) (12) To coordinate the trade promotional activities of appropriate federal, state, and local public agencies, as well as civic organizations; and

((12)) (13) To develop a coordinated marketing program with the department of ((commerce)) trade and economic development, utilizing existing trade offices and participating in mutual trade missions and activities.

As used in this section, "agricultural commodities" includes products of both terrestrial and aquatic farming.

Sec. 24. Section 1, chapter 26, Laws of 1985 and RCW 15.04.200 are each amended to read as follows:

(1) Under the authority of Article VIII of the state Constitution as amended, agricultural commodity commission expenditures for agricultural development or trade promotion and promotional hosting by an agricultural commodities commission under chapters 15.24, 15.28, 15.44, 15.65, 15.66, and 16.67 RCW shall be pursuant to specific budget items as approved by the agricultural commodity commission at the annual public hearings on the agricultural commodity commission budget.

(2) Agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents or commissioners. The rules shall identify officials and agents authorized to make expenditures and the objectives of the expenditures. Individual agricultural commodity commission commissioners shall make promotional hosting expenditures, or seek reimbursements for these expenditures, only in those instances where the expenditures have been approved by the agricultural commodity commission. All payments and reimbursements shall be identified and supported on vouchers.

(3) Agricultural commodity commissions shall be exempt from the requirements of RCW 43.01.090 and 43.19.500 and chapter 43.82 RCW.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. Sections 21 and 22 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "agriculture;" strike the remainder of the title and insert "amending RCW 15.04.100, 15.17.230, 15.24.070, 15.58.220, 15.58.240, 16.38.060, 17.21.090, 17.21.120, 17.21.128, 17.21.130, 17.21.220, 17.21.305, 22.09.050, 22.09.055, 15.66.010, 69.04.398, 43.23.035, and 15.04.200; reenacting and amending RCW 15.65.020; adding a new section to chapter 15.65 RCW; adding a new section to chapter 69.04 RCW; adding a new section to chapter 15.36 RCW; creating a new section; prescribing penalties; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5044.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 5044, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 5044, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 9; absent, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Kreidler, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogt, Warnke, Williams, Wojahn - 34.

Voting nay: Senators Bluechel, Cantu, Craswell, Guess, Johnson, McCaslin, Pullen, von Reichbauer, Zimmerman - 9.

Absent: Senators Deccio, Lee, Metcalf - 3.

Excused: Senators Granlund, Kiskaddon, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5044, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4762 with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART I
GENERAL GOVERNMENT

Sec. 101. Section 110, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

	FY 1986	FY 1987
General Fund Appropriation \$	9,552,000	((9,501,000)) 9,752,000
General Fund—Public Safety and Education Account Appropriation \$	((7,219,000)) 6,998,000	((6,619,000)) 5,733,000
Total Appropriation	S((32,891,000)) 32,035,000	

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

(1) A maximum of \$5,767,000 of the fiscal year 1986 general fund appropriation and \$5,767,000 of the fiscal year 1987 general fund appropriation may be spent for the superior court judges.

(2) ~~S((50,000))~~ 123,000 of the general fund appropriation for fiscal year 1987 is provided solely for the additional costs associated with the newly created superior court judges positions in ~~((accordance with Substitute Senate Bill No. 3165. If SSB 3165 is not enacted by July 1, 1985, this appropriation shall lapse))~~ chapter 357, Laws of 1985.

(3) \$1,456,000 of the fiscal year 1986 and \$1,456,000 of the fiscal year 1987 general fund—state appropriation are provided solely for the continuation of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane and Yakima counties. All property which has been received by the department of corrections from contractors for these programs shall be delivered to the custody of the administrator for the courts.

(4) \$122,000 of the fiscal year 1986 and \$121,000 of the fiscal year 1987 general fund—state appropriation are provided solely for community diversion programs.

(5) ~~S((100,000))~~ 278,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

(6) If HB 1869 is not enacted before April 1, 1986, \$1,384,000 of the public safety and education account appropriation shall revert.

Sec. 102. Section 121, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

	FY 1986	FY 1987
General Fund Appropriation \$	((7,939,000)) 7,794,000	((6,861,000)) 6,942,000
Medical Aid Fund Appropriation \$	50,000	50,000
Total Appropriation	S((14,900,000)) 14,836,000	

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

(1) \$8,300 of the general fund appropriation is provided solely for payment of claims against the state of \$500 or less, under RCW 4.92.040.

~~(2) ((S195,000 of the fiscal year 1986 and S169,000 of the fiscal year 1987 general fund appropriation are provided solely for health care cost containment activities as provided in chapter —(SHB 1077 or SSB 4242). Laws of 1985. If neither bill is enacted by July 1, 1985, the amounts provided in this subsection shall revert.~~

~~(3))~~ (3) \$69,000 of the fiscal year 1986 and \$38,000 of the fiscal year 1987 general fund appropriation are provided solely for jail population forecast activities as provided in chapter ~~((—(SB 3596)))~~ 201, Laws of 1985. ~~((If SB 3596 is not enacted by July 1, 1985, the amounts provided in this subsection shall revert.~~

~~(4))~~ (3) \$1,000,000 of the fiscal year 1986 general fund—state appropriation is provided solely for grants to cities and counties for adjudication of serious traffic offenses as defined in section 2, chapter 110, Laws of 1984. The funding provided under this subsection is intended to assist cities and counties in becoming able to adjudicate these offenses without financial assistance from the state. These grants shall be distributed using the eligibility and priority standards provided in sections 2 through 5 of chapter 110, Laws of 1984, after adjusting the dates specified in that chapter as appropriate to achieve the purpose of this subsection. These grants shall be limited to adjudication activities conducted on or before February 28, 1986.

(4) \$50,000 of the general fund—state appropriation for fiscal year 1986 is provided solely to pay defense costs in State v. Howard, Yakima County superior court no. 84-1-00953-1, that may become a liability of the state under the final decision of the state supreme court upon reconsideration of its decision in State v. Howard, 105 Wn.2d 71. This amount shall be placed in a reserve account, and the director shall pay to the attorney general such sums, if any, from the account as the attorney general from time to time certifies are required to be

paid under the final decision. The director may transfer the balance of the reserve account to the appropriation for fiscal year 1987 as necessary to meet the certified payment requirements. Upon certification by the attorney general that the defense costs in the case have been fully paid, the balance remaining in the reserve account shall lapse.

(5) \$200,000 of the fiscal year 1987 general fund appropriation is provided solely for costs related to the governor's advisory council on education funding.

(6) \$50,000 of the fiscal year 1987 general fund—state appropriation is provided solely for a study to assess the feasibility of establishing an office of state public defender for appellate cases. The study shall include:

(a) A description of the current system for providing representation to persons accused of crime who would not otherwise be able to afford representation at the appellate level;

(b) A proposal to establish a state defender program at the appellate level;

(c) Recommendations for a manner of financing the program;

(d) Standards and guidelines for determining who should be eligible to receive legal services under the program;

(e) Recommendations for a plan to provide counsel when a conflict of interest would prevent representation by attorneys in the program;

(f) Standards and guidelines for determining maximum and minimum caseloads for attorneys in the program; and

(g) Recommendations for a plan to train attorneys in the program. The study shall be presented to the ways and means committees of the senate and house of representatives no later than January 15, 1987.

Sec. 103. Section 123, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

	FY 1986	FY 1987
Department of Personnel Service Fund		
Appropriation	\$ ((5,867,000))	((5,850,000))
	<u>5,842,000</u>	<u>5,900,000</u>
State Employees' Insurance Fund Appropria-		
tion	885,000	933,000
Total Appropriation	\$((13,475,000))	
	<u>13,560,000</u>	

Sec. 104. Section 127, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

	FY 1986	FY 1987
General Fund Appropriation	30,552,000	((29,365,000))
		<u>28,994,000</u>
General Fund—Hazardous Waste Control		
and Elimination Account Appropriation ...	54,000	54,000
General Fund—Timber Tax Distribution		
Account Appropriation	1,469,000	1,469,000
Total Appropriation	\$((62,983,000))	
	<u>62,592,000</u>	

Sec. 105. Section 129, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	FY 1986	FY 1987
General Fund Appropriation—State	3,825,000	((3,869,000))
		<u>3,678,000</u>
General Fund Appropriation—		
Private/Local	30,000	30,000
General Fund—Motor Transport Account		
Appropriation	3,452,000	3,207,000
General Administration Facilities and Ser-		
vices Revolving Fund Appropriation	9,897,000	9,048,000
Total Appropriation	\$((33,358,000))	
	<u>33,167,000</u>	

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

(1) The community college districts shall transfer to the motor transport account \$8,373 from the general local fund and \$34,469 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) \$((131,000 for fiscal year 1986 and \$175,000 for fiscal year 1987)) 115,000 of the general fund—state appropriation ((are)) is provided solely to continue storage and transportation activities in connection with the surplus commodities distribution program of the federal department of agriculture. If federal funding for this purpose is continued after September 30, ((1985)) 1986, this appropriation shall lapse.

(3) \$136,411 of the fiscal year 1986 and \$136,411 of the fiscal year 1987 general fund appropriation are provided solely for the operation of the risk management office.

(4) \$109,425 of the fiscal year 1986 and \$109,425 of the fiscal year 1987 general fund appropriation are to fully implement (~~Senate Bill No. 3569~~ ~~if SB 3569 is not enacted by July 1, 1985, this appropriation shall lapse~~) chapter 188, Laws of 1985.

(5) \$150,000 of the fiscal year 1986 and \$150,000 of the fiscal year 1987 general fund—state appropriation are provided solely for energy retrofit studies.

(6) Not later than December 1, 1986, the department shall submit to the legislature an interim plan for the relocation of offices of the department of natural resources now located in the John A. Cherberg building. The interim plan shall not include design or construction of the proposed natural resources building but shall include one or more specific proposals to lease appropriate space within the city of Olympia to house the offices now located in the Cherberg building.

Sec. 106. Section 130, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

	FY 1986	FY 1987
General Fund Appropriation—State \$	4,332,000	((4,332,000))
		<u>1,013,000</u>
<u>Insurance Commissioner's Regulatory</u>		
<u>Account \$</u>		<u>4,082,000</u>
Total Appropriation	\$(8,764,000)	
	<u>9,427,000</u>	

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

(1) If Senate Bill No. 3636 is not enacted prior to June 30, 1986, the appropriation from the insurance commissioner regulatory account shall lapse and the fiscal year 1987 general fund appropriation shall be \$4,332,000.

(2) A portion of the fiscal year 1986 and \$929,000 of the fiscal year 1987 general fund—state appropriations shall be transferred to the department of community development to support activities related to the state fire marshal. The exact amount of the fiscal year 1986 appropriation to be transferred shall be negotiated by the insurance commissioner and the director of community development, with the approval of the director of financial management.

(3) \$100,000 of the insurance commissioner's regulatory account appropriation is provided solely for a legal action task force, including legislative participation, to collect and review data relevant to Washington's experience in tort law and to recommend any changes needed to improve the availability and affordability of liability insurance.

(4) \$84,000 of the fiscal year 1987 general fund appropriation is provided solely to regulate health maintenance organizations.

Sec. 107. Section 134, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIFORM LEGISLATION COMMISSION

	FY 1986	FY 1987
General Fund Appropriation \$	12,000	((2,000))
		<u>17,000</u>
Total Appropriation	\$(14,000)	
	<u>29,000</u>	

The appropriation in this section is subject to the following conditions and limitations: ~~\$(10,000 is)~~ 9,800 of the fiscal year 1986 appropriation and \$9,800 of the fiscal year 1987 appropriation are provided solely for Washington state's contribution to the national conference of commissioners on uniform state laws.

Sec. 108. Section 143, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT

	FY 1986	FY 1987
General Fund Appropriation—State \$	((518,000))	((518,000))
	<u>529,000</u>	<u>594,000</u>
General Fund Appropriation—Federal \$	((2,715,000))	((2,715,000))
	<u>2,423,000</u>	<u>2,304,000</u>
Total Appropriation	\$(6,466,000)	
	<u>5,850,000</u>	

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

(1) \$57,000 of the general fund—state appropriation is provided solely for a hazardous materials coordinator.

(2) \$30,000 of the general fund—state appropriation is provided solely for emergency medical treatment services for protecting the lives and safety of Washington residents as well as visitors to the Mt. St. Helens area.

NEW SECTION. Sec. 109. A new section is added to chapter 6, Laws of 1985 ex. sess to read as follows:

The legislative budget committee shall prepare a comprehensive report on the issuance of state debt. Among other things, such report shall address the following: (1) Given the inflation rates, interests rates and the costs of issuing debt, when is it prudent for the state to use a "pay as you go" approach, instead of borrowing? (2) To what extent do other states use a "pay as you go" approach? (3) What devices, if any, do other states use to limit their costs of issuing debt, including underwriter, bond counsel and financial adviser costs? (4) Would it be in the public interest to require that bond counsel costs for state G.O. bonds be paid from the state treasurer's appropriations, as opposed to from the proceeds of bond sales, and to require that bond counsel state their fees in dollars per hour of services provided? (5) To what extent are bond proceeds used to pay operating costs that could be paid from the general fund?

PART II
HUMAN SERVICES

Sec. 201. Section 201, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation	\$ ((27,799,000))	((27,816,000))
	<u>27,349,000</u>	<u>27,366,000</u>
Total Appropriation	\$((55,615,000))	
	<u>54,715,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$15,226,000 is provided for fiscal year 1986 and \$15,243,000 is provided for fiscal year 1987 to provide community supervision services. The department shall develop workload standards for meeting the requirements of chapter 9.94A RCW and shall report to the legislature such workload standards and actual results on June 30, 1986, and annually thereafter.

(b) \$((11,351,000)) 10,901,000 is provided for fiscal year 1986 and \$((11,351,000)) 10,901,000 is provided for fiscal year 1987 to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(c) \$1,122,000 is provided for fiscal year 1986 and \$1,122,000 is provided for fiscal year 1987 for support of the office of the director of community services. The director of community services shall monitor community corrections services provided and/or contracted for by other governmental jurisdictions in the state. The state director shall document such nonstate community corrections services as of July 1, 1985, for the purpose of establishing a basis upon which to evaluate current services, to assess any local program changes, and to identify emerging program needs.

(d) \$100,000 of the fiscal year 1986 and \$100,000 of the fiscal year 1987 general fund—state appropriation are provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation	\$ ((126,625,000))	((119,240,000))
	<u>127,275,000</u>	<u>120,688,000</u>
Total Appropriation	\$((245,865,000))	
	<u>247,963,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$13,475,000 of the general fund—state appropriation is provided solely for operating the Clallam Bay corrections center, of which \$5,443,000 is provided for fiscal year 1986 and \$8,032,000 is provided for fiscal year 1987.

~~(b) ((502,000 of the fiscal year 1986 and 502,000 of the fiscal year 1987 general fund—state appropriation are provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050, for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility—such programs may include facilities for both residential and outpatient treatment.~~

(c) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

~~((d))~~ (c) \$620,000 of the fiscal year 1986 and \$620,000 of the fiscal year 1987 general fund—state appropriation are provided solely for contracting with counties for the use of county jail beds for state inmates.

~~((e))~~ (d) \$200,000 is provided solely for Snohomish county pursuant to Snohomish county v. State of Washington to cover local impact costs of the Twin Rivers corrections center.

(e) A maximum of \$500,000 of the general fund—state appropriation may be spent for the operation of Firlands Corrections Center.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	FY 1986 (9,426,000) 9,226,000	FY 1987 8,527,000
General Fund—Institutional Impact Account Appropriation	\$	150,000	150,000
Total Appropriation		\$(10,253,000) 18,053,000	

The appropriations in this subsection are subject to the following conditions and limitations:
(a) \$400,000 of the general fund appropriation is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(b) The department shall report to the house and senate ways and means committees on January 1, 1986, and January 1, 1987, regarding its progress toward employing more minorities and women in top level management positions.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	FY 1986 2,039,000	FY 1987 (1,766,000) 766,000
Total Appropriation		\$(3,865,000) 2,805,000	

Sec. 202. Section 203, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State	\$	FY 1986 (64,335,000) 64,545,000	FY 1987 (63,290,000) 66,425,000
General Fund Appropriation—Federal	\$	24,343,000	26,095,000
Total Appropriation		\$(178,063,000) 181,408,000	

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

(1) Vendor rate adjustments shall average 3% on January 1, 1986.
(2) \$2,423,000 for fiscal year 1986 and \$3,231,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for phased-in increases in child protective services field staff.

(3) \$116,000 for fiscal year 1986 and \$116,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand the homebuilders program beyond current service levels.

(4) \$185,000 for fiscal year 1986 and \$185,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand services in the therapeutic day-care program beyond current levels.

(5) \$516,000 for fiscal year 1986 and \$487,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for field staff increases in day-care screening, licensing, monitoring, and information and referral. The department shall conduct at least one scheduled and one unannounced on-site inspection of each licensed day-care facility during the facility's licensing period. The department shall make available to any parent, guardian, or custodian requesting information about day-care providers, for inspection and copying (with copying fees waivable in cases of hardship), any documents in its possession relating to any licensed day-care facility that are not exempt from public disclosure under chapter 42.17 RCW. The department shall require that every licensed day-care facility display prominently on its premises the address and telephone number of the appropriate local or regional office of the department and the name(s) of any department employee(s) responsible for the licensing and monitoring of the facility.

(6) \$3,654,000 for fiscal year 1986, of which \$3,370,000 is from the general fund—state appropriation, and \$3,654,000 for fiscal year 1987, of which \$3,370,000 is from the general fund—state appropriation, are provided solely to increase the safety and quality of care in children's group homes, including the conversion of at least 75 but not more than 143 beds for use in intensive residential treatment of severely disturbed youth at a monthly rate of \$2,100 per occupied bed, effective July 1, 1985. The department shall develop and implement written standards as to which children may be placed in residential treatment, clearly distinguishing the residential treatment population from the remaining group care population. As used in this subsection, "residential treatment" includes permanent planning for child placement, counseling of natural parents when appropriate, and recruiting, training, and counseling of adoptive or foster parents when appropriate, for which services the department may develop additional rates. The department shall develop a client outcome monitoring system as part of a specific plan for performance-based contracts whereby a portion of vendor payments for group care

and residential treatment is contingent on vendor attainment of client outcome standards to be developed by the department. The plan shall be transmitted to the ways and means committees of the senate and house of representatives and the legislative budget committee by July 1, 1986, and scheduled for implementation on July 1, 1987, pending legislative review.

(7) \$615,000 for fiscal year 1986, of which \$554,000 is from the general fund—state appropriation, and \$615,000 for fiscal year 1987, of which \$554,000 is from the general fund—state appropriation, are provided solely to increase vendor rates for family foster care, effective July 1, 1985.

(8) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase private agency service fees in connection with foster care placements, effective July 1, 1985.

(9) \$17,000 for fiscal year 1986 and \$17,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for group crisis residential centers, effective July 1, 1985.

(10) \$51,000 for fiscal year 1986 and \$51,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for family interim care homes, effective July 1, 1985.

(11) \$139,000 for fiscal year 1986, of which \$132,000 is from the general fund—state appropriation, and \$139,000 for fiscal year 1987, of which \$132,000 is from the general fund—state appropriation, are provided solely to expand the children's hospitalization alternative program by up to 25 additional beds, including expansion into geographical areas not presently served.

(12) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for emergency medical examinations of child protective services clients who are not eligible for federally matched medical assistance.

(13) ~~\$(455,000)~~ 910,000 of the general fund—state appropriation ~~(for fiscal year 1986)~~ is provided solely for contracted services to "street kids." For purposes of this subsection, "street kids" are children between the ages of eight and seventeen who do not receive care, shelter, or supervision from parents or other responsible adults, who are not placed in residential settings by the department, and who are living in a dangerous urban environment. Services may include street outreach, advocacy, counseling, and foster care. Not more than 150 "street kids" may receive services supported under this subsection from any single center at any one time. All programs receiving funds under this subsection shall provide cultural- and language-sensitive services to minority "street kids."

(14) ~~\$(11,241,000)~~ 11,451,000 for fiscal year 1986, of which ~~\$(7,976,000)~~ 8,186,000 is from the general fund—state appropriation, and ~~\$(11,370,000)~~ 13,960,000 for fiscal year 1987, of which ~~\$(6,301,000)~~ 8,971,000 is from the general fund—state appropriation, shall be initially allotted for day-care payments. ~~(The department shall revise program eligibility and/or participation criteria, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year.)~~

(15) \$175,000 for fiscal year 1986 and \$175,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the victims of sexual assault program.

(16) \$90,000 from the general fund—state appropriation for fiscal year 1987 is provided solely for an education and training pilot project for the prevention of child abuse and neglect in inner-city Seattle. The department shall distribute these funds to the department of pediatrics at Harborview medical center. The project shall be evaluated by comparing the group of mothers served to a control group based on objective outcome measures such as episodes of abuse and neglect, evidence of failure to thrive, hospitalizations, anemia, immunization status, and the ratio of scheduled well-child visits to episodic drop-in visits. The department shall report to the legislature by January 1, 1987, on the status of the project.

Sec. 203, Section 205, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM
(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	49,275,000	((56,657,000)) 50,057,000
General Fund Appropriation—Federal \$	17,930,000	18,178,000
General Fund Appropriation—Local \$	355,000	355,000
Total Appropriation	\$(136,150,000)	136,150,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$240,000 for fiscal year 1986 and \$240,000 for fiscal year 1987 from the general fund—state are provided solely for continuation of the community psychiatric training program at the University of Washington.

(b) \$309,000 for fiscal year 1986 and \$309,000 for fiscal year 1987 from the general fund—federal are provided solely for the continuation of the minority mental health program.

(c) \$565,000 for fiscal year 1986 of which \$500,000 is from the general fund—state appropriation and \$65,000 for fiscal year 1987 of which \$500,000 is from the general fund—state appropriation, is provided solely to increase the children's hospitalization alternative program by 25 additional beds to allow for increased service capacity and to extend the program to unserved areas within the state. The department shall not increase the number of beds over 85 in total.

(d) \$452,000 for fiscal year 1986, of which \$405,000 is from the general fund—state appropriation and \$47,000 for fiscal year 1987, of which \$689,000 is from the general fund—state appropriation are provided solely for the Kitsap (~~resources consolidated~~) mental health services residential treatment center's alternative project. Of the \$452,000 for fiscal year 1986, \$61,000 of the general fund—state appropriation is provided solely for initial program costs associated with implementation. The state reimbursement rate shall not exceed \$180 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals will be made to the project. No involuntary treatment referrals of Kitsap county residents will be made to Western State Hospital after (~~December 31, 1985~~) March 31, 1986. The maximum reimbursement rate to Kitsap county private hospitals shall be \$250 per day per patient. Kitsap (~~resources consolidated~~) mental health services shall provide quarterly reports to the senate and house committees on ways and means describing the numbers and characteristics of clients served and resulting diversions from private hospitals and Western State Hospital. In addition, the department shall present an annual report to the same legislative committees beginning January 1, 1987, indicating progress made toward meeting the long-term residential bed needs of Kitsap County.

(e) \$280,000 from the fiscal year 1987 general fund—state appropriation is provided solely for the operation of the El Ray residential treatment facility for homeless mentally ill adults, effective January 1, 1987.

(f) \$350,000 for fiscal year 1987 from the general fund—state appropriation is provided solely for community mental health services for children in Spokane and Pierce counties who have been displaced from services due to impacts on the communities from institutional releases and the low priority assigned to children in the community mental health services act, chapter 71.24 RCW.

(g) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	((66,100,000))	((66,904,000))
	67,607,000	71,085,000
General Fund Appropriation—Federal \$	((3,103,000))	((3,116,000))
	4,003,000	4,316,000
Total Appropriation	\$((139,311,000))	147,011,000

The appropriations in this subsection are subject to the following conditions and limitations:
 (a) \$814,000 for fiscal year 1986 and \$1,086,000 for fiscal year 1987 from the general fund—federal appropriation are provided solely for compliance with the Medicare survey of eastern state hospital.

(b) \$86,000 for fiscal year 1986 and \$114,000 for fiscal year 1987 from the general fund—federal appropriation are provided solely for continuation of five positions at the child study and treatment center added in the 1983-1985 biennium.

(c) \$1,419,000 for fiscal year 1986 and \$4,181,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for compliance with the Medicare survey of western state hospital.

(d) \$20,000 for fiscal year 1986 and \$20,000 for fiscal year 1987 from the general fund—state appropriation are provided solely to conduct a study to develop alternatives for the long range use of Northern state hospital.

(e) \$15,000 for fiscal year 1986 and \$15,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for a neurologically impaired service center pilot project to be established on the grounds of Northern state hospital.

(3) PROGRAM SUPPORT

	FY 1986	FY 1987
General Fund Appropriation—State \$	1,439,000	1,438,000
General Fund Appropriation—Federal \$	771,000	771,000
Total Appropriation	\$4,419,000	

The appropriations in this section are subject to the following conditions and limitations:
 \$38,000 for fiscal year 1986 and \$38,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for an allocation to a nonprofit agency advocating for the mentally ill for the purposes of technical assistance to state agencies, educational programs, outreach and family support, self-help support groups, and patient advocacy.

(4) SPECIAL PROJECTS

	FY 1986	FY 1987
General Fund Appropriation—Federal \$	111,000	111,000

Total Appropriation \$222,000

Sec. 204, Section 206, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	30,435,000	((30,969,000)) 32,562,000
General Fund Appropriation—Federal \$	((26,046,000)) 26,678,000	((26,252,000)) 27,378,000
Total Appropriation	\$((113,702,000)) 117,053,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$56,000 for fiscal year 1986 and \$56,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(b) \$1,952,000 for fiscal year 1986 of which \$1,144,000 is from the general fund—state appropriation and \$1,952,000 for fiscal year 1987 of which \$1,144,000 is from the general fund—state appropriation, is provided solely to increase compensation for staff providing treatment and training in division contracted community residential and training programs. Contracts with vendors shall specify the amount of payments to be used solely for this purpose.

(c) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(d) If House Bill No. 1702 or Substitute Senate Bill No. 4719 is enacted, creating 42 new community residential beds and/or placements, by June 30, 1986, \$1,931,000 for fiscal year 1987, of which \$1,573,000 is from the general fund—state appropriation, is provided solely for the establishment of 90 additional community residential beds and/or placements for a combined total of 132 new community residential beds and/or placements which will result in the reduction of the average daily population at the Rainier school to not more than 500 by June 30, 1987: PROVIDED, That:

(i) The department shall develop an appropriate, cost-conscious configuration of community residential beds and/or placements within the funds appropriated;

(ii) If the net cost to develop the additional 90 community residential beds and/or placements is less than the amount contained in subsection (1)(d) of this section, the savings shall revert;

(iii) The department shall apply for a federal Title XIX waiver for financial participation for the residents transferred from the Rainier school to community living; and

(iv) If neither House Bill No. 1702 nor Substitute Senate Bill No. 4719 is enacted by June 30, 1986, the funds provided in this subsection (1)(d) shall revert.

(e) \$20,000 for fiscal year 1987 from the general fund—state appropriation is provided solely for continued support of the deaf/blind service center. This amount represents a transfer of moneys from the administration and supporting services program.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	53,405,000	((52,612,000)) 47,385,000
General Fund Appropriation—Federal \$	((37,330,000)) 40,620,000	((37,330,000)) 47,744,000
Total Appropriation	\$((100,077,000)) 189,154,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) If Substitute Senate Bill No. 4658 is enacted by June 30, 1986, the secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce services to existing clients.

(b) If House Bill No. 1702 or Substitute Senate Bill No. 4719 is enacted on or before June 30, 1986, the department shall:

(i) Reduce the average daily population of the Rainier school to not more than 500 by June 30, 1987; and

(ii) If the net cost of community residential beds and/or placements is less than that assumed in the cost estimate contained in subsection (1)(d) of this section for the transfer of Rainier school residents to community living, such savings shall revert.

(c) The department shall apply for a federal Title XIX waiver for financial participation for the residents transferred from the Rainier school to community living.

(d) If neither House Bill No. 1702 nor Substitute Senate Bill No. 4719 is enacted by June 30, 1986, the general fund—state appropriation in this subsection for fiscal year 1987 shall be increased by \$427,000 and the general fund—federal appropriation in this subsection for fiscal year 1987 shall be increased by \$427,000.

(e) Prior to the community placement of a resident of Rainier School pursuant to subsection (2) (b) through (d) of this section, the department shall ensure that the review process established by RCW 72.33.161 is utilized.

(3) PROGRAM SUPPORT

		FY 1986	FY 1987
General Fund Appropriation—State	\$	1,652,000	1,652,000
General Fund Appropriation—Federal	\$	388,000	388,000
Total Appropriation		\$4,080,000	

~~((4) SPECIAL PROJECTS~~

		FY 1986	FY 1987
General Fund Appropriation—State	\$	54,000	54,000
General Fund Appropriation—Federal	\$	666,000	666,000
Total Appropriation		\$1,320,000)	

Sec. 205, Section 207, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

		FY 1986	FY 1987
General Fund Appropriation—State	\$	137,965,000	((132,964,000)) 136,509,000
General Fund Appropriation—Federal	\$	120,741,000	((126,895,000)) 129,895,000
Total Appropriation		\$ ((518,565,000)) 525,110,000	

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

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) \$187,048,000 for fiscal year 1986, of which \$94,078,000 is from the general fund—state appropriation, and ~~\$((186,104,000))~~ 194,104,000 for fiscal year 1987, of which ~~\$((94,610,000))~~ 97,610,000 is from the general fund—state appropriation, are provided for nursing home services.

~~(a) ((If Substitute Senate Bill No. 3390 is not enacted before July 1, 1985, \$2,500,000 in fiscal year 1986 and \$2,500,000 in fiscal year 1987 of the general fund—state appropriation shall be provided solely for full-scope audits under chapter 74.46 RCW as interpreted by the state auditor.~~

~~(b))~~ Rates shall be adjusted for inflation under RCW 74.46.495 by 3% on July 1, 1985, and on July 1, 1986.

~~((c))~~ (b) Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

~~((d))~~ (c) \$65,000 for fiscal year 1986 and \$65,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for prospective rate increases for installation of sprinkler systems in facilities not meeting federal and state fire safety requirements.

(3) \$63,899,000 for fiscal year 1986, of which \$39,543,000 is from the general fund—state appropriation, and \$64,554,000 for fiscal year 1987, of which \$34,555,000 is from the general fund—state appropriation, are provided solely for community-based long-term care services including congregate care, adult family home care, chore services, home health care, nutrition services, transportation services, and case management services.

(a) Vendor rate adjustments shall average 3% on January 1, 1986.

(b) Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

(c) \$80,000 for fiscal year 1986 and \$80,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to purchase insurance coverage for adult family homes in order to promote participation in the program.

(d) \$41,000 for fiscal year 1986 and \$41,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to extend eligibility for adult family home and congregate care services to adult protective services clients.

(e) \$200,000 for fiscal year 1986 and \$200,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for case management services under the senior citizen services act for adult protective services clients.

(f) \$7,558,000 for fiscal year 1986 and \$7,666,000 for fiscal year 1987 from the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(g) \$39,225,000 for fiscal year 1986, of which \$25,611,000 is from the general fund—state appropriation, and \$39,286,000 for fiscal year 1987, of which \$19,762,000 is from the general

fund—state appropriation, shall be initially allotted for chore services. The department shall revise eligibility and cost-sharing criteria and/or establish waiting lists for the chore services program, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year, including state general fund moneys used to match federal moneys under the community options programs entry system.

(4) The bureau of nursing home affairs shall increase patient review staff by two full time equivalents not later than October 1, 1985.

(5) ~~\$(545,000 for fiscal year 1986)~~ 1,090,000 of the general fund—state appropriation is provided solely to continue the three respite care demonstration projects as established and defined under chapter 158, Laws of 1984 until June 30, ~~((1986))~~ 1987.

Sec. 206, Section 208, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	((213,137,000))	((224,186,000))
	<u>226,695,000</u>	<u>239,686,000</u>
General Fund Appropriation—Federal \$	((171,118,000))	((178,924,000))
	<u>185,518,000</u>	<u>193,724,000</u>
Total Appropriation	\$((787,365,000))	
	<u>845,623,000</u>	

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

(1) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1987.

(2) Not later than October 1, 1985, the department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(3) Grant payment standards and vendor rates shall be increased by 3% on January 1, 1986, above the standards and rates in effect on March 1, 1985, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.

(4) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$100,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8	or more
Exemption:	\$30	39	46	56	63	72	84	92	

(5) The department shall establish a study committee to examine the general assistance income and medical programs. The committee shall particularly examine the structure of the general assistance—unemployable program as it relates to treatment programs for alcoholism, mental illness, and substance abuse. The committee shall include representatives of affected department programs, treatment providers, community advocacy groups, legal services, and the legislature. The committee shall examine alternative treatment or assistance methods which would increase client incentives to overcome their illnesses, while providing necessary assistance. The report shall include detailed historical and projected income and medical caseload and cost information by client group. The report shall further identify policy changes, statutory or otherwise, which have affected caseload levels and costs. The department shall report the findings and recommendations of the study committee to the appropriate committees of the senate and house of representatives by January 15, 1987.

(6) The department of social and health services shall seek a waiver to delay implementation of the sales tax exemption on food stamp purchases in accordance with Public Law 99-198.

Sec. 207, Section 211, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	21,765,000	((21,646,000))
		<u>22,846,000</u>

General Fund Appropriation—Federal	\$	(33,260,000)	(33,375,000)
		34,317,000	35,718,000
General Fund Appropriation—Local	\$	4,024,000	3,996,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Appropriation	\$	22,444,000	22,444,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Reappropriation	\$	28,908,000	
Total Appropriation	\$	(191,862,000)	196,462,000

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

(1) No funds shall be expended directly or indirectly for the production or distribution of any materials regarding homosexual sex safety.

(2) Vendor rate adjustments shall average 3% on January 1, 1986.

(~~(2)~~) (3) \$1,000,000 for fiscal year 1986 and \$1,000,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to public and private non-profit community health centers serving populations that lack access to affordable health care. Grants awarded under this subsection shall be used by the centers to provide primary health care services to persons who have no health care coverage. The grants shall be in addition to any federal or other funding available to the centers. No center may receive funding under this subsection if it fails or refuses to provide medically necessary care on the basis of any patient's inability to pay or lack of coverage, or if it does not contract with the department to provide care under the medical assistance program. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of community health centers to assure compliance with the purposes of this subsection. In awarding grants, the secretary shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(~~(3)~~) (4) \$43,000 for fiscal year 1986 and \$43,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 187, Laws of 1984, regarding standards for organic chemicals in drinking water.

(~~(4)~~) (5) \$34,000 for fiscal year 1986 and \$34,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 156, Laws of 1984, regarding compiling of information on sentinel birth defects.

(~~(5)~~) (6) \$90,000 for fiscal year 1986 and \$90,000 for fiscal year 1987 of the general fund—local appropriation are provided solely for monitoring and implementation of health and sanitation standards for agricultural labor camps under chapter 248-63 WAC, as adopted by the state board of health in 1984. In health jurisdictions where there is no agreement with the local health officer for local enforcement of the standards, the department shall enforce the standards and charge fees under RCW 43.20A.670 in amounts sufficient to cover its enforcement costs.

(~~(6)~~) (7) \$260,000 for fiscal year 1986 and \$276,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for contracts on a competitive selection basis to public and private nonprofit nationally recognized academic or research organizations engaged in cancer research or in research concerning the effects of smoking on the cardiovascular and respiratory systems.

(~~(7)~~) (8) \$593,000 for fiscal year 1986 and \$554,000 for fiscal year 1987 of the general fund—local appropriation is provided solely for radiation control activities, including those required under Engrossed Substitute Senate Bill No. 3799 and Engrossed Second Substitute House Bill No. 3.

(9) \$2,800,000 of the general fund—federal appropriation is provided solely to continue prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program. The department shall pay for direct prenatal care, including delivery and postpartum medical services, and including the services of licensed nurse midwives where appropriate, as defined by the department, at rates not exceeding those paid under the medical assistance program and only to the extent of available funds. The department may also provide educational services to low-income women regarding the importance of early prenatal care through the development or acquisition of pamphlets or

video tapes to be distributed through county health departments, schools, and other appropriate social and health services agencies and organizations. Not later than January 1, 1987, the department shall submit a report to the social and health services and ways and means committees of the senate and house of representatives on the prenatal program. The report shall include definitions of eligibility, numbers of persons served, an estimate of the number of persons potentially eligible for program services and, if the department has requested funding to continue the program in the 1987-89 biennium, a proposal for legislation establishing the program in statute.

(10) \$600,000 of the general fund—federal appropriation is provided solely for increased vaccine costs.

(11) \$1,000,000 from the general fund—state appropriation is provided solely for adult dental services that are not mandated by Title XIX of the federal social security act. The department shall contract for these services with public and private nonprofit community health centers serving populations that lack access to affordable dental health care. The department shall impose such limitations as may be necessary to provide services throughout fiscal year 1987.

Sec. 208. Section 213, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	31,922,000	((31,049,000))
		31,029,000
General Fund Appropriation—Federal \$	19,555,000	19,477,000
General Fund—Institutional Impact		
Account Appropriation \$	37,000	37,000
Total Appropriation	\$(102,077,000))	
	102,057,000	

The appropriations in this section are subject to the following conditions and limitations: The department of social and health services shall transfer from its various programs up to \$1,600,000 from the general fund—state appropriations from the operating programs to the administration and support services program for travel, goods and services, and equipment for the biennium ending June 30, 1987, and revise initial allotments accordingly.

Sec. 209. Section 214, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	((61,040,000))	((62,614,000))
	61,870,000	62,578,000
General Fund Appropriation—Federal \$	((72,747,000))	((72,979,000))
	72,777,000	72,995,000
General Fund Appropriation—Local \$	366,000	366,000
Total Appropriation	\$(270,912,000))	
	270,952,000	

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

(1) Department staff shall assist general assistance clients in establishing eligibility for social security and/or supplemental security income benefits. The assistance shall include providing to the client or the appropriate social security office any documentation of the client's disability and, if appropriate, referral to legal counsel with expertise in social security law.

(2) The department shall provide a comprehensive report to the legislature no later than January 15, 1987, on all child day care programs currently being provided, including but not limited to programs related to seasonal and regular employment, child welfare or protection, training, and education. To the extent possible, the report shall provide historical and projected data by program on the number of families and children served, client characteristics, expenditures, eligibility criteria, payment or income disregard levels, and program policy. In addition, the report shall identify programs or services mandated or prioritized by federal or state statutes or rules and identify variations in administrative processes or eligibility determination among programs. The department shall also study and report on the cost effectiveness of current child care programs for employed parents and parents in training. The study shall measure the effectiveness of these programs in reducing or avoiding public assistance costs on both a short- and long-term basis. The report shall include an analysis of existing programs and recommendations regarding continuing, revising, or discontinuing any existing programs.

(3) \$300,000, of which \$150,000 is from the general fund—state appropriation, is provided solely to implement the employment partnership program created in Engrossed Second Substitute House Bill No. 1505. If Engrossed Second Substitute House Bill No. 1505 is not enacted by July 1, 1986, the amounts provided by this subsection shall revert.

(4) The department shall develop a program to supplement the community work and training program for recipients of food stamps established under RCW 74.04.477.

The supplemental program shall provide that the program be extended to an additional four counties, two east and two west of the Cascade mountains, and shall serve a minimum of three thousand recipients, in fiscal year 1987. The supplemental program shall be run under the same terms and conditions as set forth in RCW 74.04.477 and the regulations thereunder.

(5) The department shall develop a program to supplement the community work and training program for recipients of aid to families with dependent children established under RCW 74.04.473. The supplemental program shall provide for community work and training services to minimum of five hundred recipients during fiscal year 1987 under the same terms and conditions as set forth in RCW 74.04.473 and the regulations thereunder.

Sec. 210. Section 215, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	7,815,000	8,043,000
General Fund Appropriation—Federal \$	15,556,000	((+6,693,666))
		<u>16,693,000</u>
General Fund Appropriation—Local \$		200,000
Total Appropriation \$	<u>S((47,567,000))</u>	
	48,307,000	

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

(1) \$1,195,000 for fiscal year 1986, of which \$359,000 is from the general fund—state appropriation, and \$1,597,000 for fiscal year 1987, of which \$478,000 is from the general fund—state appropriation, are provided solely to implement the order of the King county superior court in Carter v. Simpson, cause number 82-5-50039-0. If this order is reversed on appeal, the unexpended balance of the amounts provided in this subsection shall revert.

(2) In serving custodial parents not on public assistance who apply for support enforcement services, the department shall, to the maximum extent permitted by federal and state law, give priority to cases in which the custodial parent is at risk of becoming eligible for aid to families with dependent children.

(3) The department shall study and make recommendations to the legislature regarding a comprehensive and equitable plan for determining financial responsibility of clients and relatives of clients who receive department-provided or department-funded services. A committee shall be established to oversee the study, to be composed of representatives of the department, the affected population, the public, and other branches of government, including both caucuses of both houses of the legislature. The secretary of social and health services, or the secretary's designee, shall serve as chairperson of the committee. The study shall consider the legal, ethical, financial, managerial, and pragmatic consequences of the imposition of financial responsibility on utilizers of services provided or funded by the department. The study specifically shall address, but is not limited to:

- (a) The level of financial responsibility assessed under existing statutes and policy for utilization of various department services by clients and their responsible relatives;
- (b) The effect of financial responsibility on discouraging the utilization of necessary services provided by the department; and
- (c) An equitable method of assessing the amount of financial responsibility.

The study findings shall be submitted to the appropriate committees of the house of representatives and the senate no later than November 1, 1986, along with any recommendations for legislative action.

Sec. 211. Section 217, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

	FY 1986	FY 1987
General Fund Appropriation—State \$	((6,383,000))	((6,146,000))
	6,442,000	9,478,000
General Fund Appropriation—Federal \$	((70,233,000))	70,406,000
	<u>68,233,000</u>	
General Fund—Building Code Council Account Appropriation \$	84,000	120,000
Public Works Assistance Account Appropria- tion \$	204,000	303,000
Total Appropriation \$	<u>S((153,372,000))</u>	
	155,270,000	

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

(1) \$975,000 for fiscal year 1986 and \$975,000 for fiscal year 1987 of the general fund—state appropriation shall be used solely for grants in aid to public or private nonprofit organizations operating shelters for homeless persons. Grants awarded under this subsection shall be

used to provide temporary emergency shelter, including either direct shelter services or vouchers to pay for low-cost commercial accommodations, to persons and families who are without housing and lack funds to purchase lodging. Priority in awarding grants shall be given to organizations which do not otherwise receive state general funds. Grantee organizations shall give priority in the use of grant funds to shelter for families and children. Grants shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state(including rural areas)) as demonstrated by the estimated number of unserved homeless persons in each area.

(2) \$475,000 for fiscal year 1986 and \$475,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to public or private nonprofit organizations operating food banks which distribute food without charge to persons unable to purchase enough food for their subsistence, and to public or private nonprofit organizations operating food distribution systems that furnish donated or purchased food to food banks. Grants awarded under this subsection shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Sixty percent of the funds under this subsection shall be provided to food banks and forty percent to food distribution organizations. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(3) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation is provided solely for administration of grants in aid to emergency shelter and food programs under subsections (1) and (2) of this section.

(4) If Second Substitute House Bill No. 738 is not enacted by July 1, 1985, \$250,000 in fiscal year 1986 and \$250,000 in fiscal year 1987 of the general fund—state appropriation shall revert.

(5) \$120,000, of which \$96,000 is from the general fund—state appropriation for fiscal year 1986 and \$24,000 is from the general fund—building code council account appropriation for fiscal year 1986, and \$120,000 from the general fund—building code council account appropriation for fiscal year 1987 is provided solely to implement Engrossed Substitute Senate Bill No. 3261. The general fund—state appropriation shall be paid back to the state general fund from the building code council account by June 30, 1989.

(6) \$60,000 of the general fund—building code council account appropriation for fiscal year 1986 is provided solely to implement Substitute House Bill No. 1114. The funds generated from the surcharge on building permits established by SHB 1114 shall be deposited in the general fund—building code council account. If federal funds are available for the purposes of SHB 1114, a portion of the amount provided in this subsection equal to the amount of available federal funds shall revert.

(7) A maximum of \$100,000 for fiscal year 1986 and \$100,000 for fiscal year 1987 of the general fund—state appropriation may be spent in a study of mitigating the impact of the proposed Navy home port at Everett, Washington.

(8) \$2,970,000 of the general fund—state appropriation for fiscal year 1987 is provided solely to initiate preschool state education and assistance programs at the local level in accordance with chapter 418 (E2SHB 1078), Laws of 1985 (early childhood assistance act).

(9) \$46,000 of the general fund—state appropriation for fiscal year 1986 is provided solely for the reimbursement of government and nonprofit entities for costs incurred in controlling fires on the L.T. Murray Range.

(10) \$200,000 for fiscal year 1986 and \$550,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for the state matching funds for the federal emergency management agency grant for damages caused by heavy rains, flooding, mud slides, and wind which occurred on January 16-25, 1986.

NEW SECTION. Sec. 212. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	108,000
General Fund Appropriation—Federal	\$	1,212,000
Total Appropriation	\$	1,320,000

The appropriations in this section are provided solely for the operation and support of the developmental disabilities planning council. However, moneys expended under this section shall not exceed amounts remaining unexpended from the moneys appropriated by section 206(4), chapter 6, Laws of 1985 ex. sess.

Sec. 213. Section 221, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

	FY 1986	FY 1987
General Fund—Public Safety and Education Account Appropriation \$	((67,000))	((67,000))
	<u>65,000</u>	<u>58,000</u>
Accident Fund Appropriation \$	1,893,000	1,848,000
Medical Aid Fund Appropriation \$	1,893,000	1,848,000
Total Appropriation	\$((7,616,000))	
	<u>7,605,000</u>	

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

(1) \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the accident fund appropriation, and \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the medical aid fund appropriation, are provided solely for a mediation program and the publication and indexing of board decisions, as provided in Substitute Senate Bill No. 4190. If the bill is not enacted by July 1, 1985, the amounts provided shall revert.

(2) If HB 1869 is not enacted before April 1, 1986, \$13,000 of the public safety and education account appropriation shall revert.

Sec. 214. Section 222, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

	FY 1986	FY 1987
General Fund—Death Investigations Account Appropriation \$	15,000	15,000
General Fund—Public Safety and Education Account Appropriation \$	((3,506,000))	((3,506,000))
	<u>3,450,000</u>	<u>3,282,000</u>
Total Appropriation	\$((7,042,000))	
	<u>6,762,000</u>	

The appropriations in this section are subject to the following conditions and limitations: If HB 1869 is not enacted before April 1, 1986, \$351,000 of the public safety and education account appropriation shall revert.

Sec. 215. Section 223, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

	FY 1986	FY 1987
General Fund Appropriation \$	4,014,000	3,795,000
General Fund—Public Safety and Education Account Appropriation \$	3,952,000	3,954,000
Accident Fund Appropriation \$	35,481,000	34,916,000
Electrical License Fund Appropriation \$	3,642,000	3,651,000
Medical Aid Fund Appropriation \$	34,530,000	33,868,000
Plumbing Certificate Fund Appropriation \$	218,000	((210,000))
		<u>314,000</u>
Pressure Systems Safety Fund Appropriation . . . \$	524,000	531,000
Worker and Community Right to Know Fund Appropriation \$	540,000	961,000
Farm Worker Revolving Fund Appropriation—Local \$	78,000	72,000
Total Appropriation	\$((164,945,000))	
	<u>165,041,000</u>	

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

(1) The department shall establish a review committee. The review committee shall monitor on a regular quarterly basis the progress reports and work plans of the agency's information systems, including the medical information and payment system (MIPS), to ensure executive-level oversight and control of the data processing and management information systems within the agency. The review committee shall include representatives of the department of labor and industries, the office of financial management, and other appropriate persons.

(2) \$160,000 of the general fund appropriation is provided solely as a loan for the worker-right-to-know program and shall be repaid to the general fund when sufficient funds are available in the worker and community right to know fund.

(3) The farm worker revolving fund appropriation is provided solely for increased activities in connection with the licensing and regulation of farm labor contractors under ((Substitute House Bill No. 199)) chapter 280, Laws of 1985. If the bill is not enacted by July 1, 1985, this appropriation shall lapse.

Sec. 216. Section 224, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF PRISON TERMS AND PAROLES

	FY 1986	FY 1987
General Fund Appropriation	\$ ((1,458,000))	((1,294,000))
	1,506,000	1,342,000
Total Appropriation	\$((2,752,000))	2,848,000

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

(1) \$77,000 for fiscal year 1986 and \$77,000 for fiscal year 1987 of the general fund—state appropriation are provided to continue the board membership at seven members through June 30, 1986, under Engrossed Substitute House Bill No. 204. If Engrossed Substitute House Bill No. 204 is not enacted by July 1, 1985, the amounts provided shall revert.

(2) \$36,000 of the general fund—state appropriation is provided solely for one-time overtime costs associated with meeting the requirements of In re Obert Myers, 105 Wn.2d ... (February 13, 1986).

(3) \$60,000 of the general fund—state appropriation is provided solely for one-time attorney general costs associated with meeting the requirements of In re Obert Myers, 105 Wn.2d ... (February 13, 1986).

Sec. 217. Section 226, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 2,526,000	((2,526,000))
		2,801,000
General Fund Appropriation—Federal	\$ 75,144,000	75,144,000
General Fund Appropriation—Local	\$ 3,866,000	3,866,000
Administrative Contingency Fund		
Appropriation—Federal	\$ 3,204,000	3,204,000
Unemployment Compensation Administration		
Fund Appropriation	\$ 52,696,000	52,696,000
Total Appropriation	\$((274,872,000))	275,147,000

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

(1) In administering the work incentive program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

(2) \$300,000 for fiscal year 1986 and \$300,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for contracting with other agencies for the Washington conservation corps. None of these funds may be spent by the employment security department for administration.

(3) \$275,000 of the general fund—state appropriation for fiscal year 1987 is provided solely for contracting with community nonprofit groups for comprehensive job-generation community development projects with substantial private sector financial and planning support. None of these funds may be spent by the employment security department for administration.

Sec. 218. Section 228, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE CORRECTIONS STANDARDS BOARD

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 346,000	346,000
General Fund Appropriation—Federal	\$ 36,000	36,000
General Fund—Local Jail Improvement		
and Construction Account Appropria-		
tion	\$ 21,232,000	((11,904,000))
Total Appropriation	\$((33,900,000))	17,104,000
	39,100,000	

The appropriations in this section are subject to the following conditions and limitations: A maximum of \$875,000 from moneys that are turned back to the local jail improvement and construction account from existing projects authorized by the board on or before February 7, 1986, and any unobligated interest earned shall be provided for the Kitsap county jail extension project.

PART III
NATURAL RESOURCES

Sec. 301. Section 301, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

	FY 1986	FY 1987
General Fund Appropriation—State \$	818.000	((777.000))
General Fund Appropriation—Federal \$	7,281.000	792.000
General Fund Appropriation—Geothermal Account/Federal \$	42.000	44.000
General Fund—Building Code Council Account Appropriation \$	375.000	375.000
Total Appropriation	<u>\$((16,409.000))</u>	<u>1,624.000</u>

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

(1) \$122,000 in each fiscal year is provided solely for the state building energy management program. The office of financial management shall revert savings in state agency budgets resulting from this program.

(2) The general fund—building code council account appropriation is provided solely for an in situ testing program by the University of Washington college of architecture and department of mechanical engineering, of annual thermal transmittance of individual construction components and conservation measures proposed for new residential construction by the Pacific northwest electric power planning and conservation council. These funds shall be inclusive of administrative costs incurred by the state energy office. The funds generated from the surcharge on building permits established in Substitute House Bill No. 1114 shall be deposited in the general fund—building code council account. This appropriation is limited to the amount of revenues in the building code council account.

(3) \$15,000 of the fiscal year 1987 general fund—state appropriation is provided solely for membership assessments in the western interstate energy board.

Sec. 302. Section 303, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

	FY 1986	FY 1987
General Fund Appropriation—State \$	((21,250.000))	((21,143.000))
General Fund Appropriation—Federal \$	20,873.000	22,136.000
General Fund Appropriation—Private/Local \$	64.000	((64.000))
		<u>460.000</u>
General Fund—Hazardous Waste Control and Elimination Account Appropriation . . . \$	1,154.000	1,158.000
General Fund—Flood Control Account Appropriation \$	2,000.000	2,000.000
General Fund—Special Grass Seed Burning Account Appropriation \$	35.000	35.000
General Fund—Reclamation Revolving Account Appropriation \$	561.000	562.000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess. \$	311.000	335.000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.: Reappropriation . . . \$	3,000.000	3,570.000
Water Project Revolving Account Subtotal \$	3,311.000	3,905.000
General Fund—Litter Control Account Appropriation \$	2,356.000	((2,394.000))
		<u>2,929.000</u>
((General Fund—Water Quality Account Appropriation \$	10,000.000	90,000.000))
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26) \$	363.000	373.000

General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26): Reappropriation	\$	20,000,000	26,278,000
Referendum 26 Subtotal	\$	20,363,000	26,651,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	39,346,000	39,441,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39): Reappropriation	\$	130,000,000	127,400,000
Referendum 39 Subtotal	\$	169,346,000	166,841,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities	\$	3,354,000	3,412,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation	\$	18,000,000	18,043,000
Water Supply Subtotal	\$	21,354,000	21,455,000
Stream Gaging Basic Data Fund Appropriation	\$	100,000	100,000
Total Appropriation	\$	(608,466,000) 509,999,000	

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

(1) On or before October 1, 1985, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1985-87 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each bond proceed account. The department shall submit updates for the master compilation to the committees on ways and means and the office of financial management at six-month intervals during the 1985-87 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means and the office of financial management thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. If the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed by this subsection.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) ~~((Contingent on the enactment of House Bill No. 811, House Bill No. 1081, Substitute Senate Bill No. 3763, or Engrossed Second Substitute Senate Bill No. 3827, the appropriation from the water quality account may be expended by the department to pay up to 50% of the eligible~~

cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution or water storage facilities which enhance water quality. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds:

~~((6))~~ (6) In order to monitor the expenditure of Referendum 38 funds that are to be expended prior to the use of funds provided by Second Substitute Senate Bill No. 4136, the department of ecology shall provide an annual report to the legislature of the funds remaining from Referendum 38 and the projects that are in work and awaiting approval. If SSB 4136 is not enacted by July 1, 1985, the annual reports shall not be required.

~~((7))~~ (7) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.

~~((8))~~ ~~((6))~~ Not more than \$10,545,000 of the general fund—state appropriation for fiscal year 1986 and ~~\$(10,473,000)~~ 11,302,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the hazardous waste and air quality program. ~~((This includes funds necessary to implement Engrossed Substitute House Bill No. 975.))~~ The spending limits under this subsection include up to \$1,310,000 for implementation of chapter 448, Laws of 1985 (E2SSB 975). Moneys provided in subsection (11) of this section are in addition to the moneys provided in this subsection.

~~((9))~~ ~~((7))~~ Not more than ~~\$(4,304,000)~~ 3,919,000 of the general fund—state appropriation for fiscal year 1986 and ~~\$(4,301,000)~~ 4,361,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water and land resources program including but not limited to:

- (a) Public water supply reservation;
- (b) Well drilling enforcement;
- (c) Ground/surface water data collection;
- (d) State-wide groundwater planning;
- (e) Increased shoreline management grants to local governments; and
- (f) Shoreline management support.

~~((10))~~ ~~((8))~~ Not more than \$2,155,000 of the general fund—state appropriation for fiscal year 1986 and ~~\$(2,133,000)~~ 2,178,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water quality program including but not limited to:

- (a) Groundwater management and investigation;
- (b) Groundwater technical assistance; and
- (c) Municipal water management.

~~((11))~~ ~~((9))~~ \$985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.

~~((12))~~ ~~((10))~~ \$200,000 of the general fund—state appropriation is provided solely as a loan for the hazardous substances information and education program. At the close of the 1985-87 biennium, the state treasurer shall transfer \$200,000 from the worker and community right to know fund to the general fund. If House Bill No. 865 is not enacted before July 1, 1985, the general fund amount provided in this subsection shall revert and the transfer from the worker and community right to know fund shall not occur.

~~((13))~~ ~~((11))~~ \$354,000 of the general fund—state appropriation is provided solely for the department to develop a state hazardous waste management plan, including criteria for the siting of hazardous waste management facilities.

~~((14))~~ ~~((12))~~ For the purpose of implementing the requirements of a shellfish protection program, including a pilot program for the prevention of nonpoint source pollution of important shellfish resource areas, the department of ecology shall expend up to a maximum of \$300,000 for:

- (a) The development of regulations designating priority shellfish protection resource areas;
- (b) Contracts with local governments and conservation districts to develop plans, educational programs, and other activities to clean up and protect shellfish resource areas; and
- (c) Washington conservation corps activities and other programs to assist land owners in eliminating animal waste related pollution.

~~((15))~~ ~~((13))~~ The office of financial management is authorized to allow the department to deviate from the annual allocation of moneys provided in this section. This authorization pertains only to moneys appropriated and reappropriated for construction grants and hazardous waste remedial action construction contracts.

~~((16))~~ ~~((14))~~ \$470,000 of the general fund—state appropriation and \$396,000 of the general fund—local appropriation are provided solely to implement either Senate Bill No. 4876 or House Bill No. 1655 on low-level radioactive waste. If neither Senate Bill No. 4876 nor House Bill No. 1655 is enacted by July 1, 1986, the amounts provided by this subsection shall lapse.

~~((17))~~ ~~((15))~~ \$57,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 69 (chapter 426, Laws of 1985), dealing with the development of guidelines and standards for the establishment of solid waste trust funds.

~~((18))~~ ~~((16))~~ \$52,000 of the general fund—state appropriation is provided solely to implement House Bill No. 974 (chapter 456, Laws of 1985), dealing with acid rain assessment.

(17) \$45,000 of the general fund—state appropriation is provided solely for water quality laboratory analysis.

(18) \$59,000 of the general fund—state appropriation is provided solely for the conduct of civil and criminal investigations of violations of environmental statutes.

(19) Not more than \$15,000 from the general fund—reclamation revolving account appropriation shall be paid to Cowlitz county as reimbursement for prior contributions of the flood control district to the account.

(20) Not more than \$150,000 from the general fund—private/local appropriation may be expended by the department to perform studies, by contract or otherwise, to define site closure and perpetual care and maintenance requirements for the Hanford low-level radioactive waste disposal facility and to assess the adequacy of insurance coverage for general liability, radiological liability, and transportation liability for the facility. The department shall complete the studies and report its findings to the legislature by December 31, 1987. The department shall make a preliminary progress report to the legislature by December 31, 1986.

Sec. 303. Section 310, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

	FY 1986	FY 1987
General Fund Appropriation	\$ 10,265,000	10,016,000
Motor Vehicle Fund Appropriation	\$ ((258,000))	((261,000))
	281,000	298,000
Total Appropriation	\$((20,000,000))	
	20,860,000	

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

(1) \$1,951,000 of the general fund—state appropriation shall be expended in each fiscal year solely for the University of Washington for the continuation of the Washington high technology center and the center for international trade in forest products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

(2) The motor vehicle fund appropriation shall be used in conformance with constitutional limitations.

(3) \$175,000 of the general fund appropriation is provided solely for the Washington state economic development board. If House Bill No. 627 is not enacted before July 1, 1985, the amount provided in this subsection shall revert.

(4) Not more than \$251,000 of the general fund—state appropriation shall be expended in fiscal year 1986 for the high-technology coordinating board. A plan shall be submitted to the legislature not later than December 20, 1985, detailing the future activities, structure, and costs of the board.

(5) Funds provided for county economic development councils shall be matched at fifty percent, except that no funds contained in this appropriation nor in-kind contributions shall be used for such matching funds.

(6) The department may contract with the small business development center at Washington State University for services to assist the promotion and expansion of small businesses in the state.

(7) The department is authorized to transfer from the surplus of the state trade fair fund not more than \$150,000 to the centennial commission.

(8) \$23,000 for fiscal year 1986 and \$37,000 for fiscal year 1987 from the motor vehicle fund appropriation are provided solely to implement a computer-assisted tourist information network at selected visitor information centers and state highway rest areas. The department shall coordinate with the state department of transportation in establishing the system. All revenue derived from a vendor or vendors associated with the system shall be deposited by the department in the motor vehicle fund.

Sec. 304. Section 312, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

	FY 1986	FY 1987
General Fund—ORV (Off-Road Vehicle)		
Account Appropriation	\$ 123,000	124,000
General Fund—Aquatic Lands Enhancement Account Appropriation	\$ 158,000	158,000
General Fund—Public Safety and Education Account Appropriation	\$ ((233,000))	((245,000))
	225,000	214,000
Game Fund Appropriation—State	\$ ((20,054,000))	((19,565,000))
	20,116,000	19,917,000

Game Fund Appropriation—Federal	\$	5,664,000	5,803,000
Game Fund Appropriation—Private/Local	\$	647,000	646,000
Game Fund—Special Wildlife Account			
Appropriation	\$	148,000	148,000
Total Appropriation		\$(53,736,000)	
		54,091,000	

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

(1) ~~\$(57,000)~~ 57,000 from the game fund—state appropriation is provided solely for legal fees resulting from the Chehalis river contempt hearing.

(2) Not more than \$337,000 from the game fund—state appropriation may be expended for the purposes of chapter 243, Laws of 1985.

(3) If HB 1869 is not enacted before April 1, 1986, \$48,000 of the public safety and education account appropriation shall revert.

Sec. 305. Section 314, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

		FY 1986	FY 1987
General Fund Appropriation—State	\$	\$(15,799,000)	\$(14,992,000)
		22,416,000	14,923,000
General Fund Appropriation—Federal	\$	129,000	129,000
General Fund—ORV (Off-Road Vehicle)			
Account Appropriation	\$	1,508,000	1,488,000
General Fund—Geothermal Account			
Appropriation—Federal	\$	8,000	8,000
General Fund—Forest Development			
Account Appropriation	\$	\$(6,606,000)	\$(6,481,000)
		7,496,000	7,945,000
General Fund—Survey and Maps Account			
Appropriation	\$	362,000	369,000
General Fund—Landowner Contingency			
Forest Fire Suppression Account Approp-			
riation	\$	708,000	724,000
General Fund—Resource Management			
Cost Account Appropriation	\$	\$(24,595,000)	\$(24,655,000)
		26,361,000	27,419,000
Total Appropriation		\$(98,561,000)	
		111,993,000	

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

(1) ~~\$(601,000)~~ 346,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1986, and ~~\$(581,000)~~ 245,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1987, associated with court actions brought by the state against timber companies that have defaulted on timber sales contracts. ~~(Ten percent of all funds recovered by the state in these court actions shall be deposited in the general fund until the total deposited in the general fund equals \$1,182,000.)~~

(2) \$310,000 of the general fund—state appropriation in each fiscal year is provided solely for costs associated with flood damage litigation in Skagit and Whatcom counties.

(3) \$482,000 of the general fund—state appropriation for fiscal year 1986 shall be used solely for the department of natural resources to move from the public lands building and vacate the house office building.

Sec. 306. Section 315, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

		FY 1986	FY 1987
General Fund Appropriation—State	\$	7,482,000	\$(7,352,000)
			7,409,000
General Fund Appropriation—Federal	\$	387,000	354,000
General Fund—Feed and Fertilizer			
Account Appropriation	\$	10,000	7,000
Fertilizer, Agricultural, Mineral and Lime			
Fund Appropriation	\$	214,000	220,000
Commercial Feed Fund Appropriation	\$	246,000	236,000
Seed Fund Appropriation	\$	486,000	498,000
Nursery Inspection Fund Appropriation	\$	315,000	316,000
Livestock Security Interest Fund Appropria-			
tion	\$	21,000	17,000
Total Appropriation		\$(18,123,000)	
		18,218,000	

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

(1) Not more than \$851,000 of the general fund—state appropriation shall be expended in each fiscal year for enhanced export and domestic marketing in the agricultural development program.

(2) Not more than \$549,000 of the general fund—state appropriation in each fiscal year shall be expended for the continuation of the IMPACT center at Washington State University.

(3) \$125,000 for fiscal year 1986 and \$125,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the purchase of materials or biological control agents for controlling or eradicating noxious weeds and shall be available only for distribution by the director of the department to those activated county noxious weed control boards and active weed districts that employ administrative personnel to supervise a weed control program and that have a budget from other than state sources of at least twenty-five thousand dollars annually. The moneys provided under this paragraph shall be allocated to such boards and districts based on the severity of the noxious weed control problems.

(4) \$57,000 of the general fund—state appropriation is provided for the purchase of vaccine for the prevention of brucellosis and for the cost of distributing brucellosis vaccine to veterinarians practicing in the state of Washington, in a manner to be established by the office of state veterinarian.

PART IV
TRANSPORTATION

Sec. 401. Section 401, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

	FY 1986	FY 1987
General Fund Appropriation—State \$	((6,684,000))	((6,611,000))
	<u>6,881,000</u>	<u>6,778,000</u>
General Fund Appropriation—Federal \$	70,000	70,000
General Fund Appropriation—		
Private/Local \$	718,000	539,000
General Fund—Death Investigations		
Account Appropriation \$	12,000	12,000
Total Appropriation	\$((14,716,000))	
	<u>15,080,000</u>	

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

(1) \$95,000 for fiscal year 1986 and \$63,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to operate a missing children clearinghouse under Substitute House Bill No. 242. ((If the bill is not enacted before July 1, 1985, the amounts provided shall revert:))

(2) \$197,000 for fiscal year 1986 and \$167,000 for fiscal year 1987 from the general fund—state appropriation are provided to eliminate backlogs and provide mandated services for the state patrol identification and criminal history section.

Sec. 402. Section 402, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

	FY 1986	FY 1987
General Fund Appropriation \$	6,342,000	((5,697,000))
		<u>6,924,000</u>
General Fund—Architects' License		
Account Appropriation \$	234,000	234,000
General Fund—Medical Disciplinary		
Account Appropriation \$	440,000	440,000
General Fund—Health Professions Account		
Appropriation \$	2,826,000	2,770,000
General Fund—Professional Engineers'		
Account Appropriation \$	405,000	400,000
General Fund—Real Estate Commission		
Account Appropriation \$	2,834,000	2,434,000
Total Appropriation	\$((25,056,000))	
	<u>26,283,000</u>	

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

(1) \$900,000 of the fiscal year 1987 general fund—state appropriation is provided solely for redevelopment and expansion of the master license system. This funding is contingent on interagency transfers of \$200,000 from the department of labor and industries, \$200,000 from the department of employment security, and \$200,000 from the department of revenue. The department shall begin development and pilot testing of common business identification numbers.

(2) \$44,000 of the fiscal year 1987 general fund—state appropriation is provided solely for regulation of commodity-related activities under Senate Bill No. 4527 or Substitute House Bill

No. 1012. If neither Substitute House Bill No. 1012 nor Senate Bill No. 4527 is enacted by July 1, 1986, the amount provided by this subsection shall lapse.

(3) ~~\$151,000~~ of the fiscal year 1987 general fund—state appropriation is provided solely to establish a small business capital formation program under Substitute House Bill No. 205. If Substitute House Bill No. 205 is not enacted by July 1, 1986, the amount provided by this subsection shall lapse.

(4) ~~\$132,000~~ of the fiscal year 1987 general fund—state appropriation is provided solely for registration and regulation of vessel dealers under House Bill No. 1613. If House Bill No. 1613 is not enacted by July 1, 1986, the amount provided by this subsection shall lapse.

Sec. 403. Section 10, chapter 460, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account Appropriation	\$	(2,056,000)
		1,892,000
Highway Safety Fund Appropriation	\$	30,005,000
Highway Safety Fund—Motorcycle Safety Education Account		
Appropriation	\$	193,000
Total Appropriation	\$	((32,254,000))
		32,090,000

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

(1) The appropriations in this section provide no moneys for the administrative suspension of drivers' licenses pursuant to chapter 165, Laws of 1983 (SHB 289).

(2) The appropriations in this section provide no moneys for the "predriver education program" operated by the department and no funds may be expended by the department for this purpose.

(3) If HB 1869 is not enacted before April 1, 1986, \$206,000 of the public safety and education account appropriation shall revert.

PART V
EDUCATION

Sec. 501. Section 501, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	((19,173,000))
		19,298,000
General Fund Appropriation—Federal	\$	7,412,000
General Fund—Public Safety		
and Education Account Appropriation	\$	464,000
Total Appropriation	\$	((27,049,000))
		27,174,000

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

(1) The general fund—public safety and education account appropriation may be expended solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$66,000 of the general fund—state appropriation is provided for compensation of members of the state board of education pursuant to RCW 43.03.240.

(3) The superintendent of public instruction is directed to establish an environmental education task force of natural resource agency representatives, educators, legislators, and concerned citizens to:

- (a) Establish a definition of environmental literacy;
- (b) Identify existing environmental and conservation education resources in the public and private sectors; and
- (c) Conduct a needs assessment to determine how to maximize use of existing environmental education resources and to provide for future needs.

\$5,000 of the general fund—state appropriation is provided solely to establish the environmental education task force. The task force shall report its findings to the committees on education and parks and ecology of the senate and the committees on education and environmental affairs of the house of representatives during the 1986 regular legislative session.

(4) \$58,000 of the general fund—state appropriation is provided solely for teacher exchange activities between the province of Sichuan, China, and the state of Washington. Such funds may be used to offset living expenses and travel costs for not more than three Chinese and three American exchange teachers per year.

(5) A maximum of \$350,000 of the general fund—state appropriation may be expended for the implementation of Second Substitute House Bill No. 141, achievement test/10th grade.

(6) ~~\$((1,550,000))~~ 1,625,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 174, teacher's assistance program.

(7) \$512,000 of the general fund—state appropriation is provided solely for implementation of House Bill No. 849, teacher evaluation.

(8) \$500,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1056, school based management.

(9) \$1,000,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1065, school inservice program.

(10) \$10,000, or so much thereof as is necessary, of the general fund—state appropriation may be expended for implementation of section 2 of House Bill No. 999, authorizing a data base report on educational clinics.

(11) \$50,000 of the general fund—state appropriation is provided solely for the implementation of Substitute House Bill No. 1829, categorical program study. If the bill is not enacted by June 30, 1986, this amount provided by this subsection shall lapse.

Sec. 502, Section 503, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	((3,465,393,660))
		<u>3,436,768,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of the violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

(2) ~~S((317,285,000))~~ 314,650,000 is provided solely for the remaining months of the 1984-85 school year.

(3) Allocations for certificated salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education certificated salary allocation defined in section 504 of this act by the district's formula-generated certificated staff units determined as follows:

(a) One certificated staff unit for each twenty average annual full time equivalent kindergarten, elementary, and secondary students, excluding handicapped full time equivalent enrollment as calculated according to the procedures in the allocation model established in section 506 of this act and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations in subsection (3) (b) through ~~((f))~~ (e) of this section: PROVIDED, That those school districts with a minimum enrollment of 250 full time equivalent students and whose full time equivalent student enrollment count in a given enrollment month exceeds the first of the month full time equivalent enrollment count by 5% shall be entitled to an additional state allocation of 110% of the pro rata share that such enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(b) During the 1985-86 school year, one certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction, for the 1986-87 school year one certificated staff unit for each average annual seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction: PROVIDED, That in skills centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education program.

(c) For districts enrolling not more than twenty-five average annual full time equivalent students and for small school plants within any school district, which small plants enroll not more than twenty-five average annual full time equivalent students and have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For the 1985-86 school year, for those enrolling no students in grades seven or eight, three certificated staff units;

(ii) For the 1985-86 school year, for those enrolling students in either grades seven or eight, four certificated staff units;

(iii) For the 1986-87 school year, for those enrolling no students in grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-twentieth of a certificated staff unit for each additional student enrolled; and

(iv) For the 1986-87 school year, for those enrolling students in either grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-tenth of a certificated staff unit for each additional student enrolled.

(d) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants

within any school district, which small plants enroll more than twenty-five average annual full time equivalent students and have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollments above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated staff unit;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated unit.

~~((d))~~ (e) A district that operates no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students shall be allocated certificated staff units for enrollment in each such high school as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

~~((e))~~ (f) In addition to those staffing ratios specified by RCW 28A.41.140, school districts with an enrollment of at least 100 annual average full time equivalent students in grades kindergarten through third grade shall receive during the 1986-87 school year a certificated unit allocation in addition to that provided in subsection (3)(a) of this section, at a rate of one certificated staff unit per 1,000 annual average full time equivalent students enrolled in grades kindergarten through third grade: PROVIDED, That school districts shall use the additional certificated unit allocation to provide during the 1986-87 school year additional personnel whose primary duty is the daily classroom educational instruction of students.

(4) Allocations for classified salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education classified salary allocation as defined in section 504 of this act by the district's formula-generated classified staff units determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (3) (a), (c), ~~((and))~~ (d), and (e) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(5) Fringe benefit allocations shall be calculated at a rate of 20.03 percent in the 1985-86 school year and 20.08 percent in the 1986-87 school year of certificated salary allocations provided pursuant to subsection (3) of this section, and a rate of 16.86 percent in the 1985-86 school year and 16.91 percent in the 1986-87 school year of classified salary allocations provided pursuant to subsection (4) of this section.

(6) Insurance benefit allocations for the 1985-86 and 1986-87 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (3) of this section and for the number of classified staff units determined in subsection (4) of this section multiplied by 1.152.

(7)(a) For nonemployee related costs with each certificated staff unit determined under subsection (3) (a), (c), ~~((and))~~ (d), and (e) of this section, there shall be provided a maximum of \$5,614 per staff unit in the 1985-86 school year and a maximum of \$5,833 per staff unit in the 1986-87 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (3)(b) of this section, there shall be provided a maximum of \$10,698 per staff unit in the 1985-86 school year and a maximum of \$11,115 per staff unit in the 1986-87 school year.

(8) Allocations for costs of substitutes for classroom teachers shall be provided at a rate of \$268 per full time equivalent basic education classroom teacher during the 1985-86 and 1986-87 school years.

(9) The superintendent shall distribute a maximum of \$3,010,000 outside the basic education formula during fiscal years 1986 and 1987 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$320,000 may be expended in fiscal year 1986 and a maximum of \$342,000 in fiscal year 1987.

(b) For summer vocational programs at skills centers, not more than ~~\$(999,000)~~ 771,000 shall be expended in fiscal year 1986 and not more than \$1,077,000 in fiscal year 1987.

(c) For school district emergencies, a maximum of \$136,000 may be expended in fiscal year 1986 and a maximum of \$136,000 may be expended in fiscal year 1987.

(10) A maximum of \$125,000 shall be distributed to enhance funding provided in subsections (3) through (9) of this section in the 1986-87 school year for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands.

NEW SECTION. Sec. 503. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—RETIREMENT BENEFITS

General Fund—Revenue Accrual Account

Appropriation \$ 11,254,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funds appropriated in this section in proportion to the state-supported classified salary allocation to each district.

(2) Funds appropriated in this section are intended to fully fund employer contributions to the public employees' retirement system.

Sec. 504. Section 504, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION

General Fund Appropriation \$ 46,162,000

(1) For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(a) "LEAP Document 7" means the computer tabulation of 1984-85 derived base salaries for basic education certified staff and 1984-85 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 11, 1985, at 10:36 hours.

(b) "Revised LEAP Document 7" means the computer tabulation of certificated and classified derived base salaries as developed by the legislative evaluation and accountability program committee on February 27, 1986, at 9:41 hours.

(c) For the purposes of the appropriation in section 501 of this 1986 act, each district's average basic education certificated salary allocation shall be the district's certificated derived base salary shown on LEAP Document 7, multiplied by the district's prior year staff mix factor calculated using LEAP Document 1.

((c)) (d) For the purposes of the appropriation in section 501 of this 1986 act, each district's average basic education classified salary allocation for both the 1985-86 and 1986-87 school years shall be the district's classified derived base salary multiplied by the district's prior year classified increment mix factor, as specified in this section. For the 1985-86 school year, the classified derived base salary for each district shall be the average classified salary specified for each district in LEAP Document 7 divided by the 1984-85 classified increment mix factor for each district calculated according to the formula used by the superintendent of public instruction in the 1984-85 school year. By December 1, 1985, the superintendent of public instruction shall provide to the legislative evaluation and accountability program committee the appropriate data with which to modify LEAP Document 7 to reflect the classified derived base salary for use in the 1986-87 school year.

(e) "Incremental fringe benefits" means 19.44 percent for certificated staff and 15.49 percent for classified staff, which percentages shall be the fringe benefit rates applied to all salary increases provided in this section, and is for employer contributions to employee benefits and retirement benefits.

(2) For the purposes of RCW 28A.58.095 and section 503(1) of this act, the following conditions and limitations apply:

(a) Effective September 1, 1986, each school district is authorized to grant salary increases that increase the district's actual basic education certificated derived base salary for the 1986-87 school year to no more than the sum of: (i) The district's certificated derived base salary as shown on revised LEAP Document 7; and (ii) three percent of the state-wide average certificated derived base salary as shown on revised LEAP Document 7.

(b) Effective September 1, 1986, each school district is authorized to grant salary increases that increase the district's actual basic education classified derived base salary for the 1986-87 school year to no more than the sum of: (i) The district's classified derived base salary as shown on revised LEAP Document 7; and (ii) three percent of the state-wide average classified derived base salary as shown on revised LEAP Document 7.

(c) The maximum average percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized pursuant to this section for the district's basic education program.

((b)) (d) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1985-86 or 1986-87 school year which would raise the rate per full time equivalent unit to over \$167 per month.

((c)) (e) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

((d)) (f) Seniority increments granted by a school district pursuant to the district's salary schedule for classified employees shall constitute salary increase in the year in which the increments are given to the extent only that the aggregate of the increments granted by the district exceeds the amount of the district's increments calculated using the formula adopted by the superintendent of public instruction for the classified increment mix factor.

(g) Districts may elect an alternate measure of salary compliance for classified staff by comparing base salaries of 1986-87 staff to the imputed base that was or would have been paid the same staff in the same positions during 1985-86 if the districts electing this alternative certify by board resolution that any amount in excess of state-funded salary levels in each year henceforward is solely a district obligation created through local district personnel policies and salary schedule placements, and that the effect shall neither incur nor imply any current or future funding obligation by the state.

(3)(a) A maximum of \$650,000 of the appropriation in this section is provided to fund the conversion from LEAP Document 7 to revised LEAP Document 7, effective September 1, 1986. The superintendent of public instruction shall distribute these moneys to fund increases in salary costs and incremental fringe benefits resulting from using revised LEAP Document 7 to calculate allocations for certificated and classified staff units as in section 501 of this 1986 act.

(b) \$28,582,000 is provided, effective September 1, 1986, to increase funding for each basic education certificated staff unit allocated for the 1986-87 school year in section 501 of this 1986 act by an amount equal to the district's 1985-86 LEAP Document 1 basic education staff mix factor times three percent of the state-wide average certificated derived base salary as shown on revised LEAP Document 7, and for incremental fringe benefits.

(c) \$5,926,000 is provided, effective September 1, 1986, to increase funding for each basic education classified staff unit allocated for the 1986-87 school year in section 501 of this 1986 act by an amount equal to the district's 1985-86 basic education classified increment mix factor times three percent of the state-wide average classified derived base salary as shown on revised LEAP Document 7, and for incremental fringe benefits.

(d) A maximum of \$2,263,000 is provided for salary increases and incremental fringe benefits in the following programs, to be distributed by increasing 1986-87 school year allocation rates as specified:

- (i) Transitional bilingual instruction (section 508), \$11.43 per pupil;
- (ii) Remediation assistance (section 509), \$8.80 per pupil;
- (iii) Education of highly capable students (section 510), \$6.77 per pupil;
- (iv) Vocational-technical institutes (section 512), \$59.94 per FTE pupil;
- (v) Pupil transportation (section 514), \$0.48 per weighted pupil-mile.

(e) A maximum of \$3,968,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 506), and for state-supported staff in educational service districts (section 502) and institutional education programs (section 507). The superintendent of public instruction shall distribute a three percent salary increase for these programs using the pertinent program state-wide average derived base salaries.

(f) Each school district with a certificated derived base salary of less than \$16,500, as shown on revised LEAP Document 7, is authorized to grant salary increases for the 1986-87 school year which increase the district's basic education certificated derived base salary, before the salary increase authorized in subsection (2)(a) of this section, to no more than \$16,500. A maximum of \$4,773,000 is provided to fund the cost of this increase in state-supported programs. For the purposes of allocating basic education funds in the 1986-87 school year, the superintendent of public instruction shall modify revised LEAP Document 7 to reflect a certificated derived base salary of \$16,500 for each of these districts.

(4) Increases provided by this section shall be included in the programs referenced in RCW 84.52.0531(1)(b) for purposes of calculating the levy lid.

Sec. 505. Section 506, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((355,371,000)) 362,380,000
General Fund Appropriation—Federal	\$	30,153,000
Total Appropriation	\$	((385,524,000)) 392,533,000

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

(1) ~~S((32,235,000))~~ 32,120,000 of the general fund—state appropriation is provided solely for the remaining months of the 1984-85 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1985-86 ~~((and 1986-87))~~ school year~~(s)~~ in accordance with a district's actual handicapped enrollments and the allocation model established in ~~((new))~~ LEAP Document 8 as developed by the legislative evaluation and accountability program committee on May 28, 1985, at 14:04 hours.

(3) The superintendent of public instruction shall distribute state funds for the 1986-87 school year in accordance with a district's actual handicapped enrollments and the allocation model established in LEAP Document 8 (revised) as developed by the legislative evaluation and accountability program committee on December 10, 1985, at 9:45 hours.

(4) A maximum of \$250,840 may be expended from the general fund—state appropriation to fund three teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through home and hospital allocation and the handicapped program.

Sec. 506. Section 509, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR REMEDIATION ASSISTANCE

General Fund Appropriation	\$	((24,733,000)) 26,363,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,644,000 is provided solely for the remaining months of the 1984-85 school year.

(2) Funding for school district remediation programs serving grades two through nine shall be distributed during the 1985-86 and 1986-87 school years at a maximum rate of \$337 per unit as calculated pursuant to this subsection. The number of units for each school district shall be the sum of: (a) The number of students enrolled in grades two through six in the district multiplied by the most recent prior five-year average percentage of students taking the fourth grade basic skills test ~~((in the previous year))~~ who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages seven through eleven in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades two through six; and (b) the number of students enrolled in grades seven through nine in the district multiplied by the percentage of students taking the eighth grade basic skills test in the ~~((previous))~~ 1984-85 school year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades seven through nine.

Sec. 507. Section 510, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation	\$	((4,918,000)) 4,876,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) ~~S((408,000))~~ 400,000 is provided solely for distribution to school districts for the remaining months of the 1984-85 school year.

(2) A maximum of ~~S((2,326,000))~~ 2,308,000 may be expended by school district programs for highly capable students during the 1985-86 school year, distributed at a maximum rate of \$326 per student for up to one percent of each district's 1985-86 full time equivalent enrollment.

(3) A maximum of ~~S((2,391,000))~~ 2,365,000 may be expended in school district programs for highly capable students in the 1986-87 school year, at a maximum rate of \$330 per student for up to one percent of each district's 1986-87 full time equivalent enrollment.

(4) A maximum of \$271,000 is provided to contract for an approved gifted program to be conducted at Fort Worden state park.

Sec. 508. Section 514, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$	((208,094,000)) 204,421,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of ~~S((92,238,000))~~ 90,093,000 may be distributed for pupil transportation operating costs in the 1985-86 school year.

(2) A maximum of \$755,000 may be expended for regional transportation coordinators.

(3) A maximum of \$56,000 may be expended for bus driver training.

Sec. 509. Section 516, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

General Fund—Public Safety and Education Account Appropriation	\$	((15,123,000))
		<u>13,876,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$549,000 may be expended for regional traffic safety education coordinators.

(2) If HB 1869 is not enacted before April 1, 1986, \$1,559,000 of the public safety and education account appropriation shall revert.

PART VI
HIGHER EDUCATION

NEW SECTION, Sec. 601. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	131,000
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The appropriation in this section is subject to the following conditions and limitations: This appropriation is for fiscal year 1987 to be used for the handling of the papers of Senator Magnuson and Senator Jackson.

Sec. 602. Section 604, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	FY 1986 125,353,000	FY 1987 ((124,940,000)) <u>125,062,000</u>
Total Appropriation		\$((250,293,000))	<u>250,415,000</u>

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

(1) \$55,330,000 from the fiscal year 1986 general fund appropriation and \$55,320,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$3,458 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$1,222,000 shall be spent for enhancement of the instructional equipment budget.

(2) The office of financial management shall initially allot for the following:

- (a) Equipment \$3,743,000
- (b) Plant operations and maintenance (09) \$33,092,000
- (c) Agriculture Research (021) \$23,573,000
- (d) Cooperative Extension (032) \$16,505,000

(3) A maximum of \$170,000 may be spent for continued funding of the endrin replacement project.

(4) The college of agriculture and home economics shall establish a plan for agricultural research projects and programs. The plan shall be developed in consultation with representatives of the state's agricultural industry. The plan shall identify the amount of funds allocated to or proposed to be allocated to the research projects and programs, by subject area, during each of fiscal years 1986 and 1987 and shall establish an order of priority for funding the various types and subject areas of agricultural research. The order of priority and funding shall reflect the current and future needs of Washington state agriculture and the process to coordinate with research of other land grant universities. The dean of the college shall submit the plan to the office of financial management and to the ways and means committees of the house of representatives and senate by January 1, 1986.

(5) Salary increases for the faculty of Washington State University, effective January 1, 1986, shall be granted solely to reduce critical market disparities in teaching disciplines. For the purposes of this subsection, "faculty" means only those individuals holding faculty appointments in the instruction, research, public service, primary support, and sponsored research programs, including medical residents. The university shall report to the office of financial management its plans for granting salary increases under this section, including but not limited to data on increases to specific disciplines by professorial rank by October 30, 1985. The office of financial management shall report to the ways and means committees of the senate and house of representatives regarding the specific criteria the university will use to measure market disparities in teaching disciplines and to allocate salary increases to reduce such disparities. The report shall be made no later than December 1, 1985.

((~~7~~)) (6) A maximum of \$1,165,000 may be spent on intercollegiate sports activities.

(7) \$122,000 of the fiscal year 1987 appropriation is provided solely to fund planned degree programs in business administration, education, and computer sciences at the South-west Washington joint center for education on the condition that the programs are reviewed and favorably recommended by the higher education coordinating board.

(8) Nothing in this section prevents expenditure for civic improvements.

Sec. 603. Section 605, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation	\$ 36,274,000	35,293,000
Total Appropriation	\$71,567,000	

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

(1) ~~S((18,912,000))~~ 18,435,000 from the fiscal year 1986 general fund appropriation and ~~S((17,932,000))~~ 17,454,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of ~~S((2,632))~~ 2,564 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$199,000 shall be spent for enhancement of the instructional equipment budget.

(2) A maximum of \$402,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment
- (b) Plant operations and maintenance

(4) A maximum of \$1,000,000 may be spent on intercollegiate sports activities.

Sec. 604. Section 607, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

	FY 1986	FY 1987
General Fund Appropriation	\$ ((+7,660,000))	((+6,875,000))
	<u>17,003,000</u>	<u>17,231,000</u>
Total Appropriation	S((33,643,000))	
	<u>34,234,000</u>	

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

(1) ~~S((6,813,000))~~ 7,073,000 from the fiscal year 1986 general fund appropriation and ~~S((7,667,000))~~ 7,273,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of ~~S((2,831))~~ 2,797 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$132,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, at least \$582,000 shall be spent for enrollments in underserved urban areas.

(2) A maximum of \$130,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) \$20,000 is provided solely for fiscal year 1986 from the general fund appropriation for the Washington state institute for public policy to complete the Washington state minorities incarceration study using the staff of the University of Washington. \$15,000 of this amount is provided solely for increasing the number of sample counties in the study. \$5,000, or the amount equal to the unexpended balance of the 1983-85 appropriation for this purpose, is provided solely for continuation of the original study. The expanded study shall be presented to the legislature by November 1, 1985.

(4) ~~S((75,000))~~ 50,000 of the fiscal year 1986 and \$45,000 of the fiscal year 1987 general fund appropriations ~~(is)~~ are provided solely for the institute of public policy to conduct a study using the staff of the school of business administration at the University of Washington to update the 1972 Washington input-output study. The study shall be completed and a report made to the senate and house ways and means committees by June 30, ~~((1986))~~ 1987.

(5) A maximum of \$40,000 from the general fund—state appropriation may be spent for matching funds as provided in this subsection. The Washington state center for the improvement of the quality of undergraduate instruction shall include The Evergreen State College, as a participant with other higher education institutions desiring to participate, in instructional program innovation through the establishment of federated learning centers. State funds shall be matched with cash matching funds to the greatest extent possible.

(6) The office of financial management shall initially allot for the following:

- (a) Equipment
- (b) Plant operations and maintenance

(7) A maximum of \$178,000 may be spent on intercollegiate sports activities.

(8) \$25,000 of the fiscal year 1987 appropriation is provided solely for the design of an academic program in the field of business and management.

(9) \$20,000 of the fiscal year 1987 appropriation is provided solely to the institute of public policy to conduct a demographic study of the state of Washington.

Sec. 605. Section 608, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation \$	38,731,000	(37,683,000)
		<u>37,657,000</u>
Total Appropriation	\$(76,333,000)	
	<u>76,388,000</u>	

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

(1) \$22,582,000 from the fiscal year 1986 general fund appropriation and \$21,442,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$2,668 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$371,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, a maximum of \$40,000 may be spent on activities related to federated learning centers.

(2) A maximum of \$407,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment \$1,991,000
- (b) Plant operations and maintenance \$9,752,000

(4) A maximum of \$395,000 may be spent on intercollegiate sports activities.

(5) \$54,000 of the general fund appropriation for fiscal year 1987 is provided solely for the Peoples Republic of China exchange training program: PROVIDED, That at least fifty percent of the expenses of the program shall be provided from nonappropriated and private fund sources.

NEW SECTION. Sec. 606. There is hereby appropriated from the general fund \$881,000 for fiscal year 1987 summer quarter support on the condition that the universities receiving this appropriation implement and collect summer quarter tuition fees at the same rates established for the regular academic quarter. This appropriation shall be disbursed according to the following schedule:

Central Washington University	\$295,000
Eastern Washington University	\$220,000
Western Washington University	\$366,000

Sec. 607. Section 609, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE ((COUNCIL FOR POSTSECONDARY EDUCATION)) HIGHER EDUCATION COORDINATING BOARD

	FY 1986	FY 1987
General Fund Appropriation—State \$	(17,966,000)	(17,967,000)
	<u>17,166,000</u>	<u>18,917,000</u>
General Fund Appropriation—Federal \$	1,817,000	1,817,000
State Educational Grant Appropriation \$	20,000	20,000
Total Appropriation	\$(39,697,000)	
	<u>39,757,000</u>	

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

(1) No later than June 30, 1986, the ((council's)) board's first priority shall be to provide financial assistance to the core of students with extremely high unmet need. The ((council)) board shall adopt a definition for this group of students and provide financial aid for all such students at a standard to be established by the ((council)) board. To the greatest extent possible, the ((council)) board shall emphasize work study and other self-help programs in its financial assistance programs.

(2) The ((council)) board shall take all necessary management precautions to ensure that financial aid awards to individuals and institutions do not exceed the amounts provided in subsection (1) of this section. Any over-commitment of funds shall be paid directly from the funds provided for the coordination and policy analysis program until those funds are exhausted.

NEW SECTION. Sec. 608. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$	1,729,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,629,000 of the appropriation shall be expended solely to satisfy judgments and claims incurred from the deferral of faculty salary increases during the 1981-83 fiscal biennium. The appropriation shall be spent for all salary and interest costs incurred in fiscal year 1983. Additional costs related to the salary deferral but incurred after fiscal year 1983 shall be borne by the districts incurring such costs. Acceptance of the proceeds of this appropriation

shall result in complete discharge of all claims of any nature whatsoever of all plaintiffs regarding the 1981-83 salary deferral.

(2) \$100,000 of this appropriation is provided solely to implement a pilot program for volunteer literacy tutorial coordination. The pilot program shall be jointly coordinated by the superintendent of public instruction and the state board for community college education with special emphasis on raising the potential of adult illiterates for permanent employment.

By January 1988, the superintendent of public instruction and the state board of community college education shall provide the appropriate legislative standing committees with a report on the educational history of students in adult literacy programs and in other publicly funded programs designed to provide adults with basic educational skills; the highest grade level attained by students; the states where the students attended school; and the amount of time the students spent in Washington schools.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701. Section 701, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State \$ 1,700,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) \$100,000 of this appropriation may be spent for law enforcement and social service problems arising from Expo '86.

Sec. 702. Section 702, chapter 6, Laws of 1985 ex. sess. as amended by section 1, chapter 1, Laws of 1986 (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPARABLE WORTH IMPLEMENTATION AND LAWSUIT

General Fund Appropriation \$ 26,790,000

Special Fund Salary Increase

Revolving Fund Appropriation \$ 19,120,000

Total Appropriation \$ 45,910,000

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

(1) \$644,500 of the general fund appropriation and \$326,250 of the special fund salary increase revolving fund appropriation are provided solely for a salary increase for those job classifications tied to salary survey benchmarks falling 8 ranges or more below the January 1, 1985, actual average comparable worth line as calculated under the formula of $\$983.72 + (\$3.28 \times \text{points})$ and rounded to the nearest Step G or equivalent step for shortened ranges. However, a job classification shall receive an increase only if its salary range as of January 1, 1985, is also 8 or more ranges less than the salary range of that classification as calculated under the aforementioned formula using the evaluation points of that classification as adopted by the respective personnel board. This adjustment shall take place July 1, 1985, and shall equal \$75 a year for all affected classes and employees and shall terminate on March 30, 1986.

(2) \$350,000 of the general fund—state appropriation shall be used solely by the office of the governor to hire an independent consultant with expertise in developing and evaluating public employee job classification systems and implementing comparable worth. The consultant shall:

(a) Review the Willis methodology;

(b) Update job class specifications for all job classes with incumbents that have not been reviewed for the past five years;

(c) Develop a new benchmark and indexing structure which reflects the evaluated worth of the job classes; and

(d) Evaluate the job class specifications for the implementation of comparable worth.

(3) The department of personnel and the higher education personnel board shall provide any assistance needed by the consultant to perform the activities in subsection (2) of this section. Both the state personnel board and higher education personnel board must submit joint reports to the legislature on the progress to date in implementing the consultant's recommendations no later than January 1, 1986, and July 1, 1986. On January 1, 1987, both boards shall submit a final report to the legislature.

(4) \$150,000 of the general fund—state appropriation and \$100,000 of the special fund salary increase revolving fund appropriation shall be used solely for the office of the governor to allocate to agencies that provide technical assistance to the consultant hired under subsection (2) of this section.

(5) \$25,545,500 of the general fund appropriation and $\$((18,793,750))$ 18,693,750 of the special fund salary increase revolving fund appropriation, along with all moneys currently included in agencies' budgets for payment of the \$100 per year comparable worth salary increase pursuant to chapter 76, Laws of 1983 1st ex. sess., are provided for the settlement of all claims of all plaintiffs and class members of American Federation of State, County, and Municipal Employees, et al. v. State of Washington, et al., Cause Nos. C82-4657, 84-3569, and 84-3590 and the implementation of comparable worth pursuant to RCW 28B.16.116 and RCW 41.06.155.

The settlement shall result in complete discharge of all claims of any nature whatsoever of all plaintiffs and class members. It is the intent of the legislature that salary adjustments for affected class members not exceed the adjustment calculated using the average actual comparable worth salary line as applied to the Willis evaluation points of the affected job classification and adopted by the state personnel board and the higher education personnel board: PROVIDED, That on or before the dates on which comparable worth increases become effective, the higher education personnel board shall review the salaries of all job classifications receiving comparable worth increases which are also receiving special pay to determine whether the requirements of WAC 251-09-090 continue to be met and shall make any reductions in special pay necessary to adjust for the increases in base pay resulting from comparable worth adjustments. The governor as the chief executive officer of the state, with the assistance of the attorney general, is authorized to seek a proposed settlement. However, any such settlement is tentative and subject to legislative ratification. \$100,000 of the general fund appropriation is provided solely for the office of the governor to retain any special consultants or negotiators to work with the attorney general in seeking a settlement of American Federation of State, County, and Municipal Employees, et al. v. State of Washington, et al., within the terms of the appropriation as set out in this subsection. If a tentative settlement is reached within the terms of the appropriation within this subsection, the governor and the attorney general shall jointly present a report on the tentative settlement to the legislature no later than January 1, 1986, for ratification. No funds shall be released before April 1, 1986, or until such time as stipulated final judgment is entered under the terms of the tentative settlement ratified by the legislature, whichever is later. The appropriation provided for settlement in this subsection shall lapse if no proposal is brought before the legislature before January 1, 1986, if the tentative settlement brought before the legislature is not ratified by the legislature during the 1986 legislative session, or if stipulated final judgment is not entered before June 30, 1986.

(6) The department of personnel and the higher education personnel board shall provide monthly reports to the legislative evaluation and accountability program committee regarding the steps each has taken, or proposes to take, to implement the settlement agreement referred to in subsection (5) of this section. The reports will include information on all disputes or potential disputes regarding implementation which have been brought to the attention of the two agencies.

The legislative evaluation and accountability program committee shall report to the legislature regarding the implementation steps taken by, and potential disputes facing, the department of personnel and the higher education personnel board. Such reports shall be provided as often as deemed necessary by the committee, but no later than June 1, 1986, December 1, 1986, and April 1, 1987.

(7) The department of personnel and the higher education personnel board shall report to the legislature by January 1, 1986, with a report identifying those job classifications not covered by the lawsuit that would be entitled to receive adjustments under the average actual comparable worth line. The report shall include recommendations regarding implementation of comparable worth adjustments for these affected job classes.

(8) To facilitate payment of salary increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

NEW SECTION, Sec. 703. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE GOVERNOR—COMPENSATION INCREASES

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) There is appropriated for department of personnel classified and exempt employees and higher education personnel board classified employees a 2.5 percent or \$50 per month, whichever is greater, salary increase for all job classes effective September 1, 1986. This increase will be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. Those job classifications which received the 1984 \$100 per year comparable worth salary increase but are not entitled to an adjustment pursuant to the comparable worth agreement shall continue to receive that salary increase, with the increase being credited against what is authorized in this subsection as a general salary increase effective September 1, 1986.

General Fund Appropriation—State	\$	15,952,000
General Fund Appropriation—Federal	\$	3,612,000
Special Fund Salary Increase Revolving Fund Appropriation	\$	7,855,000
Total Appropriation	\$	27,419,000

(2) There is appropriated for higher education graduate assistants a three percent salary increase effective September 1, 1986.

General Fund Appropriation—State	\$	397,000
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(3) There is appropriated for faculty and exempt employees of the four-year institutions of higher education an average three percent salary increase effective September 1, 1986: PROVIDED, That no institution may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

General Fund Appropriation	\$	6,267,000
Special Fund Salary Increase Revolving Fund Appropriation	\$	30,000
Total Appropriation	\$	6,297,000

(4) There is appropriated for all faculty and exempt employees of the state board for community colleges, an average three percent salary increase, including any increments, effective September 1, 1986: PROVIDED, That no community college district may grant from any fund source whatsoever any salary increase greater than provided in this section, and that the average salary increase authorized in this section shall be calculated using the fiscal year 1984-85 salary base.

General Fund Appropriation	\$	3,948,000
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(5) There is appropriated for commissioned officers of the Washington state patrol a five percent salary increase effective July 1, 1986.

General Fund Appropriation	\$	92,000
Motor Vehicle—State Patrol Highway Account Appropriation	\$	1,492,000
Total Appropriation	\$	1,584,000

Sec. 704. Section 706, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT CONTRIBUTIONS

	FY 1986	FY 1987
General Fund Appropriation	\$ 143,000,000	((143,000,000))
		133,852,059
<u>General Fund—Revenue Accrual Account Appropriation</u>		<u>9,147,941</u>
Total Appropriation	\$286,000,000	

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall be transferred on a quarterly basis.

(1) \$27,500,000 of the fiscal year 1986 appropriation and \$27,500,000 of the fiscal year 1987 appropriation are provided solely for payment for unfunded liability of the law enforcement officers' and fire fighters' retirement system.

(2) The fiscal year 1986 appropriation for unfunded liability shall be transferred to the department of retirement systems on a quarterly basis. The fiscal year 1987 appropriation for unfunded liability shall be transferred to the department of retirement systems on a quarterly basis.

NEW SECTION. Sec. 705. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Washington Distinguished Professorship Trust Fund pursuant to RCW 28B.10.860 through 28B.10.865	\$	750,000
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NEW SECTION. Sec. 706. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) In settlement of all claims for expenses in State v. Johnson, Superior Court for Chehalis County, Judgment No. 85-1-00020-1, pursuant to RCW 9.01.200, including interest	\$	17,345.16
(2) In settlement of all claims for expenses in State v. Negrin, Superior Court for Island County, Judgment No. 85-1-000308, pursuant to RCW 9.01.200, including interest	\$	42,121.18
(3) In settlement of all claims for expenses in State v. Dowd, Superior Court for Snohomish County, Judgment No. 84-1-00630-1, pursuant to RCW 9.01.200, including interest	\$	8,122.97
(4) In settlement of all claims for expenses in State v. Ford, Superior Court for Snohomish County, Judgment No. 85-1-00105-7, pursuant to RCW 9.01.200, including interest	\$	6,508.84
(5) In settlement of all claims for expenses in Seattle v. Semaan, Municipal Court of Seattle, Judgment No. 85-2180747, pursuant to RCW 9.01.200, including interest	\$	1,348.19
(6) In settlement of all claims for expenses in Garden v. Slate, Superior Court for King County, Judgment No. 84-2-00837-7, pursuant to		

RCW 9.01.200, including interest	\$	8,090.33
(7) In settlement of all claims for expenses in Seattle v. Myer, Municipal Court of Seattle, Judgment No. 85-1260767, pursuant to RCW 9.01.200, including interest	\$	1,455.68
(8) In settlement of all claims for expenses in State v. Davis, Superior Court for Mason County, Judgment No. 4146444 and Judgment No. 85-1-90-1, both pursuant to RCW 9.01.200, including interest	\$	14,718.90
(9) In settlement of all claims for expenses in State v. Sloan, Superior Court for Chelan County, Judgment No. 85-1-00147-9, pursuant to RCW 9.01.200, including interest	\$	14,721.81
(10) In settlement of all claims for expenses in State v. Kinyon, Superior Court for Benton County, Judgment No. 85-1-00241-9, pursuant to RCW 9.01.200, including interest	\$	33,859.02
(11) In settlement of all claims for expenses in State v. Brosseau, Superior Court for Clark County, Order of Dismissal No. 84-1-00620-0, pursuant to RCW 9.01.200, including interest	\$	15,835.07
(12) To the department of social and health services, in settlement of all claims in Family Medical Building, Inc. v. State, Superior Court for Okanogan County, Stipulated Judgment No. 23937: PROVIDED, That \$104,000 of this appropriation shall be from federal funds	\$	260,000.00
(13) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
(a) Ted Richert	\$	346.42
(b) Keith Schober	\$	1,700.00
(14) Mrs. T. Patrick (Marilyn Ruth) Corbett, Payment in full of deceased husband's retirement contributions	\$	32,088.53

Sec. 707, Section 711, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	((4,337,900)) <u>3,599,171</u>
General Fund Appropriation for public utility district excise tax distribution	\$	((21,932,000)) <u>22,129,000</u>
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,708,071
General Fund Appropriation for motor vehicle excise tax distribution	\$	((43,415,000)) <u>45,955,000</u>
General Fund Appropriation for local mass transit assistance	\$	((136,800,000)) <u>138,500,000</u>
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	((1,263,292)) <u>1,712,190</u>
General Fund— ((Harbor Improvement)) <u>Aquatic Lands Enhancement</u> Account Appropriation for ((harbor improvement)) <u>aquatic lands</u> revenue distribution	\$	((22,073)) <u>56,100</u>
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	((18,778,000)) <u>17,881,633</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax ((and overload penalties)) distribution	\$	((269,336,034)) <u>257,401,676</u>
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	((44,000,000)) <u>41,000,000</u>
General Fund—Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	((37,760,000)) <u>36,890,000</u>
General Fund—Municipal Sales and Use Tax Equalization Account Appropriation	\$	((23,378,000)) <u>24,745,000</u>
General Fund—County Sales and Use Tax Equalization Account Appropriation	\$	((7,858,000)) <u>8,300,000</u>

General Fund—Death Investigations Account Appropriation for dis- tribution to counties for public funded autopsies	\$	((200,000)) 480,000
Total Appropriation	\$	((610,700,370)) <u>600,357,841</u>

PART VIII
CAPITAL PROJECTS

NEW SECTION. Sec. 801. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To conduct a feasibility study of an economic development project in the city of Tacoma, and to authorize a land purchase option.

GF, St Bldg Constr Acct	Reappropriation	Appropriation
Project		200,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		200,000

The appropriation in this section is subject to the following conditions and limitations: Before conducting the feasibility study under this section, the department shall first secure for the state an exclusive option to purchase the project property, which option shall include a fixed selling price.

NEW SECTION. Sec. 802. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

The department of general administration shall prepare a report detailing the comparative cost of purchasing and maintaining the criminal justice training commission's present training center versus building a new facility.

NEW SECTION. Sec. 803. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Provide parking and road improvements for public and constituent use at 16th Avenue and Cherry Street in Olympia to accommodate up to 375 vehicles, to be completed by January 1, 1987; PROVIDED, That the parking area authorized in this section will be used for displacement parking if a natural resources facility is constructed on the east capitol campus; PROVIDED FURTHER, That amounts not needed for the purposes of this section may be spent for purposes provided in section 804 of this 1986 act.

GF, Cap Bldg Constr Acct	Reappropriation	Appropriation
GF, Cap Purch & Dev Acct		400,000
Project		1,000,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		1,400,000

NEW SECTION. Sec. 804. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Provide road and traffic control and operational improvements at I-5, Exit 105 and Jefferson/Cherry Streets, to be completed by January 1, 1987.

Motor Vehicle Fund	Reappropriation	Appropriation
Project		600,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	
		600,000

Sec. 805. Section 256, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

State-wide code compliance: Transformers (PCB) (CR-86-1-012)

GF, St Fac Renew Acct	Reappropriation	Appropriation
GF, CEP & RI Acct		100,000
Project		100,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/85	7/1/87 and	Costs
	Thereafter	

((400,000))
300,000

500,000

NEW SECTION. Sec. 806. A new section is added to chapter 373, Laws of 1985 to read as follows:

DEPARTMENT OF CORRECTIONS

The department of corrections shall develop a six-year plan for its institutional industries programs. The six-year institutional industries plan shall be separate but compatible with the agency's six-year capital plan as submitted to the governor for inclusion in the governor's state facilities and capital plan. The institutional industry plan shall include but not be limited to the identification of proposed new programs or expansion/reduction of existing programs, the numbers of estimated jobs created or lost, cost estimates of new construction/renovation, and related equipment and related operating cost estimates. The six-year institutional industries plan shall be submitted to the office of financial management in conjunction with its annual capital budget request.

NEW SECTION. Sec. 807. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Construction of a movable tall ships tourist attraction in cooperation with the Grays Harbor tall ships restoration society.

		Reappropriation	Appropriation
General Fund			500,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			500,000

NEW SECTION. Sec. 808. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Low-income refugee housing projects

		Reappropriation	Appropriation
General Fund			1,000,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for matching funds to local governments, nonprofit agencies, or other municipal corporations, except housing authorities, for up to three housing projects to be primarily occupied by low-income refugee families or individuals. A housing project may be located only in a county in which at least ten percent of refugees receiving income assistance from the department of social and health services reside. Local government matching funds for these moneys shall not include federal or other state housing funds or costs for administering funds provided under this section. Expenditure of these funds shall be limited to acquisition, new construction, renovation, or other development costs.

NEW SECTION. Sec. 809. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Nalley Valley Farm earnest money (Skokomish River Delta)

		Reappropriation	Appropriation
General Fund			50,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			50,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall only be expended when the department of community development evaluation of the site use is completed and recommends purchase. The earnest money shall be returned to the general fund if the property purchase is not contained in the 1987 capital budget.

NEW SECTION. Sec. 810. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Adult holding and spawning: Wishkah River

		Reappropriation	Appropriation
GF, Sal Enhmt Constr Acct			300,000

Project Costs Through 1/1/86	Estimated Costs 7/1/86 and Thereafter 300,000	Estimated Total Costs 300,000
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The appropriation in this section shall lapse if substantial progress has not been made in a timely manner as determined by the office of financial management.

NEW SECTION. Sec. 811. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GAME

Migratory Waterfowl Habitat Projects (CI-87-3-034)

	Reappropriation	Appropriation
State Game Fund		330,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 330,000

NEW SECTION. Sec. 812. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GAME

Barnaby Slough steelhead rearing pond

	Reappropriation	Appropriation
General Fund		210,000
Game Fund—Federal		210,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 420,000

The appropriation in this section is subject to the following conditions and limitations: Expenditures of general fund moneys under this section shall not exceed expenditures of game fund—federal moneys under this section. If Initiative 90 is approved by the voters at the 1986 general election, the state treasurer shall transfer from the game fund to the general fund an amount equal to the total general fund expenditure under this section.

Sec. 813. Section 591, chapter 373, Laws of 1985 (uncodified) is amended to read as follows: FOR THE STATE CONVENTION AND TRADE CENTER

Washington State Convention and Trade Center (CI-83-R-001)

	Reappropriation	Appropriation
GF, Convention Center Acct	(85,418,000) 85,874,334	
Project Costs Through 6/30/85 ((10,832,000)) 10,375,666	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs 96,250,000

Sec. 814. Section 306, chapter 373, Laws of 1985 (uncodified) is amended to read as follows: FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1985-87 (CI-86-4-001)

	Reappropriation	Appropriation
Common School Constr Fund		((138,275,000)) 164,500,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs ((138,275,000)) 164,500,000

Sec. 815. Section 312, chapter 373, Laws of 1985 (uncodified) is amended to read as follows: FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Design of the heavy equipment building: Grays Harbor (CI-86-3-L04)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		60,000
Project Costs Through 6/30/85	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs

contracts entered into in accordance with instructions of the board and payments authorized by RCW 41.05.030(2). Moneys from the state employees insurance fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the trustee. However, before June 30, 1987, the treasurer shall not disburse moneys from the fund when the disbursement would result in a fund balance of less than \$11,597,000. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the state employees insurance fund shall be credited to this fund.

Sec. 902. Section 12, chapter 167, Laws of 1975 1st ex. sess. as amended by section 28, chapter 57, Laws of 1985 and by section 507, chapter 405, Laws of 1985 and RCW 43.19.610 are each reenacted and amended to read as follows:

There is hereby established in the state treasury an account to be known as the motor transport account into which shall be paid all moneys, funds, proceeds, and receipts as provided in RCW 43.19.615 and as may otherwise be provided by law. Disbursements therefrom shall be made in accordance with the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 as authorized by the director or his duly authorized representative and as may be provided by law. All earnings of investments of balances in the motor transport account shall be credited to the general fund.

The ~~((office of financial management may direct the))~~ state treasurer ~~((to))~~ shall transfer to the general fund ~~((an amount not to exceed \$1,500,000))~~ two million dollars from the motor transport account ~~((for the 1983-85 fiscal biennium))~~ on or before June 30, 1987.

NEW SECTION. Sec. 903. The state treasurer shall transfer to the general fund \$1,500,000 from the public facilities construction loan and grant revolving account on or before June 30, 1987.

NEW SECTION. Sec. 904. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 905. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "fiscal matters;" strike the remainder of the title and insert "amending RCW 41.05.040; amending section 110, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 121, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 123, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 127, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 129, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 134, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 130, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 143, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 201, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 203, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 205, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 206, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 207, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 208, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 211, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 213, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 214, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 215, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 217, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 221, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 222, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 223, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 224, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 226, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 228, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 301, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 303, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 310, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 312, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 314, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 315, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 401, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 402, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 10, chapter 460, Laws of 1985 ex. sess. (uncodified); amending section 503, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 504, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 506, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 509, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 510, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 514, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 516, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 604, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 605, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 607, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 608, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 609, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 701, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 702, chapter 6, Laws of 1985 ex. sess. as amended by section 1, chapter 1, Laws of 1986 (uncodified); amending section 706, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 711, chapter 6, Laws of 1985

ex. sess. (uncodified); amending section 201, chapter 373, Laws of 1985 (uncodified); amending section 256, chapter 373, Laws of 1985 (uncodified); amending section 306, chapter 373, Laws of 1985 (uncodified); amending section 312, chapter 373, Laws of 1985 (uncodified); amending section 349, chapter 373, Laws of 1985 (uncodified); amending section 591, chapter 373, Laws of 1985 (uncodified); amending section 374, chapter 373, Laws of 1985 (uncodified); amending section 716, chapter 373, Laws of 1985 (uncodified); reenacting and amending RCW 43.19.610; adding new sections to chapter 373, Laws of 1985; adding new sections to chapter 6, Laws of 1985 ex. sess.; creating new sections; making appropriations; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 4762 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 4762 and the House amendments thereon: Senators McDermott, Lee and Gaspard.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4722 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 77, Laws of 1963 as last amended by section 17, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.020 are each amended to read as follows:

- (1) Every contractor shall register with the department.
- (2) It is a misdemeanor for any contractor having knowledge of the registration requirements of this chapter to:
 - (a) Offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;
 - (b) Offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended; or
 - (c) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor.
- (3) All misdemeanor actions under this chapter shall be prosecuted in the county where the infraction occurs.

Sec. 2. Section 2, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.210 are each amended to read as follows:

((An authorized representative of the department may)) The director shall appoint compliance inspectors to investigate alleged or apparent violations of this chapter. If the name of the contractor allegedly or apparently in violation of this chapter is not known, or if the name of the contractor does not appear on the latest list of registered contractors compiled under RCW 18.27.120(1), upon presentation of credentials, ((an authorized representative)) a compliance inspector of the department may inspect sites at which a contractor had bid or presently is working to determine whether the contractor is registered in accordance with this chapter. Upon request of the ((authorized representative)) compliance inspector of the department, a contractor or an employee of the contractor shall provide information identifying the contractor. If the employee of an unregistered contractor is cited by a compliance inspector, that employee is cited as the agent of the employer-contractor, and issuance of the infraction to the employee is notice to the employer-contractor that the contractor is in violation of this chapter. An employee who is cited by a compliance inspector shall not be liable for any of the alleged violations contained in the citation unless the employee is also the contractor.

Sec. 3. Section 3, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.230 are each amended to read as follows:

The department may issue a notice of infraction if the department reasonably believes that the contractor required to be registered by this chapter has failed to do so. A notice of infraction issued under this section shall be personally served on the contractor named in the notice by ((an authorized representative of the department)) the department's compliance inspectors

or service can be made by certified mail directed to the contractor named in the notice of infraction. If the contractor named in the notice of infraction is a firm or corporation, the notice may be personally served on any employee of the firm or corporation. If a notice of infraction is personally served upon an employee of a firm or corporation, the department shall within four days of service send a copy of the notice by certified mail to the contractor if the department is able to obtain the contractor's address.

Sec. 4. Section 5, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.240 are each amended to read as follows:

~~((t))~~ The form of the notice of infraction issued under this chapter ~~((shall be prescribed by the supreme court following consultation with the department. To the extent practicable, the notice of infraction issued under this chapter shall conform to the notice of traffic infraction prescribed by the supreme court pursuant to RCW 46.63.060.~~

~~((2))~~ The notice of infraction) shall include the following:

~~((a))~~ (1) A statement that the notice represents a determination that the infraction has been committed by the contractor named in the notice and that the determination shall be final unless contested as provided in this chapter;

~~((b))~~ (2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

~~((c))~~ (3) A statement of the specific ~~((infraction for))~~ violation which ~~((the notice was issued))~~ necessitated issuance of the infraction;

~~((d))~~ (4) A statement ~~((that a one hundred dollar monetary penalty has been established for each infraction))~~ of penalty involved if the infraction is established;

~~((e))~~ (5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

~~((f))~~ (6) A statement that at any hearing to contest the ~~((determination))~~ notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the contractor may subpoena witnesses, including the ~~((authorized representative))~~ compliance inspector of the department who issued and served the notice of infraction;

~~((g))~~ (7) A statement, which the person who has been served with the notice of infraction shall sign, that the contractor promises to respond to the notice of infraction in one of the ways provided in this chapter;

~~((h))~~ (8) A statement that refusal to sign the infraction as directed in subsection ~~((2)(g))~~ (7) of this section is a misdemeanor and may be punished by a fine or imprisonment in jail; and

~~((i))~~ (9) A statement that a contractor's failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail.

Sec. 5. Section 4, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.250 are each amended to read as follows:

A violation designated as an infraction under this chapter shall be heard and determined by ~~((a district court. A notice of infraction shall be filed in the district court district in which the infraction is alleged to have occurred. If a notice of infraction is filed in a court which is not the proper venue, the notice shall be dismissed without prejudice on motion of either party))~~ an administrative law judge of the office of administrative hearings. If a party desires to contest the notice of infraction, the party shall file a notice of appeal with the department, within twenty days of issuance of the infraction. The administrative law judge shall conduct hearings in these cases at locations in the county where the infraction occurred.

Sec. 6. Section 7, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.270 are each amended to read as follows:

(1) A contractor who ~~((receives a notice of infraction shall respond to the notice as provided in this section within fourteen days of the date the notice was served))~~ is issued a notice of infraction shall respond within twenty days of the date of issuance of the notice of infraction.

(2) If the contractor named in the notice of infraction does not ~~((want to contest the determination, the contractor shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department))~~ elect to contest the notice of infraction, then the contractor shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response which does not contest the notice of infraction is received by the department with the appropriate penalty, the department shall make the appropriate entry in its records.

(3) If the contractor named in the notice of infraction ~~((wants to contest the determination, the contractor shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the contractor in writing of the time, place, and date of the hearing. The date of the hearing shall not be sooner than fourteen days from the date of the notice of hearing, except by agreement of the parties))~~ elects to contest the notice of infraction, the contractor

shall respond by filing an answer of protest with the department specifying the grounds of protest.

(4) If any contractor issued a notice of infraction:((

(a) Fails to respond to the notice of infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) of this section;

the court shall enter an appropriate order assessing the monetary penalty prescribed for the infraction and shall notify the department of the failure of the contractor to respond to the notice of infraction or to appear at a requested hearing.

(5) An order entered by the court under subsection (4)(b) of this section may, for good cause shown and upon such terms as the court deems just, be set aside for the same grounds a default judgment may be set aside in civil actions in courts of limited jurisdiction)) fails to respond within the prescribed response period, the contractor shall be guilty of a misdemeanor and prosecuted in the county where the infraction occurred.

(5) After final determination by an administrative law judge that an infraction has been committed, a contractor who fails to pay a monetary penalty within thirty days, that is not waived, reduced, or suspended pursuant to RCW 18.27.340(2), and who fails to file an appeal pursuant to RCW 18.27.310(4), shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(6) A contractor who fails to pay a monetary penalty within thirty days after exhausting appellate remedies pursuant to RCW 18.27.310(4), shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

Sec. 7. Section 8, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.300 are each amended to read as follows:

A contractor subject to proceedings under this chapter may appear or be represented by counsel. The department shall be represented by the attorney general in ((~~any proceeding~~)) administrative proceedings and any subsequent appeals under this chapter.

Sec. 8. Section 9, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.310 are each amended to read as follows:

(1) ((~~A hearing held to contest the determination that an infraction has been committed shall be without a jury.~~

(2) ~~The court may consider the notice of infraction and any sworn statement submitted by the department's authorized representative who issued and served the notice in lieu of his or her personal appearance at the hearing. The contractor named in the notice may subpoena witnesses, including the authorized representative who issued and served the notice, and has the right to present evidence and examine witnesses present in court.~~

(3)) The administrative law judge shall conduct contractors' notice of infraction cases pursuant to chapter 34.04 RCW.

(2) The burden of proof is on the department to establish the commission of the infraction by a preponderance of the evidence. The notice of infraction shall be dismissed if the defendant establishes that, at the time the notice was issued, the defendant was registered by the department or was exempt from registration.

((4)) (3) After consideration of the evidence and argument, the ((~~court~~)) administrative law judge shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered ((~~in the court's records~~)) in the record of the proceedings. If it has been established that the infraction was committed, ((~~an appropriate order shall be entered in the court's records~~)) the administrative law judge shall issue findings of fact and conclusions of law in its decision and order determining whether the infraction was committed.

((5)) (4) An appeal from the ((~~court's~~)) administrative law judge's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

Sec. 9. Section 13, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.320 are each amended to read as follows:

The ((~~court~~)) administrative law judge shall dismiss the notice of infraction at any time upon written notification from the department that the contractor named in the notice of infraction was registered at the time the notice of infraction was issued.

Sec. 10. Section 15, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.340 are each amended to read as follows:

(1) A contractor found to have committed an infraction under RCW 18.27.200 shall be assessed a monetary penalty of ((~~one hundred dollars~~)) not less than two hundred dollars and not more than three thousand dollars.

(2) The ((~~court~~)) administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction only upon a showing of good cause that the penalty would be unduly burdensome to the contractor.

(3) Monetary penalties collected under this chapter shall be ((~~remitted as provided in chapter 3.62 RCW~~)) deposited in the general fund.

NEW SECTION. Sec. 11. A new section is added to chapter 18.27 RCW to read as follows:

The consumers of this state have a right to be protected from unfair or deceptive acts or practices when they enter into contracts with contractors. The fact that a contractor is found to have committed a misdemeanor or infraction under this chapter shall be deemed to affect the public interest and shall constitute a violation of chapter 19.86 RCW. The surety bond shall not be liable for monetary penalties or violations of chapter 19.86 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 18.27 RCW to read as follows:

The director shall adopt rules in compliance with chapter 34.04 RCW to effect the purposes of this chapter.

NEW SECTION. Sec. 13. Section 14, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.330 are each repealed.

Sec. 14. Section 4, chapter 126, Laws of 1967 and RCW 18.27.110 are each amended to read as follows:

No city, town or county shall issue a construction building permit for work which is to be done by any contractor required to be registered under chapter 77, Laws of 1963 and chapter 18.27 RCW without ~~((proof))~~ verification that such contractor is currently registered as required by law. When such verification is made, nothing contained in this section is intended to be, nor shall be construed to create, or form the basis for any liability under this chapter on the part of any city, town or county, or its officers, employees or agents.

Sec. 15. Section 4, chapter 392, Laws of 1955 as amended by section 4, chapter 280, Laws of 1985 and RCW 19.30.040 are each amended to read as follows:

(1) The director shall require the deposit of a surety bond by any person acting as a farm labor contractor under this chapter to insure compliance with the provisions of this chapter. Such bond shall be in an amount specified by the director in accordance with such criteria as the director adopts by rule but shall not be less than five thousand dollars. The bond shall be payable to the state of Washington and shall be conditioned ~~((that the contractor will comply with this chapter and will pay all sums legally owing to any person recruited, solicited, employed, supplied, or hired by the contractor, or the contractor's agent or subcontractor, and will pay all damages arising out of the violation of any provision of this chapter, or false statements or misrepresentations made in the procurement of the contractor's license))~~ on payment in full of all sums legally due on wage claims of employees under this chapter and RCW 49.52-.050 et seq. The aggregate liability of the surety upon such bond for all claims which may arise thereunder shall not exceed the face amount of the bond.

(2) The amount of the bond may be raised or additional security required by the director, upon his or her own motion or upon petition to the director by any person, when it is shown that the security or bond is insufficient to satisfy the contractor's potential liability for the licensed period.

(3) No surety insurer may provide any bond, undertaking, recognizance, or other obligation for the purpose of securing or guaranteeing any act, duty, or obligation, or the refraining from any act with respect to a contract using the services of a farm labor contractor unless the farm labor contractor has made application for or has a valid license issued under RCW 19.30.030 at the time of issuance of the bond, undertaking, recognizance, or other obligation.

(4) ~~((During the period for which a bond is executed, the bond may not be canceled or otherwise terminated, unless alternative security arrangements are approved by the director))~~ The bond is written for a one-year term and may be renewed or extended by continuation certification at the option of the surety.

(5) In lieu of the surety bond required by this section, the contractor may file with the director a deposit consisting of cash or other security acceptable to the director. The deposit shall not be less than five thousand dollars in value. The security deposited with the director in lieu of the surety bond shall be returned to the contractor at the expiration of three years after the farm labor contractor's license has expired or been revoked if no legal action has been instituted against the contractor or on the security deposit at the expiration of the three years.

(6) If a contractor has deposited a bond with the director and has failed to comply with the conditions of the bond as provided by this section, and has departed from this state, service may be made upon the surety as prescribed in RCW 4.28.090.

Sec. 16. Section 8, chapter 280, Laws of 1985 and RCW 19.30.081 are each amended to read as follows:

Farm labor contractors may hold either a one-year license or a two-year license, at the director's discretion.

The one-year license shall run to and include the 31st day of December next following the date thereof unless sooner revoked by the director. A license may be renewed each year upon the payment of the annual license fee, but the director shall require that a new application ~~((and a renewed bond))~~ be submitted and that the contractor have a bond in full force and effect.

The two-year license shall run to and include the 31st day of December of the year following the year of issuance unless sooner revoked by the director. This license may be renewed every two years under the same terms as the one-year license, except that a farm labor contractor possessing a two-year license shall ~~((renew his or her bond each year))~~ have

a bond in full force and effect, and file an application on which he or she shall disclose all information required by RCW 19.30.030 (1)(b), (4), and (7).

Sec. 17. Section 15, chapter 280, Laws of 1985 and RCW 19.30.160 are each amended to read as follows:

(1) In addition to any criminal penalty imposed under RCW 19.30.150, the director may assess against any person who violates this chapter, or any rule adopted under this chapter, a civil penalty of not more than one thousand dollars for each violation.

(2) The person shall be afforded the opportunity for a hearing, upon request to the director made within thirty days after the date of issuance of the notice of assessment. The hearing shall be conducted in accordance with chapter 34.04 RCW.

(3) If any person fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the agency, the director shall refer the matter to the state attorney general, who shall recover the amount assessed by action in the appropriate superior court. In such action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

~~((4) Without regard to any other remedy otherwise provided in this chapter, the director may bring suit upon the surety bond filed by the farm labor contractor on behalf of any worker whose rights under this chapter have been violated by the contractor. Such action may be commenced in any court of competent jurisdiction. In any such action, the notice and service requirements set forth in RCW 19.30.170(3) shall be complied with.))~~

Sec. 18. Section 16, chapter 280, Laws of 1985 and RCW 19.30.170 are each amended to read as follows:

(1) After filing a notice of a claim with the director, in addition to any other penalty provided by law, any person aggrieved by a violation of this chapter or any rule adopted under this chapter may bring suit in any court of competent jurisdiction of the county in which the claim arose, or in which either the plaintiff or respondent resides, without regard to the amount in controversy and without regard to exhaustion of any alternative administrative remedies provided in this chapter. No such action may be commenced later than three years after the date of the violation giving rise to the right of action. In any such action the court may award to the prevailing party, in addition to costs and disbursements, reasonable attorney fees at trial and appeal.

(2) In any action under subsection (1) of this section, if the court finds that the respondent has violated this chapter or any rule adopted under this chapter, it may award damages up to and including an amount equal to the amount of actual damages, or statutory damages of five hundred dollars per plaintiff per violation, whichever is greater, or other equitable relief.

~~((3) Without regard to any other remedy otherwise provided in this chapter, any person having a claim against the farm labor contractor for any violation of this chapter may bring suit upon the surety bond or security deposit filed by the contractor pursuant to RCW 19.30.040, in any court of competent jurisdiction of the county in which the claim arose, or in which either the claimant or contractor resides. An action upon the bond or security deposit shall be commenced by serving and filing the complaint within three years from the date of expiration or cancellation of the bond, or in the case of a security deposit, within three years of the date of the expiration or revocation of the license. A copy of the complaint in any such action shall be served upon the director at the time of commencement of the action and the director shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the farm labor contractor and the surety for suit upon the bond and the director shall transmit the complaint or a copy thereof to the contractor at the address listed in his or her application and to the surety within forty-eight hours after it has been received. The surety upon the bond may, upon notice to the director and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated. A claimant against the bond or security deposit shall be entitled to damages under subsection (2) of this section. If the actions commenced and pending at any one time exceed the amount of the bond then unpaired, the claims shall be satisfied from the bond in the following order:~~

~~(a) Wages, including employee benefits;~~

~~(b) Damages imposed under subsection (2) of this section;~~

~~(c) Any costs and attorney's fees claimant may be entitled to recover.~~

~~If any final judgment impairs the liability of the surety upon the bond so furnished so that there is not in effect a bond undertaking in the full amount prescribed by the director, the director shall suspend the license of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims has been furnished. If such bond becomes fully impaired, a new bond must be furnished.~~

~~If the farm labor contractor has filed other security with the director in lieu of a surety bond, any person having an unsatisfied final judgment against the contractor for any violation of this chapter may execute upon the security deposit held by the director by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the director. Upon the receipt of service of such certified copy, the director shall pay or order paid from the~~

~~deposit, through the registry of the court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the director shall be the order of receipt by the director, but the director shall have no liability for payment in excess of the amount of the deposit.))~~

NEW SECTION. Sec. 19. A new section is added to chapter 19.30 RCW to read as follows:

(1) Any person, having a claim for wages pursuant to this act or RCW 49.52.050 et seq. may bring suit upon the surety bond or security deposit filed by the contractor pursuant to RCW 19.30.040, in any court of competent jurisdiction of the county in which the claim arose, or in which either the claimant or contractor resides: PROVIDED, That the right of action shall not be included in any suit or action against the farm labor contractor but must be exercised independently after first procuring a judgment, decree or other form of adequate proof of liability established after notice and hearing under RCW 19.30.160. The filing of such an action against the farm labor contractor tolls the three-year statute of limitations referred to in RCW 19.30.170.

(2) The right of action is assignable in the name of the director or any other person, and must be included with an assignment of a wage claim, any other appropriate claim, or of a judgment thereon.

(3) An action upon the bond or security deposit shall be commenced by serving and filing the complaint within three years from the date of expiration or cancellation of the bond, or in the case of a security deposit, within three years of the date of expiration or revocation of the license.

(4) A copy of the complaint in any such action shall be served upon the director at the time of commencement of the action and the director shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the farm labor contractor and the surety for suit upon the bond and the director shall transmit the complaint or a copy thereof to the contractor at the address listed in his or her application and to the surety within forty-eight hours after it has been received.

(5) The surety upon the bond may, upon notice to the director and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated.

(6) If the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, the claims shall be satisfied from the bond in the order that judgment was rendered.

(7) If any final judgment impairs the liability of the surety upon the bond so furnished so that there is not in effect a bond undertaking in the full amount prescribed by the director, the director shall suspend the license of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims has been furnished. If such bond becomes fully impaired, a new bond must be furnished.

(8) If the farm labor contractor has filed other security with the director in lieu of a surety bond, any person having an unsatisfied final judgment against the contractor for any violation of this chapter may execute upon the security deposit held by the director by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the director. Upon the receipt of service of such certified copy, the director shall pay or order paid from the deposit, through the registry of the court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the director shall be the order of receipt by the director, but the director shall have no liability for payment in excess of the amount of the deposit.

NEW SECTION. Sec. 20. There is appropriated from the general fund to the department of labor and industries for the biennium ending June 30, 1987, the sum of forty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 1 through 14 of this act.

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "contractors;" strike the remainder of the title and insert "amending RCW 18.27.020, 18.27.210, 18.27.230, 18.27.240, 18.27.250, 18.27.270, 18.27.300, 18.27.310, 18.27.320, 18.27.340, 18.27.110, 19.30.040, 19.30.081, 19.30.160, and 19.30.170; adding new sections to chapter 18.27 RCW; adding a new section to chapter 19.30 RCW; repealing RCW 18.27.330; prescribing penalties; making an appropriation; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4722.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4722, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4722, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator McDermott - 1.

Excused: Senators Granlund, Kiskaddon, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4722, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4724 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 28A.03 RCW to read as follows:

Sections 2 through 8 of this act may be known and cited as the Washington award for excellence in education program act.

NEW SECTION, Sec. 2. A new section is added to chapter 28A.03 RCW to read as follows:

(1) The superintendent of public instruction shall establish an annual award program for excellence in education to recognize teachers, principals, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The program shall recognize annually:

(a) Three teachers from each congressional district of the state. One individual must be an elementary level teacher, one must be a junior high or middle school level teacher, and one must be a secondary level teacher;

(b) Three principals from each congressional district of the state. One individual must be an elementary building principal, one must be a junior high or middle school building principal, and one must be a secondary building principal;

(c) One school district superintendent from the state; and

(d) One school district board of directors from the state.

Not more than three teachers and three principals from each congressional district and one superintendent and one school board from the state may be recognized and receive awards in any school year.

(2) The awards for teachers and principals shall include certificates presented by the governor and the superintendent of public instruction at a public ceremony or ceremonies in appropriate locations.

(3) In addition to certificates under subsection (2) of this section, awards for teachers and principals shall include:

(a) A waiver of tuition and fees under section 6 of this act and a stipend not to exceed one thousand dollars to cover costs incurred in taking courses for which the tuition and fees have been waived under this subsection and section 6 of this act. The stipend shall not be considered compensation for the purposes of RCW 28A.58.095; or

(b) Teachers and principals, at their discretion, may elect to forego the waiver of tuition and fees and the stipend under subsection (3) of this section and apply for a grant not to exceed one thousand dollars, which grant shall be awarded under the provisions of section 7 of this act. Within one year of receiving the award for excellence in education, teachers and principals shall notify the superintendent of public instruction in writing of their decision to apply for a grant or to receive the waiver of tuition and fees and the stipend under subsection (3) of this section.

NEW SECTION, Sec. 3. The award for teachers under the Washington award for excellence in education program shall be named the "Christa McAuliffe Award, in honor and memory of Sharon Christa Corrigan McAuliffe." As the first teacher and private citizen selected nationally to voyage into space, Christa McAuliffe exemplified what is exciting and positive about the teaching profession. Her contributions within the scope of the nation's education system helped to show that education can and should be a vital and dynamic experience for all participants.

Christa McAuliffe's chosen profession encompasses learning by discovery and her desire to make new discoveries was reflected by her participation in the nation's space program.

The selection of Christa McAuliffe as the first teacher in space was directly linked to Washington state in that superintendent of public instruction Dr. Frank Brouillet both appointed and served as a member of the national panel which selected Christa McAuliffe.

The tragic loss of the life of Christa McAuliffe on the flight of the space shuttle Challenger on January 28, 1986, will be remembered through the legacy she gave to her family, friends, relatives, students, colleagues, the education profession, and the nation: a model example of striving toward excellence.

NEW SECTION, Sec. 4. The awards for the superintendent and school board shall include:

(1) Certificates presented by the governor and the superintendent of public instruction at a public ceremony or ceremonies in appropriate locations;

(2) A grant to the superintendent not to exceed one thousand dollars, which grant shall be awarded under the provisions of section 8 of this act; and

(3) A grant to the school board not to exceed two thousand five hundred dollars, which grant shall be awarded under section 8 of this act.

NEW SECTION, Sec. 5. A new section is added to chapter 28A.03 RCW to read as follows:

The superintendent of public instruction shall adopt rules under chapter 34.04 RCW to carry out the purposes of this chapter. These rules shall include establishing the selection criteria for the Washington award for excellence in education program. The superintendent of public instruction is encouraged to consult with teachers, principals, superintendents, and school board members in developing the selection criteria. Notwithstanding the provisions of section 2(1) (a) and (b) of this act, such rules may allow for the selection of individuals whose teaching or administrative duties, or both, may encompass multiple grade level or building assignments, or both.

NEW SECTION, Sec. 6. A new section is added to chapter 28B.15 RCW to read as follows:

Teachers and principals who have received an award for excellence in education under section 2 of this act shall have the tuition and fees waived for one full academic year at any state institution of higher education: PROVIDED, That the waiver shall begin to be used within three years after the award was received.

NEW SECTION, Sec. 7. A new section is added to chapter 28A.03 RCW to read as follows:

Teachers and principals who have received an award for excellence in education under section 2 of this act shall be eligible to apply for an educational grant in lieu of receiving a waiver of tuition and fees and a stipend as provided under section 2(3) of this act. The superintendent of public instruction shall award the grant as long as a written grant application is submitted to the superintendent of public instruction within one year after the award was received. The grant application shall identify the educational purpose toward which the grant shall be used.

NEW SECTION, Sec. 8. A new section is added to chapter 28A.03 RCW to read as follows:

The superintendent and school board who have received an award for excellence in education under section 4 of this act shall be eligible to apply for an educational grant. The superintendent of public instruction shall award the grant as long as a written grant application is submitted to the superintendent of public instruction within one year after the award was received. The grant application shall identify the educational purpose toward which the grant shall be used.

NEW SECTION, Sec. 9. The sum of sixty thousand five hundred dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the superintendent of public instruction for the purposes of this act.*

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 4724.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4724, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4724, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McManus, Melcalf, Moore, Newhouse, Owen, Patterson,

Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators McDermott, McDonald - 2.

Excused: Senators Granlund, Kiskaddon, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4724, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator McDonald was excused.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SENATE BILL NO. 4749 with the following amendment:

On page 1, line 14, after "for" strike "both commercial and personal" and insert "(~~both commercial and personal~~)".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Senate Bill No. 4749.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4749, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4749, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Granlund, Kiskaddon, McDonald, Stratton - 4.

SENATE BILL NO. 4749, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4766 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35.21.300, chapter 7, Laws of 1965 as last amended by section 3, chapter 6, Laws of 1985 and RCW 35.21.300 are each amended to read as follows:

(1) The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid, except that until June 30, ((1986)) 1990, electricity for residential space heating may be terminated between November 15 and March 15 only as provided in subsections (2) and (3) of this section. In the event of a disputed account and tender by the owner of the premises of the amount he claims to be due before the service is cut off, the right to refuse service to any premises shall not accrue until suit has been entered by the city and judgment entered in the case.

(2) Until June 30, ((1986)) 1990:

(a) Electricity for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(ii) ~~((Brings a statement from the department of social and health services or))~~ Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs~~((:)).~~ The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and ((which provides)) shall provide a dollar figure that is seven percent of household income. The grantee may verify information in the self-certification.

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills:

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is ~~((applicable))~~ available for the dwelling:

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but ~~((the plan))~~ shall not be ~~((invalidated))~~ in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan: and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination ~~((and)),~~ a description of the customer's duties in this ~~((subsection))~~ section:

(ii) Assist the customer in fulfilling the requirements under this ~~((subsection))~~ section:

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this ~~((subsection))~~ section moves from one residence to another within the same utility service area: and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this ~~((subsection))~~ section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected.

(3) All municipal utilities shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

Sec. 2. Section 5, chapter 251, Laws of 1984 and RCW 35.21.301 are each amended to read as follows:

Until ~~((1986))~~ 1990, cities and towns distributing electricity shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ~~((251))~~ --, Laws of ~~((1984))~~ 1986 (Senate Bill No. --, S-3509/86) benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, ~~((1986))~~ 1990.

Sec. 3. Section 2, chapter 251, Laws of 1984 as amended by section 19, chapter 6, Laws of 1985 and RCW 54.16.285 are each amended to read as follows:

(1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(b) ~~((Brings a statement from the department of social and health services or))~~ Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs~~((:)).~~ The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under

42 U.S.C. 8624 and ((which provides)) shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is ((applicable)) available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but ((the plan)) shall not be ((invalidated)) in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(2) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination ((and)), a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area; and

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected.

(3) All districts providing utility service for residential space heating shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(5) This section shall expire June 30, ((1986)) 1990.

Sec. 4. Section 6, chapter 251, Laws of 1984 and RCW 54.16.286 are each amended to read as follows:

Until ((1986)) 1990, districts distributing electricity shall report annually to the legislature ((for utilities subject to its jurisdiction)): (1) The extent to which chapter ((251)) --, Laws of ((1984)) 1986 (Senate Bill No. --, S-3509/86) benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, ((1986)) 1990.

Sec. 5. Section 80.28.010, chapter 14, Laws of 1961 as last amended by section 25, chapter 6, Laws of 1985 and RCW 80.28.010 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Until June 30, ((1986)) 1990:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(ii) ~~((Brings a statement from the department of social and health services or))~~ Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs(~~;~~). The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and ~~((which provides)) shall provide~~ a dollar figure that is seven percent of household income. ~~The grantee may verify information provided in the self-certification;~~

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is ~~((applicable)) available~~ for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but ~~((the plan)) shall not be ((invalidated)) in default~~ unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination ~~((and)),~~ a description of the customer's duties in this ~~((subsection))~~ section;

(ii) Assist the customer in fulfilling the requirements under this ~~((subsection))~~ section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this ~~((subsection))~~ section moves from one residence to another within the same utility service area; and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected.

(c) A payment plan implemented under this ~~((subsection))~~ section is consistent with RCW 80.28.080.

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

(7) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

Sec. 6, Section 7, chapter 251, Laws of 1984 and RCW 80.28.011 are each amended to read as follows:

Until ~~((1986)) 1990~~, the Washington utilities and transportation commission shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ~~((251)) --~~ Laws of ~~((1984)) 1986~~ (Senate Bill No. --, S-3509/86) benefits low income persons, and (2) the costs and benefits to other customers. The commission shall also review its policies and the policies of gas and electric utilities under its jurisdiction on involuntary termination of gas or electric utility service, discontinuance of service, and responsibility for delinquent accounts, for all residential customers and undertake good faith efforts to adopt policies which apply to all residential customers in a similar fashion to minimize uncollectible customer billings and to encourage customer payments of prior service obligations in a manner consistent with applicable state and federal law. This review shall be completed and a report on the review supplied to the energy and utilities committees of the legislature by January 1, 1987.

This section shall expire June 30, ~~((1986)) 1990~~.

NEW SECTION. Sec. 7, Section 3, chapter 251, Laws of 1984 and RCW 54.16.290 are each repealed.*

On page 1, beginning on line 3 of the title, strike everything through "24.06 RCW;" on line 4 of the title..

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Williams moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4766.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Williams that the Senate concur in the House amendments to Substitute Senate Bill No. 4766.

The motion by Senator Williams carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 4766.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4766, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4766, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Saling, Sellar, Zimmerman - 16.

Excused: Senators Granlund, Kiskaddon, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 4766, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4938 with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART I

LAW REVISION COMMISSION

NEW SECTION. Sec. 101. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 183, Laws of 1982 and RCW 1.30.010;
- (2) Section 2, chapter 183, Laws of 1982 and RCW 1.30.020;
- (3) Section 3, chapter 183, Laws of 1982 and RCW 1.30.030;
- (4) Section 4, chapter 183, Laws of 1982 and RCW 1.30.040;
- (5) Section 5, chapter 183, Laws of 1982 and RCW 1.30.050;
- (6) Section 9, chapter 183, Laws of 1982 and RCW 1.30.060; and
- (7) Section 10, chapter 183, Laws of 1982 and RCW 41.06.083.

PART II

BOARD OF ELECTRICAL EXAMINERS AND ELECTRICAL ADVISORY BOARD

Sec. 201. Section 1, chapter 206, Laws of 1983 and RCW 19.28.005 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Administrator" means a person designated by an electrical contractor to supervise electrical work and electricians in accordance with the rules adopted under this chapter.

(2) "~~(Advisory)~~ Board" means the electrical ~~((advisory))~~ board under RCW 19.28.065.

(3) "~~(Board of electrical examiners)~~" means the board of electrical examiners under RCW 19.28.123.

~~((4))~~ "Chapter" means chapter 19.28 RCW.

~~((5))~~ (4) "Department" means the department of labor and industries.

~~((6))~~ (5) "Director" means the director of the department or the director's designee.

~~((7))~~ (6) "Electrical construction trade" includes but is not limited to installing or maintaining electrical wires and equipment that are used for light, heat, or power.

~~((f))~~ (7) "Electrical contractor" means a person, firm, partnership, corporation, or other entity that offers to undertake, undertakes, submits a bid for, or does the work of installing or maintaining wires or equipment that convey electrical current.

~~((g))~~ (8) "Equipment" means any equipment or apparatus that directly uses, conducts, or is operated by electricity but does not mean plug-in household appliances.

~~((h))~~ (9) "Journeyman electrician" means a person who has been issued a journeyman electrician certificate of competency by the department.

~~((i))~~ (10) "Specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department.

Sec. 202. Section 3, chapter 206, Laws of 1983 and RCW 19.28.015 are each amended to read as follows:

Disputes arising under RCW 19.28.010(2) regarding whether the city or town's electrical rules, regulations, or ordinances are equal to the rules adopted by the department shall be resolved by arbitration. The department shall appoint two members of the ~~((advisory))~~ board to serve on the arbitration panel, and the city or town shall appoint two persons to serve on the arbitration panel. These four persons shall choose a fifth person to serve. If the four persons cannot agree on a fifth person, the presiding judge of the superior court of the county in which the city or town is located shall choose a fifth person. A decision of the arbitration panel may be appealed to the superior court of the county in which the city or town is located within thirty days after the date the panel issues its final decision.

Sec. 203. Section 10, chapter 169, Laws of 1935 as last amended by section 4, chapter 206, Laws of 1983 and RCW 19.28.060 are each amended to read as follows:

Prior to January 1st of each year, the director shall obtain an authentic copy of the national electrical code as approved by the American Standards Association, and an authentic copy of any applicable regulations and standards of the Underwriters' Laboratories, Inc., or other nationally recognized testing laboratory prescribing rules, regulations, and standards for electrical materials, devices, appliances, and equipment, including any modifications and changes that have been made during the previous year in the rules, regulations, and standards. The department, after consulting with the ~~((advisory))~~ board and receiving the board's recommendations, shall adopt reasonable rules in furtherance of safety to life and property. All rules shall be kept on file by the department. Compliance with the rules shall be prima facie evidence of compliance with this chapter. The department upon request shall deliver to all persons, firms, partnerships, corporations, or other entities licensed under this chapter a copy of the rules.

Sec. 204. Section 5, chapter 207, Laws of 1963 as last amended by section 56, chapter 287, Laws of 1984 and RCW 19.28.065 are each amended to read as follows:

There is hereby created an electrical ~~((advisory))~~ board, consisting of ~~((seven))~~ eight members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including, but not limited to standards of electrical installation, minimum inspection procedures, and the adoption of rules and regulations pertaining to the electrical inspection division: PROVIDED, HOWEVER, That no rules or regulations shall be amended or repealed until the ~~((electrical advisory))~~ board has first had an opportunity to consider any proposed amendments or repeals and had an opportunity to make recommendations to the director relative thereto. The members of the ~~((electrical advisory))~~ board shall be selected and appointed as follows: One member shall be an employee or officer of a corporation or public agency generating or distributing electric power; ~~((one))~~ two members shall be ~~((an))~~ employees or officers of a corporation or firm engaged in the business of making electrical installations; one member shall be an employee, or officer, or representative of a corporation or firm engaged in the business of manufacturing or distributing electrical materials, equipment, or devices; one member shall be a person not related to the electrical industry to represent the public; ~~((one))~~ two members shall be ~~((a))~~ recognized electricians; one member shall be a licensed professional engineer qualified to do business in the state of Washington~~((;))~~; ~~((and one member shall be the state chief electrical inspector. Each of the members except the public member and the chief electrical inspector shall be appointed by the governor from among a list of individuals nominated by nonprofit organizations or associations representing individuals, corporations, or firms engaged in the business classification from which such member shall be selected.))~~ The regular term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed on the effective date of this 1986 act for the following terms: The first term of the member representing a corporation or public agency generating or distributing electric power shall serve four years; ~~((the))~~ one member representing ~~((the))~~ an installer of electrical equipment or appliances shall serve three years; the member representing a manufacturer or distributor of electrical equipment or devices shall serve three years; the member representing the public and one member representing an installer of electrical equipment or appliances shall serve two years; the members selected as ~~((the))~~ recognized electricians shall serve for two years; the member selected as the licensed professional electrical engineer shall serve for one year. Thereafter, the governor shall appoint or reappoint board members for terms of four years and

to fill vacancies created by the completion of the terms of the original members. The governor shall also fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. Any person acting as the chief electrical inspector shall serve as secretary of the board during his tenure as chief state inspector. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall receive compensation in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 205. Section 1, chapter 30, Laws of 1969 as last amended by section 5, chapter 206, Laws of 1983 and RCW 19.28.120 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electric current, or installing or maintaining equipment to be operated by electric current as it pertains to the electrical industry, without having an unrevoked, unsuspended, and unexpired electrical contractor license, issued by the department in accordance with this chapter. All electrical contractor licenses expire on the thirty-first day of December following the day of their issue. Application for an electrical contractor license shall be made in writing to the department, accompanied by the required fee. The application shall state the name and address of the applicant; in case of firms or partnerships, the names of the individuals composing the firm or partnership; in case of corporations, the names of the managing officials thereof; the location of the place of business of the applicant and the name under which the business is conducted; and whether a general or specialty electrical contractor license is sought and, if the latter, the type of specialty. Electrical contractor specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, and non-residential maintenance. A general electrical contractor license shall grant to the holder the right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electric current, and installing or maintaining equipment, or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current, in the state of Washington. A specialty electrical contractor license shall grant to the holder a limited right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electrical current, and installing or maintaining equipment; or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current in the state of Washington as expressly allowed by the license.

(2) The application for a contractor license shall be accompanied by a bond in the sum of three thousand dollars with the state of Washington named as obligee in the bond, with good and sufficient surety, to be approved by the department. The bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, suspends the license issued to the principal until a new bond has been filed and approved as provided in this section. Upon approval of a bond, the department shall on the next business day deposit the fee accompanying the application in the electrical license fund and shall file the bond in the office. The department shall upon request furnish to any person, firm, partnership, corporation, or other entity a certified copy of the bond upon the payment of a fee that the department shall set by rule. The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that in any installation or maintenance of wires or equipment to convey electrical current, and equipment to be operated by electrical current, the principal will comply with the provisions of this chapter and with any electrical ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(2) that is in effect at the time of entering into a contract. The bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm, partnership, corporation, or other entity due to a failure of the principal to make the installation or maintenance in accordance with this chapter or any applicable ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(2). In lieu of the surety bond required by this section the license applicant may file with the department a cash deposit or other negotiable security acceptable to the department. If the license applicant has filed a cash deposit, the department shall deposit the funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from the account.

(3) The department shall issue general or specialty electrical contractor licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, are exclusive, and no political subdivision of the state of Washington may require or issue any licenses or bonds or charge any fee for the same or a similar purpose. No

person, firm, partnership, corporation, or other entity holding more than one specialty contractor license under this chapter may be required to pay an annual fee for more than one such license or to post more than one three thousand dollar bond, equivalent cash deposit, or other negotiable security.

(4) To obtain a general or specialty electrical contractor license the applicant must designate an individual who currently possesses an administrator's certificate as a general electrical contractor administrator or as a specialty electrical contractor administrator in the specialty for which application has been made. Administrator certificate specialties include but are not limited to: Residential, domestic, appliance, pump and irrigation, limited energy system, signs, and nonresidential maintenance. To obtain an administrator's certificate an individual must pass an examination as set forth in RCW 19.28.123 unless the applicant was a licensed electrical contractor at any time during 1974. Applicants who were electrical contractors licensed by the state of Washington at any time during 1974 are entitled to receive a general electrical contractor administrator's certificate without examination if the applicants apply prior to January 1, 1984. The board (~~of electrical examiners~~) shall certify to the department the names of all persons who are entitled to either a general or specialty electrical contractor administrator's certificate.

Sec. 206. Section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 57, chapter 287, Laws of 1984 and RCW 19.28.123 are each amended to read as follows:

~~((There is hereby created a board of electrical examiners consisting of nine members to be appointed by the governor.))~~ It shall be the purpose and function of ~~((this))~~ the board to establish in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of ~~((this))~~ the board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. It shall be the further purpose and function of ~~((this))~~ the board to advise the director as to the need of additional electrical inspectors and compliance officers to be utilized by the director on either a full-time or part-time employment basis. ~~((Meetings of the board shall be held quarterly on the first Monday of February, May, August, and November of each year. Each member of the board shall be compensated in accordance with RCW 43.03.240, and each member shall also receive travel expenses as provided in RCW 43.03.050 and 43.03.060, which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.))~~

Sec. 207. Section 4, chapter 188, Laws of 1974 ex. sess. as last amended by section 6, chapter 206, Laws of 1983 and RCW 19.28.125 are each amended to read as follows:

(1) Each applicant for an electrical contractor's license, other than an individual, shall designate a supervisory employee or member of the firm to take the required administrator's examination. This person shall be designated as administrator under the license. No person may qualify as administrator for more than one contractor. If the relationship of the administrator with the electrical contractor is terminated, the contractor's license is void within ninety days unless another administrator is qualified by the board (~~of electrical examiners~~). However, if the administrator dies, the contractor's license is void within one hundred eighty days unless another administrator is qualified by the board (~~of electrical examiners~~). A certificate issued under this section is valid for the calendar year of issuance, unless revoked or suspended, and further is nontransferable. The certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. An individual holding more than one administrator's certificate under this chapter shall not be required to pay annual fees for more than one certificate. A person may take the administrator's test as many times as necessary without limit.

(2) The administrator shall:

(a) Be available during working hours to carry out the duties of an administrator under this section;

(b) Ensure that all electrical work complies with the electrical installation laws and rules of the state;

(c) Ensure that the proper electrical safety procedures are used;

(d) Ensure that all electrical labels, permits, and licenses required to perform electrical work are used;

(e) See that corrective notices issued by an inspecting authority are complied with; and

(f) Notify the department in writing within ten days if the administrator terminates the relationship with the electrical contractor.

(3) The department shall not by rule change the administrator's duties under subsection (2) of this section.

Sec. 208. Section 8, chapter 169, Laws of 1935 as last amended by section 7, chapter 206, Laws of 1983 and RCW 19.28.210 are each amended to read as follows:

The director shall cause an inspector to inspect all wiring, appliances, devices, and equipment to which this chapter applies. Nothing contained in this chapter may be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter except those pertaining to cities and towns pursuant to RCW 19.28.010(2). Upon request, electrical inspections will be made by the department within forty-eight hours, excluding holidays, Saturdays, and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect electrical power to the installation if the necessary electrical work permit is displayed. Whenever the installation of any wiring, device, appliance, or equipment is not in accordance with this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, partnership, corporation, or other entity owning, using, or operating it shall be notified by the department and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger to life or property and to make it conform to this chapter. The director, through the inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to conductors or equipment that are found to be in a dangerous or unsafe condition and not in accordance with this chapter. Upon making a disconnection the inspector shall attach a notice stating that the conductors have been found dangerous to life or property and are not in accordance with this chapter. It is unlawful for any person to reconnect such defective conductors or equipment without the approval of the department, and until the conductors and equipment have been placed in a safe and secure condition, and in a condition that complies with this chapter. The director, through the electrical inspector, has the right during reasonable hours to enter into and upon any building or premises in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment, or material contained in or on the buildings or premises. No electrical wiring or equipment subject to this chapter may be concealed until it has been approved by the inspector making the inspection. Persons, firms, partnerships, corporations, or other entities making electrical installations shall obtain inspection and approval from an authorized representative of the department as required by this chapter before requesting the electric utility to connect to the installations. Electric utilities may connect to the installations if approval is clearly indicated by certification of the electrical work permit required to be affixed to each installation or by equivalent means, except that increased or relocated services may be reconnected immediately at the discretion of the utility before approval if an electrical work permit is displayed. The permits shall be furnished upon payment of the fee to the department. The director, subject to the recommendations and approval of the ((advisory)) board, shall set by rule a schedule of license and electrical work permit fees that will cover the costs of administration and enforcement of this chapter. The rules shall be adopted in accordance with the administrative procedure act, chapter 34.04 RCW. No fee may be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

Sec. 209. Section 2, chapter 169, Laws of 1935 as amended by section 9, chapter 206, Laws of 1983 and RCW 19.28.260 are each amended to read as follows:

It is unlawful for any person, firm, partnership, corporation, or other entity to install or maintain any electrical wiring, appliances, devices, or equipment not in accordance with this chapter. In cases where the interpretation and application of the installation or maintenance standards prescribed in this chapter is in dispute or in doubt, the ((advisory)) board shall, upon application of any interested person, firm, partnership, corporation, or other entity, determine the methods of installation or maintenance or the materials, devices, appliances, or equipment to be used in the particular case submitted for its decision.

Sec. 210. Section 13, chapter 169, Laws of 1935 as amended by section 10, chapter 206, Laws of 1983 and RCW 19.28.300 are each amended to read as follows:

Any person, firm, partnership, corporation, or other entity desiring a decision of the ((advisory)) board pursuant to RCW 19.28.260 shall, in writing, notify the director of such desire and shall accompany the notice with a certified check payable to the department in the sum of two hundred dollars. The notice shall specify the ruling or interpretation desired and the contention of the person, firm, partnership, corporation, or other entity as to the proper interpretation or application on the question on which a decision is desired. If the ((advisory)) board determines that the contention of the applicant for a decision was proper, the two hundred dollars shall be returned to the applicant; otherwise it shall be used in paying the expenses and per diem of the members of the ((advisory)) board in connection with the matter. Any portion of the two hundred dollars not used in paying the per diem and expenses of the board in the case shall be paid into the electrical license fund.

Sec. 211. Section 7, chapter 169, Laws of 1935 as amended by section 11, chapter 206, Laws of 1983 and RCW 19.28.310 are each amended to read as follows:

The department has the power, in case of continued noncompliance with the provisions of this chapter, to revoke or suspend for such a period as it determines, any electrical contractor license or electrical contractor administrator certificate issued under this chapter. The department shall notify the holder of the license or certificate of the revocation or suspension by certified mail. A revocation or suspension is effective fifteen days after the holder receives the notice. Any revocation or suspension is subject to review by an appeal to the board (~~of electrical examiners~~). The filing of an appeal stays the effect of a revocation or suspension until the board (~~of electrical examiners~~) makes its decision. The appeal shall be filed within fifteen days after notice of the revocation or suspension is given by certified mail sent to the address of the holder of the license or certificate as shown on the application for the license or certificate, and shall be effected by filing a written notice of appeal with the department, accompanied by a certified check for two hundred dollars, which shall be returned to the holder of the license or certificate if the decision of the department is not sustained by the board. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund.

Sec. 212. Section 18, chapter 169, Laws of 1935 as amended by section 1, chapter 67, Laws of 1979 ex. sess. and RCW 19.28.330 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer and placed in a special fund designated as the "electrical license fund," and by him paid out upon vouchers duly and regularly issued therefor and approved by the director of labor and industries or the director's designee following determination by the board (~~of electrical examiners~~) that the sums are necessary to accomplish the intent of chapter 19.28 RCW. The treasurer shall keep an accurate record of payments into, or receipts of, said fund, and of all disbursements therefrom.

Sec. 213. Section 4, chapter 30, Laws of 1980 as amended by section 14, chapter 206, Laws of 1983 and RCW 19.28.530 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the journeyman or specialty certificate of competency. To be eligible to take the examination for a journeyman certificate the applicant must have worked in the electrical construction trade for a minimum of four years employed full time, of which two years shall be in industrial or commercial electrical installation under the supervision of a journeyman electrician certified under this chapter and not more than a total of two years in all specialties under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter or have successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade. To be eligible to take the examination to become a specialty electrician the applicant shall have worked in that specialty of the electrical construction trade, under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter, for a minimum of two years employed full time, or have successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade. Before January 1, 1984, applicants for nonresidential maintenance specialty licenses are eligible to become nonresidential maintenance specialists upon certification to the department that they have the equivalent of two years full-time experience in that specialty field. Persons applying before January 1, 1984, for a journeyman certificate are eligible to take the examination to become journeymen until July 1, 1984, upon certification to the department that they have the equivalent of five years full-time experience in nonresidential maintenance, of which two years shall be in industrial electrical installation. Any applicant who has successfully completed a two-year technical school program in the electrical construction trade in a school that is approved by the commission for vocational education may substitute up to two years of the technical school program for two years of work experience under a journeyman electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to take the examination for the certificate of competency. Any applicant who is a graduate of a trade school program in the electrical construction trade that was established during 1946 is eligible to take the examination for the certificate of competency. No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board (~~of electrical examiners~~). Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

Sec. 214. Section 5, chapter 30, Laws of 1980 as amended by section 15, chapter 206, Laws of 1983 and RCW 19.28.540 are each amended to read as follows:

The department, in coordination with the board (~~(of electrical examiners)~~), shall prepare an examination to be administered to applicants for journeyman and specialty certificates of competency. The examination shall be constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that are identified with the status of journeyman electrician or specialty electrician; and

(2) Whether the applicant is sufficiently familiar with the applicable electrical codes and the rules of the department pertaining to electrical installations and electricians.

The department shall, at least four times annually, administer the examination to persons eligible to take it under RCW 19.28.530. A person may take the journeyman or specialty test as many times as necessary without limit. All applicants shall, before taking the examination, pay to the department an examination fee. The department shall set the fee by rule. The fee shall cover but not exceed the costs of preparing and administering the examination.

The department shall certify the results of the examination upon such terms and after such a period of time as the department, in cooperation with the board (~~(of electrical examiners)~~), deems necessary and proper.

Sec. 215. Section 9, chapter 30, Laws of 1980 as amended by section 18, chapter 206, Laws of 1983 and RCW 19.28.580 are each amended to read as follows:

(1) The department may revoke any certificate of competency upon the following grounds:

(a) The certificate was obtained through error or fraud;

(b) The holder thereof is judged to be incompetent to work in the electrical construction trade as a journeyman electrician or specialty electrician;

(c) The holder thereof has violated any of the provisions of RCW 19.28.510 through 19.28.620 or any rule adopted under this chapter.

(2) Before any certificate of competency shall be revoked, the holder shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against the holder, and shall give the holder the opportunity to request a hearing before the board (~~(of electrical examiners)~~). At the hearing, the department and the holder may produce witnesses and give testimony. The hearing shall be conducted in accordance with chapter 34.04 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision.

Sec. 216. Section 10, chapter 30, Laws of 1980 as amended by section 19, chapter 206, Laws of 1983 and RCW 19.28.590 are each amended to read as follows:

The board (~~(of electrical examiners)~~) shall carry out all the functions and duties enumerated in RCW 19.28.510 through 19.28.620, as well as generally advise the department on all matters relative to RCW 19.28.510 through 19.28.620.

PART III WORK-STUDY ADVISORY COMMITTEE

Sec. 301. Section 5, chapter 177, Laws of 1974 ex. sess. as amended by section 59, chapter 370, Laws of 1985 and RCW 28B.12.050 are each amended to read as follows:

The higher education coordinating board shall disburse college work-study funds (~~(after consideration of recommendations of a panel convened by the higher education coordinating board, and composed of representatives of)~~, In performing its duties under this section, the board shall consult eligible institutions and post-secondary education advisory and governing bodies. (~~(Said commission)~~) The board shall establish criteria (~~(for the panel)~~) designed to achieve such distribution of assistance under this chapter among students attending eligible institutions as will most effectively carry out the purposes of this chapter.

Sec. 302. Section 6, chapter 177, Laws of 1974 ex. sess. as amended by section 60, chapter 370, Laws of 1985 and RCW 28B.12.060 are each amended to read as follows:

The higher education coordinating board shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 28B.19 RCW, the state higher education administrative procedure act. Such rules and regulations shall (~~be promulgated upon consideration of advice from a panel composed of representatives of institutional financial aid officers, a representative of employee organizations having membership in the classified service of the state's institutions of higher education, and will~~) include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules and regulations shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014.

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 28B.16 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the higher education personnel board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

PART IV
STATE BOARD FOR THE
CERTIFICATION OF LIBRARIANS

Sec. 401. Section 2, chapter 5, Laws of 1941 as last amended by section 1, chapter 152, Laws of 1984 and RCW 27.04.030 are each amended to read as follows:

The state library commission:

(1) May make such rules under chapter 34.04 RCW as may be deemed necessary and proper to carry out the purposes of this chapter;

(2) Shall set general policy direction pursuant to the provisions of this chapter;

(3) Shall appoint a state librarian who shall serve at the pleasure of the commission;

(4) Shall adopt a recommended budget and submit it to the governor;

(5) Shall have authority to contract with any agency of the state of Washington for the purpose of providing library materials, supplies, and equipment and employing assistants as needed for the development, growth, and operation of any library facilities or services of such agency;

(6) Shall have authority to contract with any public library in the state for that library to render library service to the blind and/or physically handicapped throughout the state. The state library commission shall have authority to compensate such public library for the cost of the service it renders under such contract;

(7) May adopt rules under chapter 34.04 RCW for the allocation of any grants of state funds for public or cooperative library services;

(8) Shall have authority to accept and to expend in accordance with the terms thereof any grant of federal funds which may become available to the state for library purposes. For the purpose of qualifying to receive such grants, the state library commission is authorized to make such applications and reports as may be required by the federal government as a condition thereto;

(9) Shall have the authority to provide for the sale of library material in accordance with RCW 27.12.305; and

(10) Shall ~~(pay expenses of the state board for certification of librarians under RCW 27.04.045)~~ have authority to establish rules and regulations for, and prescribe and hold examinations to test, the qualifications of those seeking certificates as librarians.

(a) The commission shall grant librarians' certificates without examination to applicants who are graduates of library schools accredited by the American library association for general library training, and shall grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities equivalent to those of a library school graduate and is qualified to carry on library work ably and efficiently.

(b) Any person not a graduate of a library school accredited by the American library association, but who has served as a librarian or a full-time professional assistant in any library in this state for at least one year or the equivalent thereof prior to midnight, June 12, 1935, shall be granted a librarian's certificate without examination, but such certificate shall be good only for the position specified therein, unless specifically extended by the commission.

(c) The commission shall require a fee of not less than one dollar nor more than five dollars to be paid by each applicant for a librarian's certificate. Money paid as fees shall be deposited with the state treasurer.

(d) After January 1, 1937, a library serving a community having over four thousand population shall not have in its employ, in the position of librarian or in any other full-time professional library position, a person who does not hold a librarian's certificate issued by the commission or its predecessor.

(e) A full-time professional library position, as intended by this subsection, is one that requires, in the opinion of the commission, a knowledge of books and of library technique equivalent to that required for graduation from an accredited library school.

(f) The provisions of this subsection apply to every library serving a community having over four thousand population and to every library operated by the state or under its authority, including libraries of institutions of higher learning; PROVIDED, That nothing in this subsection applies to the state law library or to county law libraries.

NEW SECTION. Sec. 402. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 119, Laws of 1935, section 12, chapter 106, Laws of 1973, section 59, chapter 287, Laws of 1984 and RCW 27.08.010; and

(2) Section 1, chapter 295, Laws of 1955 and RCW 27.08.045.

PART V

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS BOARDS

Sec. 501. Section 6, chapter 153, Laws of 1979 ex. sess. and RCW 36.28.025 are each amended to read as follows:

A person who files a declaration of candidacy for the office of sheriff after September 1, 1979, shall have, within twelve months of assuming office, a certificate of completion of a basic law enforcement training program which complies with standards adopted by the criminal justice training commission pursuant to RCW 43.101.080 (~~and 43.101.160~~).

This requirement does not apply to persons holding the office of sheriff in any county on September 1, 1979.

Sec. 502. Section 1, chapter 94, Laws of 1974 ex. sess. as last amended by section 2, chapter 132, Laws of 1981 and RCW 43.101.010 are each amended to read as follows:

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

~~(2) (The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.~~

~~(3))~~ The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

~~((4))~~ (3) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

~~((5))~~ (4) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

Sec. 503. Section 3, chapter 17, Laws of 1975-76 2nd ex. sess. as amended by section 1, chapter 124, Laws of 1982 and RCW 43.101.080 are each amended to read as follows:

The commission shall have all of the following powers:

(1) To meet at such times and places as it may deem proper;

(2) To adopt any rules and regulations as it may deem necessary;

(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;

(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;

(6) To select and employ an executive director, and to empower him to perform such duties and responsibilities as it may deem necessary;

(7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;

(8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;

(9) To establish and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel and to lease, subject to the approval of the department of general administration, a training facility or facilities necessary to the conducting of such programs: PROVIDED, That the commission shall not have the power to invest any moneys received by it from any source for the purchase of a training facility without prior approval of the legislature;

(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;

(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;

(12) To direct the development of alternative, innovative, and interdisciplinary training techniques;

(13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards ~~((recommended by the training standards and education boards));~~

(14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

(18) To establish rules ~~((and regulations recommended by the training standards and education boards))~~ prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

(19) To establish ad hoc advisory boards representative of the criminal justice community to advise the commission in areas relating to the powers and duties of the commission. The members of the ad hoc advisory boards shall be reimbursed for travel expenses pursuant to RCW 43.03.050 and 43.03.060.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the administrative procedure act, chapter 34.04 RCW, and the open public meetings act, chapter 42.30 RCW.

Sec. 504. Section 17, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.170 are each amended to read as follows:

In establishing standards for training and education, the commission may~~((-so far as consistent with the purposes of RCW 43.101.166));~~ permit required training and education of any criminal justice personnel to be obtained at existing institutions approved for such training by the commission.

Sec. 505. Section 2, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.200 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080 ~~((and 43.101.166))~~. Such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment.

(2) The commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week. Additionally, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training; PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his training period.

Sec. 506. Section 26, chapter 136, Laws of 1981 and RCW 43.101.220 are each amended to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission ~~((pursuant to RCW 43.101.166))~~. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The corrections personnel of the state and all counties and municipal corporations transferred or promoted to a supervisory or management position on or after January 1, 1982, shall engage in supervisory and/or management training which complies with standards adopted by the commission ~~((pursuant to RCW 43.101.166))~~. The training shall be successfully completed prior to or within the first six months of employment, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(3) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees.

(4) Nothing in this section shall affect or impair the employment status of any employee whose employer does not provide him with the opportunity to engage in the required training.

Sec. 507. Section 55, chapter 197, Laws of 1983 and RCW 43.131.310 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1987))~~ 1986:

(1) Section 9, chapter 94, Laws of 1974 ex. sess., section 4, chapter 132, Laws of 1981, section 12, chapter 16, Laws of 1983 1st ex. sess. and RCW 43.101.090;

(2) Section 10, chapter 94, Laws of 1974 ex. sess., section 5, chapter 132, Laws of 1981, section 13, chapter 16, Laws of 1983 1st ex. sess. and RCW 43.101.100;

(3) Section 11, chapter 94, Laws of 1974 ex. sess., section 6, chapter 132, Laws of 1981 and RCW 43.101.110;

(4) Section 12, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.120;

(5) Section 13, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.130;

(6) Section 14, chapter 94, Laws of 1974 ex. sess., section 127, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.140;

(7) Section 15, chapter 94, Laws of 1974 ex. sess., section 2, chapter 82, Laws of 1975 1st ex. sess. and RCW 43.101.150; and

(8) Section 16, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.160.

PART VI

MOBILE HOME, RECREATIONAL VEHICLE, AND FACTORY BUILT HOUSING ADVISORY BOARDS

Sec. 601. Section 3, chapter 229, Laws of 1969 ex. sess. as last amended by section 103, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.22.420 are each amended to read as follows:

There is hereby created a mobile home ~~((and))~~, recreational vehicle, and factory built housing advisory board consisting of ~~((eight))~~ nine members to be appointed by the ~~((governor with the advice of the))~~ director of labor and industries ~~((as herein provided))~~. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules and regulations pertaining to the manufacture of mobile homes, commercial coaches and recreational vehicles. The advisory board shall periodically review the rules promulgated under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department if it deems changes advisable.

The members of the ~~((mobile home and recreational vehicle))~~ advisory board shall be ~~((selected and appointed as follows: One member shall be an employee or officer of a mobile home manufacturing company; one member shall be an employee or officer of a travel trailer manufacturing company; one member shall be an employee, officer or distributor of a company engaged in the manufacture of component parts affecting the plumbing apparatus and equipment; one member shall be an employee, officer or distributor of a company engaged in the manufacture of electrical material, equipment or appliances; one member shall be a distributor or manufacturer of heating equipment, material or devices; one member shall be an employee, officer, owner, or operator of a mobile home park; and one member shall represent that segment of the general public owning or leasing mobile homes, commercial coaches and/or recreational vehicles. The chief supervisor for the mobile home, commercial coach and recreational vehicle section within the department of labor and industries shall be a member of the advisory board and shall act as secretary))~~ representative of consumers and the industry. The ~~((regular))~~ term of each member shall be four years ~~((PROVIDED, HOWEVER, The original board shall be appointed for the following terms: The first term of the member representing a manufacturer of mobile homes and of the member representing the general public shall be four years; the member representing the manufacturer of travel trailers shall serve three years; the member representing the manufacturer or distributor of plumbing component parts shall serve three years; the member representing the manufacturer or distributor of electrical apparatus and equipment shall serve two years; the manufacturer or distributor of heating equipment and appliances shall serve one year. The governor shall fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman))~~. The chief supervisor or any person acting as chief supervisor for the mobile home, commercial coach and recreational vehicle section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries.

NEW SECTION. Sec. 602. Section 6, chapter 44, Laws of 1970 ex. sess., section 4, chapter 22, Laws of 1973 1st ex. sess., section 104, chapter 34, Laws of 1975-'76 2nd ex. sess., section 77, chapter 287, Laws of 1984 and RCW 43.22.475 are each repealed.

PART VII

COMMISSION ON EQUIPMENT

Sec. 701. Section 46.04.040, chapter 12, Laws of 1961 and RCW 46.04.040 are each amended to read as follows:

"Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state (~~(commission on equipment)~~) patrol, or any other vehicle authorized in writing by the state (~~(commission on equipment)~~) patrol.

Sec. 702. Section 1, chapter 213, Laws of 1979 ex. sess. and RCW 46.04.304 are each amended to read as follows:

"Moped" means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power and a motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, and the wheels of which are at least sixteen inches in diameter.

The state (~~(commission on equipment)~~) patrol may approve of and define as a "moped" a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to vehicles which do meet these specific criteria.

Sec. 703. Section 1, chapter 200, Laws of 1983 and RCW 46.04.710 are each amended to read as follows:

"Wheelchair conveyance" means any vehicle specially manufactured or designed for the transportation of a physically or medically impaired wheelchair-bound person. The vehicle may be a separate vehicle used in lieu of a wheelchair or a separate vehicle used for transporting the impaired person while occupying a wheelchair. The vehicle shall be equipped with a propulsion device capable of propelling the vehicle within a speed range established by the (~~(commission on equipment)~~) state patrol. The (~~(commission)~~) state patrol may approve and define as a wheelchair conveyance, a vehicle that fails to meet these specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria.

Sec. 704. Section 46.16.240, chapter 12, Laws of 1961 as last amended by section 10, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.240 are each amended to read as follows:

The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times: PROVIDED, That if only one license number plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times: PROVIDED, HOWEVER, That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the state (~~(commission on equipment)~~) patrol. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed thereon valid vehicle license number plates attached as herein provided.

Sec. 705. Section 46.32.060, chapter 12, Laws of 1961 and RCW 46.32.060 are each amended to read as follows:

It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this title, or the equipment of which is not in a proper condition and adjustment as required by this title.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state (~~(commission on equipment)~~) patrol.

Sec. 706. Section 46.37.005, chapter 12, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1985 and RCW 46.37.005 are each amended to read as follows:

~~((There is constituted a state commission on equipment which shall consist of the director of the department of licensing, the chief of the Washington state patrol, and the secretary of transportation. Each official may designate an administrative staff person to serve as the official's designee on the commission. For purposes of continuity this designee shall, where possible, be one individual. The chief of the Washington state patrol or his designee shall act as the chairman of the state commission on equipment. He shall appoint either the director of licensing or the secretary of transportation or their respective designees to serve as vice-chairman in his absence. The chairman or the designated vice-chairman must be present at each meeting of the commission. The chief shall appoint a person under his supervision to act as secretary of the state commission on equipment who shall be responsible for the issuance of rules and regulations adopted by the commission, for the issuance of certificates of approval for vehicle equipment requiring approval and letters of appointment to tow operators, and for the administration of such other business of the commission on equipment as the commission shall specify.))~~

In addition to those powers and duties elsewhere granted ~~((by the provisions of this title the state commission on equipment))~~, the chief of the Washington state patrol shall have the power and the duty to adopt, apply, and enforce such reasonable rules and regulations (1) relating to proper types of vehicles or combinations thereof for hauling passengers, commodities, freight, and supplies, (2) relating to vehicle equipment, and (3) relating to the enforcement of the provisions of this title with regard to vehicle equipment, as may be deemed necessary for the public welfare and safety in addition to but not inconsistent with the provisions of this title.

The ~~((state commission on equipment))~~ chief of the Washington state patrol is authorized to adopt by regulation, federal standards relating to motor vehicles and vehicle equipment, issued pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, or any amendment to said act, notwithstanding any provision in Title 46 RCW inconsistent with such standards. Federal standards adopted pursuant to this section shall be applicable only to vehicles manufactured in a model year following the adoption of such standards.

Sec. 707. Section 46.37.010, chapter 12, Laws of 1961 as last amended by section 69, chapter 136, Laws of 1979 ex. sess. and RCW 46.37.010 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the ~~((state commission on equipment))~~ chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the ~~((commission's))~~ state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the ~~((commission's))~~ state patrol's regulations.

(2) Nothing contained in this chapter or the ~~((commission's))~~ state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the ~~((commission's))~~ state patrol's regulations.

(3) The provisions of the chapter and the ~~((commission's))~~ state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the ~~((commission on equipment))~~ state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state ~~((commission on equipment))~~ patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

Sec. 708. Section 46.37.160, chapter 12, Laws of 1961 as last amended by section 14, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.160 are each amended to read as follows:

(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with vehicular hazard warning lights of the type described in RCW 46.37.215 visible from a distance of not less than one thousand feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(2) Every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall at all times, and every other motor vehicle shall at times mentioned in RCW 46.37.020, be equipped with lamps and reflectors as follows:

(a) At least two headlamps meeting the requirements of RCW 46.37.220, 46.37.240, or 46.37.260;

(b) At least one red lamp visible when lighted from a distance of not less than one thousand feet to the rear mounted as far to the left of center of vehicle as practicable;

(c) At least two red reflectors visible from all distances within six hundred to one hundred feet to the rear when directly in front of lawful lower beams of headlamps.

(3) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with lamps and reflectors as follows:

(a) The farm tractor element of every such combination shall be equipped as required in subsections (1) and (2) of this section;

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps. One reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit;

(c) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in subsection (1) of this section.

(4) The two red lamps and the two red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them: PROVIDED, That if all other requirements are met, reflective tape or paint may be used in lieu of reflectors required by subsection (3) of this section.

(5) After January 1, 1970, every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (6) of this section.

(6) After January 1, 1970, every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) Where the towed unit is sufficiently large to obscure the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem;

(b) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(7) The emblem required by subsections (5) and (6) of this section shall comply with current standards and specifications as promulgated by the ~~((state commission on equipment))~~ Washington state patrol.

Sec. 709. Section 46.37.185, chapter 12, Laws of 1961 as amended by section 3, chapter 92, Laws of 1971 ex. sess. and RCW 46.37.185 are each amended to read as follows:

Firemen, when approved by the chief of their respective service, shall be authorized to use a green light on the front of their private cars when on emergency duty only. Such green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the ~~((commission on equipment))~~ Washington state patrol. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

Sec. 710. Section 46.37.190, chapter 12, Laws of 1961 as last amended by section 1, chapter 331, Laws of 1985 and RCW 46.37.190 are each amended to read as follows:

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the ~~((commission on equipment))~~ state patrol for that purpose. The ~~((commission))~~ state patrol may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency or law enforcement

vehicle. Optical strobe light devices shall not be installed or used on any vehicle other than an emergency vehicle authorized by the (~~Washington state commission on equipment~~) state patrol or a publicly-owned law enforcement or emergency vehicle. An "optical strobe light device" means a strobe light device which emits an optical signal at a specific frequency to a traffic control light enabling the vehicle in which the strobe light device is used to obtain the right of way at intersections.

(5) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

Sec. 711, Section 46.37.194, chapter 12, Laws of 1961 and RCW 46.37.194 are each amended to read as follows:

The state (~~commission on equipment~~) patrol may make rules and regulations relating to authorized emergency vehicles and shall test and approve sirens and emergency vehicle lamps to be used on such vehicles.

Sec. 712, Section 46.37.210, chapter 12, Laws of 1961 as last amended by section 18, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.210 are each amended to read as follows:

(1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with one or more side marker lamps, and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber, and side marker lamps located toward the rear shall be red.

(5) Any vehicle eighty inches or more in over-all width, if not otherwise required by RCW 46.37.090, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in RCW 46.37.090(~~(6)-(7)~~) (7).

(6) (a) Every motor vehicle, trailer, semitrailer, truck tractor, and pole trailer used in the state of Washington may be equipped with an auxiliary lighting system consisting of:

(i) One green light to be activated when the accelerator of the motor vehicle is depressed;

(ii) Not more than two amber lights to be activated when the motor vehicle is moving forward, or standing and idling, but is not under the power of the engine.

(b) Such auxiliary system shall not interfere with the operation of vehicle stop lamps or turn signals, as required by RCW 46.37.070. Such system, however, may operate in conjunction with such stop lamps or turn signals.

(c) Only one color of the system may be illuminated at any one time, and at all times either the green light, or amber light or lights shall be illuminated when the stop lamps of the vehicle are not illuminated.

(d) The green light, and the amber light or lights, when illuminated shall be plainly visible at a distance of one thousand feet to the rear.

(e) Only one such system may be mounted on a motor vehicle, trailer, semitrailer, truck tractor, or pole trailer; and such system shall be rear mounted in a horizontal fashion, at a height of not more than seventy-two inches, nor less than twenty inches, as provided by RCW 46.37.050.

(f) On a combination of vehicles, only the lights of the rearmost vehicle need actually be seen and distinguished as provided in subparagraph (d) of this subsection.

(g) Each manufacturer's model of such a system as described in this subsection shall be approved by the (~~commission on equipment~~) state patrol as provided for in RCW 46.37.005 and 46.37.320, before it may be sold or offered for sale in the state of Washington.

Sec. 713, Section 46.37.280, chapter 12, Laws of 1961 as last amended by section 24, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.280 are each amended to read as follows:

(1) During the times specified in RCW 46.37.020, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, warning lamps authorized by the state (~~commission on equipment~~) patrol and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) Except as required in RCW 46.37.190 no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.

(3) Flashing lights are prohibited except as required in RCW 46.37.190, 46.37.200, 46.37.210, 46.37.215, and 46.37.300, and warning lamps authorized by the state (~~(commission on equipment)~~) patrol.

Sec. 714. Section 46.37.290, chapter 12, Laws of 1961 as last amended by section 1, chapter 45, Laws of 1977 and RCW 46.37.290 are each amended to read as follows:

The (~~(state commission on equipment)~~) chief of the Washington state patrol is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and private carrier buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

Sec. 715. Section 46.37.300, chapter 12, Laws of 1961 as amended by section 20, chapter 154, Laws of 1963 and RCW 46.37.300 are each amended to read as follows:

(1) The state (~~(commission on equipment)~~) patrol shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

(2) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

Sec. 716. Section 46.37.310, chapter 12, Laws of 1961 and RCW 46.37.310 are each amended to read as follows:

(1) On and after January 1, 1938, no person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer, or use upon any such vehicle any head lamp, auxiliary, or fog lamp, rear lamp, signal lamp or reflector, which reflector is required hereunder, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the state (~~(commission on equipment)~~) patrol and approved by it.

(2) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer any lamp or device mentioned in this section which has been approved by the state (~~(commission on equipment)~~) patrol unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(3) No person shall use upon any motor vehicle, trailer or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the state (~~(commission on equipment)~~) patrol.

Sec. 717. Section 46.37.320, chapter 12, Laws of 1961 as amended by section 1, chapter 20, Laws of 1977 ex. sess. and by section 25, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.320 are each reenacted and amended to read as follows:

(1) The (~~(state commission on equipment)~~) chief of the Washington state patrol is hereby authorized to approve or disapprove any lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, and their installation, adjustment, and aiming, when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the society of automotive engineers applicable to such equipment and to the headlamp standards established by the United Nations agreement concerning the adoption of approval and reciprocal recognition of approval for motor vehicle equipment and parts done at Geneva on March 20, 1958, as amended and adopted by the Canadian standards association (CSA standard D106.2): PROVIDED, That the sale, installation, and use of any headlamp meeting the standards of either the society of automotive engineers or the United Nations agreement, as amended, shall be lawful in this state.

(2) The state (~~(commission on equipment)~~) patrol shall establish the procedure to be followed when request for approval of any lighting device or other safety equipment, component, or assembly is submitted under this chapter or in regulations issued by the state (~~(commission on equipment)~~) patrol. The procedure may provide for submission of such device, component, or assembly to any recognized organization or agency such as, but not limited to, the vehicle equipment safety commission, American national standards institute, society of automotive engineers, and the American association of motor vehicle administrators, as the agent of the state (~~(commission on equipment)~~) patrol and for the issuance of an approval certificate by that recognized organization or agency in lieu of submission of the device, component, or assembly to the state (~~(commission on equipment)~~) patrol.

(3) The state (~~((commission on equipment))~~) patrol shall maintain and publish lists of all lamps, lighting devices, components, assemblies, or other safety equipment by name and type which have been approved by it.

Sec. 718. Section 46.37.330, chapter 12, Laws of 1961 as amended by section 26, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.330 are each amended to read as follows:

(1) When the state (~~((commission on equipment))~~) patrol has reason to believe that an approved device does not comply with the requirements of this chapter or regulations issued by the state (~~((commission on equipment))~~) patrol, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the state (~~((commission on equipment))~~) patrol shall determine whether said approved device meets the requirements of this chapter and regulations issued by the (~~((commission))~~) state patrol. If said device does not meet the requirements of this chapter or the (~~((commission's))~~) state patrol's regulations it shall give notice to the one to whom the certificate of approval has been issued of the (~~((commission's))~~) state patrol's intention to suspend or revoke the certificate of approval for such device in this state.

(2) If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the state (~~((commission on equipment))~~) patrol that said approved device as thereafter to be sold or offered for sale meets the requirements of this chapter or the (~~((commission's))~~) state patrol's regulations, the state (~~((commission on equipment))~~) patrol shall suspend or revoke the approval issued therefor and shall require the withdrawal of all such devices from the market and may require that all said devices sold since the notification be replaced with devices that do comply.

(3) When a certificate of approval has been suspended or revoked pursuant to this chapter or regulations by the state (~~((commission on equipment))~~) patrol, the device shall not be again approved unless and until it has been submitted for reapproval and it has been demonstrated, in the same manner as in an application for an original approval, that the device fully meets the requirements of this chapter or regulations issued by the state (~~((commission on equipment))~~) patrol. The state (~~((commission on equipment))~~) patrol may require that all previously approved items are being effectively recalled and removed from the market as a condition of reapproval.

Sec. 719. Section 24, chapter 154, Laws of 1963 as amended by section 29, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.365 are each amended to read as follows:

(1) The term "hydraulic brake fluid" as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(3) The (~~((state commission on equipment))~~) chief of the Washington state patrol shall, in compliance with the provisions of chapter 34.04 RCW, the administrative procedure act, which govern the adoption of rules, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the society of automotive engineers applicable to such fluid.

(4) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section and the standard specifications adopted by the state (~~((commission on equipment))~~) patrol. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section and the standards and specifications adopted by the state (~~((commission on equipment))~~) patrol.

(5) Subsections (3) and (4) of this section shall not apply to petroleum base fluids in vehicles with brake systems designed to use them.

Sec. 720. Section 46.37.380, chapter 12, Laws of 1961 as amended by section 32, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.380 are each amended to read as follows:

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(3) It is permissible for any vehicle to be equipped with a theft alarm signal device so long as it is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the state (~~((commission on equipment))~~) patrol, but

such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

Sec. 721. Section 46.37.420, chapter 12, Laws of 1961 as last amended by section 50, chapter 7, Laws of 1984 and RCW 46.37.420 are each amended to read as follows:

(1) It is unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires.

(2) No tire on a vehicle moved on a highway may have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will not injure the highway, and except also that it is permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type approved by the state (~~(commission on equipment)~~ patrol, upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. It is unlawful to use metal studs imbedded within the tire between April 1st and November 1st. The state department of transportation may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein is lawful.

(3) The state department of transportation and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(4) Tires with metal studs imbedded therein may be used between November 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding.

Sec. 722. Section 3, chapter 77, Laws of 1971 as last amended by section 73, chapter 136, Laws of 1979 ex. sess. and RCW 46.37.425 are each amended to read as follows:

No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section or by the state (~~(commission on equipment)~~ patrol.

The state (~~(commission on equipment)~~ patrol) shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

(1) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or

(2) Any bump, bulge, or knot, affecting the tire structure; or

(3) Any break repaired with a boot; or

(4) A tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highways such as, "not for highway use" or "for racing purposes only"; or

(6) Such condition as may be reasonably demonstrated to render it unsafe; or

(7) If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle.

No person, firm, or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

It is a traffic infraction for any person to operate a vehicle on the public highways of this state, or to sell a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state (~~(commission on equipment)~~ patrol) hereunder: PROVIDED, HOWEVER, That if the violation relates to items (1) to (7) inclusive of this section then the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges.

Sec. 723. Section 46.37.430, chapter 12, Laws of 1961 as last amended by section 1, chapter 304, Laws of 1985 and RCW 46.37.430 are each amended to read as follows:

(1) On and after January 1, 1938, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the state (~~commission on equipment~~) patrol wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows, and windshields in the drivers' compartments of such vehicles except as provided by subsection (4) of this section.

(2) The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The state (~~commission on equipment~~) patrol shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section and the director of licensing shall not register after January 1, 1938, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person shall sell or offer for sale, nor shall any person operate a motor vehicle registered in this state which is equipped with any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type approved by the state (~~commission on equipment~~) patrol wherever glazing materials are used in outside windows and doors.

(5) No tinting or coloring material that reduces light transmittance to any degree, unless it meets standards for such material adopted by the state (~~commission on equipment~~) patrol, shall be applied to the surface of the safety glazing material in a motor vehicle in any of the following locations:

- (a) Windshields.
- (b) Windows to the immediate right and left of the driver including windwings or.
- (c) Rearmost windows if used for driving visibility by means of an interior rear-view mirror.

The standards adopted by the (~~commission~~) state patrol shall permit a greater degree of light reduction on a vehicle operated by or carrying as a passenger a person who possesses written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

Nothing in this subsection shall prohibit the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet the standards of the state (~~commission on equipment~~) patrol for such safety glazing materials.

(6) The standards used for approval of safety glazing materials by the state (~~commission on equipment~~) patrol shall conform as closely as possible to the standards for safety glazing materials for motor vehicles promulgated by the United States of America Standards Institute in effect at the time of manufacture of the safety glazing material.

Sec. 724. Section 46.37.440, chapter 12, Laws of 1961 as last amended by section 38, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.440 are each amended to read as follows:

(1) No person shall operate any motor truck, passenger bus, truck tractor, motor home, or travel trailer over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there shall be carried in such vehicle the following equipment except as provided in subsection (2):

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern, or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the state (~~commission on equipment~~) patrol and approved by it. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the state (~~commission on equipment~~) patrol and approved by it:

(b) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried:

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(2) No person shall operate at the time and under conditions stated in subsection (1) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases or liquefied gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1) of this section, and there shall not be carried in any said vehicle any flares, fuses, or signal produced by flame.

Sec. 725. Section 46.37.450, chapter 12, Laws of 1961 as amended by section 1, chapter 119, Laws of 1984 and RCW 46.37.450 are each amended to read as follows:

(1) Whenever any motor truck, passenger bus, truck tractor over eighty inches in overall width, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside any municipality at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (2) of this section:

(a) A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), three lighted red electric lanterns, or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subdivision (a) of this subsection, it may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (1) and (5) of this section shall be placed as follows:

One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside any municipality at any time when the display of fuses, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection (1) of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fuses, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(6) Whenever any vehicle, other than those described in subsection (1) of this section, is disabled upon the traveled portion of any highway or shoulder thereof outside any municipality at any time when lights are required on vehicles, the state patrol or the county sheriff shall, upon discovery of the disabled vehicle, place a reflectorized warning device on or near the vehicle. The warning device and its placement shall be in accordance with rules adopted by the ~~((commission on equipment))~~ state patrol. Neither the standards for, placement or use of, nor the lack of placement or use of a warning device under this subsection gives rise to any

civil liability on the part of the state of Washington, the state patrol, any county, or any law enforcement agency or officer.

(7) The flares, fuses, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the requirements of RCW 46.37.440 applicable thereto.

Sec. 726. Section 46.37.470, chapter 12, Laws of 1961 and RCW 46.37.470 are each amended to read as follows:

(1) The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(2) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(3) The state (~~(commission on equipment)~~) patrol may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the society of automotive engineers.

(4) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

(5) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

Sec. 727. Section 46.37.490, chapter 12, Laws of 1961 and RCW 46.37.490 are each amended to read as follows:

It shall be unlawful to operate any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other device. The (~~(state commission on equipment)~~) chief of the Washington state patrol is hereby authorized to adopt and enforce reasonable rules and regulations as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles.

Sec. 728. Section 1, chapter 215, Laws of 1983 and RCW 46.37.505 are each amended to read as follows:

(~~(By October 1, 1983)~~) The state (~~(commission on equipment)~~) patrol shall adopt standards for the performance, design, and installation of passenger restraint systems for children less than five years old and shall approve those systems which meet its standards.

Sec. 729. Section 1, chapter 117, Laws of 1963 as amended by section 42, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.510 are each amended to read as follows:

(1) No person shall sell any automobile manufactured or assembled after January 1, 1964, nor shall any owner cause such vehicle to be registered thereafter under the provisions of chapter 46.12 RCW unless such motor car or automobile is equipped with automobile seat belts installed for use on the front seats thereof which are of a type and installed in a manner approved by the state (~~(commission on equipment)~~) patrol. Where registration is for transfer from an out of state license, applicant shall be informed of this section by issuing agent and have thirty days to comply. The state (~~(commission on equipment)~~) patrol shall adopt and enforce standards as to what shall constitute adequate and safe seat belts and for the fastening and installation thereof, such standards not to be below those specified as minimum requirements by the Society of Automotive Engineers on June 13, 1963.

(2) Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(3) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with a lap-type safety belt assembly for each permanent passenger seating position. This requirement shall not apply to police vehicles.

(4) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two shoulder harness-type safety belt assemblies for use in the front seating positions.

(5) The (~~(commission on equipment)~~) state patrol shall excuse specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections (1), (2), and (3) of this section when compliance would be impractical.

(6) No person shall distribute, have for sale, offer for sale, or sell any safety belt or shoulder harness for use in motor vehicles unless it meets current minimum standards and specifications approved by the (~~(commission)~~) state patrol or the United States department of transportation.

Sec. 730. Section 61, chapter 170, Laws of 1965 ex. sess. as amended by section 4, chapter 91, Laws of 1971 ex. sess. and RCW 46.37.520 are each amended to read as follows:

It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state (~~(commission on equipment)~~) patrol, which (~~(commission)~~) may charge a reasonable fee therefor to go into the motor vehicle fund.

Sec. 731. Section 51, chapter 355, Laws of 1977 ex. sess. as amended by section 158, chapter 158, Laws of 1979 and RCW 46.37.529 are each amended to read as follows:

(1) The state (~~(commission on equipment)~~) patrol is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in RCW 46.37.351, or which in its opinion is equipped with a braking system that is not so designed or constructed as to ensure reasonable and reliable performance in actual use.

(2) The director of licensing may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the state (~~(commission on equipment)~~) patrol determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state (~~(commission on equipment)~~) patrol has disapproved the braking system upon such vehicle.

Sec. 732. Section 4, chapter 232, Laws of 1967 as last amended by section 7, chapter 77, Laws of 1982 and RCW 46.37.530 are each amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show or other such assemblage: PROVIDED FURTHER, That no mirror shall be required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type approved by the state (~~(commission on equipment)~~) patrol;

(c) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state (~~(commission on equipment)~~) patrol.

(2) The state (~~(commission on equipment)~~) patrol is hereby authorized and empowered to adopt and amend regulations, pursuant to the administrative procedure act, concerning the standards and procedures for approval of glasses, goggles, face shields, and protective helmets. The state (~~(commission on equipment)~~) patrol shall maintain and publish a list of those devices which the (~~(commission on equipment)~~) state patrol has approved.

Sec. 733. Section 10, chapter 232, Laws of 1967 as amended by section 56, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.535 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles unless he shall also have on hand for rent helmets of a type approved by the (~~(commission on equipment)~~) state patrol.

Sec. 734. Section 4, chapter 200, Laws of 1983 and RCW 46.37.610 are each amended to read as follows:

The (~~(commission on equipment)~~) state patrol shall adopt rules for wheelchair conveyance safety standards. Operation of a wheelchair conveyance that is in violation of these standards is a traffic infraction.

Sec. 735. Section 2, chapter 204, Laws of 1963 and RCW 46.38.020 are each amended to read as follows:

The legislature finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

(3) The state (~~(commission on equipment)~~) patrol, acting upon recommendations of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this chapter.

Sec. 736. Section 3, chapter 204, Laws of 1963 as amended by section 57, chapter 145, Laws of 1967 ex. sess. and RCW 46.38.030 are each amended to read as follows:

Pursuant to Article V(e) of the vehicle equipment safety compact it is the intention of this state and it is hereby provided that any rule, regulation, or code issued by the vehicle equipment safety commission in accordance with Article V of the compact shall take effect when issued in accordance with the administrative procedure act by the state (~~(commission on equipment)~~) patrol.

Sec. 737. Section 4, chapter 204, Laws of 1963 and RCW 46.38.040 are each amended to read as follows:

The commissioner of this state on the vehicle equipment safety commission shall be appointed by the (~~(members of the state commission on equipment)~~) chief of the state patrol to serve at (~~(their)~~) the chief's pleasure. The (~~(members of the state commission on equipment)~~) chief of the state patrol may also designate an alternate commissioner to serve whenever the

commissioner of this state is unable to participate on the vehicle equipment safety commission. Subject to the provisions of the compact and bylaws of the vehicle equipment safety commission, the authority and responsibilities of such alternate shall be as determined by the ~~((state commission on equipment))~~ chief of the state patrol.

Sec. 738. Section 6, chapter 204, Laws of 1963 and RCW 46.38.060 are each amended to read as follows:

Filing of documents as required by Article III(j) of the compact shall be with the ~~((secretary of the state commission on equipment))~~ chief of the state patrol. Any and all notices required by commission bylaws to be given pursuant to Article III(j) of the compact shall be given to the commissioner of this state, his alternate, if any, and the ~~((secretary of the state commission on equipment))~~ chief of the state patrol.

Sec. 739. Section 1, chapter 377, Laws of 1985 and RCW 46.55.010 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in his possession for ninety-six consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

~~((3))~~ ~~((("Commission" means the state commission on equipment established under RCW 46.37.005.~~

~~((4))~~ "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or other public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

~~((5))~~ (4) "Junk vehicle" means a motor vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has a fair market value equal only to the value of the scrap in it.

~~((6))~~ (5) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

~~((7))~~ (6) "Residential property" means property that has no more than four living units located on it.

~~((8))~~ (7) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the ~~((commission))~~ state patrol.

~~((9))~~ (8) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

~~((10))~~ (9) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

~~((11))~~ (10) "Tow truck service" means the transporting upon the public streets and highways of this state of unauthorized vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

~~((12))~~ (11) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

(i) Constituting a traffic hazard as defined in RCW 46.61.565 Immediately

(ii) On a highway and tagged as described in RCW 46.52.170 24 hours

(iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately

(b) Private locations:

(i) On residential property Immediately

(ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately

(iii) On private, nonresidential property, not posted 24 hours

Sec. 740. Section 5, chapter 377, Laws of 1985 and RCW 46.55.050 are each amended to read as follows:

(1) Tow trucks shall be classified by towing capabilities, and shall meet or exceed all equipment standards set by the ~~((commission on equipment))~~ state patrol for the type of tow trucks to be used by an operator.

(2) All tow trucks shall display the firm's name, city of address, and telephone number. This information shall be painted on or permanently affixed to both sides of the vehicle in accordance with rules adopted by the department.

(3) Before a tow truck is put into tow truck service, or when the reinspection of a tow truck is necessary, the district commander of the state patrol shall designate a location and time for the inspection to be conducted. When practicable, the inspection or reinspection shall be made within three business days following the request by the operator.

(4) Failure to comply with any requirement of this section or rules adopted under it is a traffic infraction.

Sec. 741. Section 17, chapter 377, Laws of 1985 and RCW 46.55.170 are each amended to read as follows:

(1) All law enforcement agencies or local licensing agencies that receive complaints involving registered tow truck operators shall forward the complaints, along with any supporting documents including all results from local investigations, to the department.

(2) Complaints involving deficiencies of equipment shall be forwarded by the department to the state ~~((commission on equipment))~~ patrol.

Sec. 742. Section 18, chapter 377, Laws of 1985 and RCW 46.55.180 are each amended to read as follows:

The director or the ~~((commission))~~ chief of the state patrol may use a hearing officer or administrative law judge for presiding over a hearing regarding infractions by registered tow truck operators of this chapter, chapter 46.37 RCW, or rules adopted thereunder.

Sec. 743. Section 2, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.563 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings unless the context clearly requires otherwise:

(1) ~~((“Commission” means the state commission on equipment as defined in RCW 46.37.005;~~

~~((2)))~~ “Person” means an individual, firm, partnership, corporation, company, association, or their lessees, trustees, or receivers;

~~((3)))~~ (2) “Highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

~~((4)))~~ (3) “Towing operator” means every person who engages in the towing of vehicles and motor vehicles on a highway by means of equipment affixed to a specially constructed tow truck complying with the equipment specifications and standards promulgated by the ~~((commission))~~ state patrol; and

~~((5)))~~ (4) “Tow truck” means a specially constructed and equipped motor vehicle for towing vehicles and not otherwise used in transporting goods for compensation.

Sec. 744. Section 5, chapter 167, Laws of 1977 ex. sess. as amended by section 22, chapter 178, Laws of 1979 ex. sess. and RCW 46.61.567 are each amended to read as follows:

The Washington state patrol, under its authority to remove vehicles from the highway, may remove the vehicles directly, through towing operators appointed by the ~~((commission))~~ state patrol and called on a rotational or other basis, through contracts with towing operators, or by a combination of these methods. When removal is to be accomplished through a towing operator on a noncontractual basis, the ~~((commission))~~ state patrol may appoint any towing operator for this purpose upon the application of the operator. Each appointment shall be contingent upon the submission of an application to the ~~((commission))~~ state patrol and the making of subsequent reports in such form and frequency and compliance with such standards of equipment, performance, pricing, and practices as may be required by rule of the ~~((commission))~~ state patrol.

An appointment may be rescinded by the ~~((commission at the request of the Washington))~~ state patrol upon evidence that the appointed towing operator is not complying with the laws or rules relating to the removal and storage of vehicles from the highway. The costs of removal and storage of vehicles under this section shall be paid by the owner or driver of the vehicle and shall be a lien upon the vehicle until paid, unless the removal is determined to be invalid.

Rules promulgated under this section shall be binding only upon those towing operators appointed by the ~~((commission))~~ state patrol for the purpose of performing towing services at the request of the Washington state patrol. Any person aggrieved by a decision of the ~~((commission))~~ state patrol made under this section may appeal the decision under chapter 34.04 RCW.

Sec. 745. Section 2, chapter 215, Laws of 1983 and RCW 46.61.687 are each amended to read as follows:

(1) After December 31, 1983, the parent or legal guardian of a child less than five years old, when the parent or legal guardian is operating anywhere in the state his or her own motor

vehicle registered under chapter 46.16 RCW, in which the child is a passenger, shall have the child properly secured in a manner approved by the state (~~(commission on equipment)~~ patrol. Even though a separate child passenger restraint device is considered the ideal method of protection, a properly adjusted and fastened, federally approved seat belt is deemed sufficient to meet the requirements of this section for children one through four years of age.

(2) During the period from January 1, 1984, to July 1, 1984, a person violating subsection (1) of this section may be issued a written warning of the violation. After July 1, 1984, a person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice, the jurisdiction shall dismiss the notice of traffic infraction. If the person fails to present proof of acquisition within the time required, he or she is subject to a penalty assessment of not less than thirty dollars.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

Sec. 746. Section 85, chapter 155, Laws of 1965 ex. sess. as amended by section 39, chapter 62, Laws of 1975 and RCW 46.61.780 are each amended to read as follows:

(1) Every bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state (~~(commission on equipment)~~ patrol which shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Sec. 747. Section 2, chapter 7, Laws of 1969 ex. sess. as last amended by section 203, chapter 7, Laws of 1984 and RCW 47.36.250 are each amended to read as follows:

If the department or its delegate determines at any time for any part of the public highway system that the unsafe conditions of the roadway require particular tires, tire chains, or traction equipment in addition to or beyond the ordinary pneumatic rubber tires, the department may establish the following recommendations or requirements with respect to the use of such equipment for all persons using such public highway:

- (1) Dangerous road conditions, chains or other approved traction devices recommended.
- (2) Dangerous road conditions, chains or other approved traction devices required.
- (3) Dangerous road conditions, chains required.

Any equipment that may be required by this section shall be approved by the state (~~(commission on equipment)~~ patrol as authorized under RCW 46.37.420.

The department shall place and maintain signs and other traffic control devices on the public highways that indicate the tire, tire chain, or traction equipment recommendation or requirement determined under this section. Such signs or traffic control devices shall in no event prohibit the use of studded tires from November 1st to April 1st, but when the department determines that chains are required and that no other traction equipment will suffice, the requirement is applicable to all types of tires including studded tires. The signs or traffic control devices may specify different recommendations or requirements for four wheel drive vehicles in gear.

Failure to obey a requirement indicated by a sign or other traffic control device placed or maintained under this section is a misdemeanor.

Sec. 748. Section 47.52.120, chapter 13, Laws of 1961 as amended by section 1, chapter 149, Laws of 1985 and RCW 47.52.120 are each amended to read as follows:

After the opening of any limited access highway facility, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on limited access facilities; (2) to make a left turn or semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb, dividing section, or dividing line which separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right of way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation thereof; PROVIDED, That this subsection shall not apply to authorized emergency vehicles, law enforcement vehicles, assistance vans, or to vehicles stopped for emergency causes or equipment failures; (6) to travel to or from such facility at any point other than a point designated by the establishing authority as an approach to the facility or to use an approach to such facility for any use in

excess of that specified by the establishing authority. For the purposes of this section, an assistance van is a vehicle rendering aid free of charge to vehicles with equipment or fuel problems. The ~~((commission on equipment))~~ state patrol shall establish by rule additional standards and operating procedures, as needed, for assistance vans.

Any person who violates any of the provisions of this section is guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the city or county jail for not less than five days nor more than ninety days, or by both fine and imprisonment. Nothing contained in this section prevents the highway authority from proceeding to enforce the prohibitions or limitations of access to such facilities by injunction or as otherwise provided by law.

Sec. 749. Section 7, chapter 183, Laws of 1974 ex. sess. and RCW 70.107.070 are each amended to read as follows:

Any rule adopted under this chapter relating to the operation of motor vehicles on public highways shall be administered according to testing and inspection procedures adopted by rule by the state ~~((commission on equipment))~~ patrol. Violation of any motor vehicle performance standard adopted pursuant to this chapter shall be a misdemeanor, enforced by such authorities and in such manner as violations of chapter 46.37 RCW. Violations subject to the provisions of this section shall be exempt from the provisions of RCW 70.107.050.

PART VIII
BOARD OF EXAMINERS FOR
WASTEWATER OPERATOR CERTIFICATION

Sec. 801. Section 2, chapter 139, Laws of 1973 and RCW 70.95B.020 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) ~~((Board))~~ means the water and wastewater operator certification board of examiners established by RCW 70.95B.070.

~~((4))~~ "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((5))~~ (4) "Waste treatment plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.

~~((6))~~ (5) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials as the person on-site in responsible charge of the actual operation of a waste treatment plant.

~~((7))~~ (6) "Nationally recognized association of certification authorities" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

Sec. 802. Section 4, chapter 139, Laws of 1973 and RCW 70.95B.040 are each amended to read as follows:

The director~~((with the approval of the board;))~~ shall adopt and enforce such rules and regulations as may be necessary for the administration of this chapter. The rules and regulations shall include, but not be limited to, provisions for the qualification and certification of operators for different classifications of waste treatment plants.

Sec. 803. Section 7, chapter 139, Laws of 1973 as last amended by section 106, chapter 287, Laws of 1984 and RCW 70.95B.070 are each amended to read as follows:

~~((For the purpose of carrying out the provisions of this chapter, a board of examiners for wastewater operator certification shall be appointed. This board may serve in a common capacity for the certification of both water and wastewater plant and system operators. One member shall be named from the department of ecology, by its director to serve at his pleasure, and one member from the department of social and health services by its secretary, to serve at his pleasure, and one member who is required to employ a certified operator and who holds the position of city manager, city engineer, director of public works, superintendent of utilities, or an equivalent position who will be appointed by the governor. The governor shall also appoint two members who are operators holding a certificate of at least the second highest operator classification for wastewater plant operators established by regulation of the director, and if authorized in a water supply system operator certification act, two members who are operators holding a certificate of at least the second highest classification for water works operators established pursuant to such act.~~

~~The employer representative shall be appointed for an initial one-year term and the operators for initial terms of two and three years respectively. Thereafter, the members appointed by the governor shall serve for a three-year period. Vacancies shall be filled for the remainder for an unexpired term by the appointing authorities.~~

~~This board shall assist in the development of)) The director of the department of ecology shall develop rules and regulations, shall prepare, administer, and evaluate examinations of operator competency as required in this chapter, and shall ((recommend the issuance or revocation of)) issue and revoke certificates. The ((board)) director shall determine when and where the examinations shall be held. The examination shall be held at least three times annually.~~

~~((Each member appointed by the governor shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses while engaged in the business of the board as prescribed in RCW 43.03.050 and 43.03.060.))~~

Sec. 804. Section 10, chapter 139, Laws of 1973 and RCW 70.95B.100 are each amended to read as follows:

The director may ~~((with the recommendation of the board and after a hearing before the same;))~~ revoke a certificate found to have been obtained by fraud or deceit, or for gross negligence in the operation of a waste treatment plant, or for violating the requirements of this chapter or any lawful rule, order or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of this final order or revocation.

Sec. 805. Section 13, chapter 139, Laws of 1973 and RCW 70.95B.130 are each amended to read as follows:

On or after July 1, 1973, certification of operators by any state which, as determined by the director, accepts certifications made or certification requirements deemed satisfied pursuant to the provisions of this chapter, shall be accorded reciprocal treatment and shall be recognized as valid and sufficient within the purview of this chapter, if in the judgment of the director the certification requirements of such state are substantially equivalent to the requirements of this chapter or any rules or regulations promulgated hereunder.

In making determinations pursuant to this section, the director ~~((shall consult with the board and))~~ may consider any generally applicable criteria and guidelines developed by the nationally recognized association of certification authorities.

Sec. 806. Section 2, chapter 99, Laws of 1977 ex. sess. as amended by section 2, chapter 292, Laws of 1983 and RCW 70.119.020 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

~~((1))~~ ~~((("Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.~~

~~((2))~~ "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ ~~((2))~~ "Department" means the department of social and health services.

~~((4))~~ ~~((3))~~ "Distribution system" means that portion of a public water supply system which stores, transmits, pumps and distributes water to consumers.

~~((5))~~ ~~((4))~~ "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((6))~~ ~~((5))~~ "Certified operator" means an individual employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

~~((7))~~ ~~((6))~~ "Public water supply system" means any water supply system intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single family residence.

~~((8))~~ ~~((7))~~ "Purification plant" means that portion of a public water supply system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

~~((9))~~ ~~((8))~~ "Secretary" means the secretary of the department of social and health services.

Sec. 807. Section 5, chapter 99, Laws of 1977 ex. sess. as amended by section 4, chapter 292, Laws of 1983 and RCW 70.119.050 are each amended to read as follows:

The secretary shall adopt ~~((with the approval of the board;))~~ such rules and regulations as may be necessary for the administration of this chapter and shall enforce such rules and regulations. The rules and regulations shall include provisions establishing minimum qualifications and procedures for the certification of operators, criteria for determining the kind and nature of

continuing educational requirements for renewal of certification under RCW 70.119.100(2), and provisions for classifying water purification plants and distribution systems.

Rules and regulations adopted under the provisions of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW.

Sec. 808. Section 8, chapter 99, Laws of 1977 ex. sess. as amended by section 6, chapter 292, Laws of 1983 and RCW 70.119.080 are each amended to read as follows:

~~((For the purpose of carrying out the provisions of this chapter, the membership of the water and wastewater operator certification board of examiners established under RCW 70.95B.070, shall, pursuant to RCW 70.95B.070:~~

~~(1) Be expanded to include two waterworks operators;~~

~~(2) Serve in a common capacity for the certification of both water and wastewater plant and system operators; and~~

~~(3) Be expanded to include one commissioner from a water district and one commissioner from a sewer district operating under Title 56 or 57 RCW.~~

~~in addition to the powers and duties in RCW 70.95B.070, the board shall assist in the development of rules and regulations implementing this chapter.)) The secretary shall prepare, administer and evaluate examinations of operator competency as required in this chapter, and shall ~~((recommend the issuance or revocation of))~~ issue and revoke certificates. The ~~((board))~~ secretary shall determine where and when the examinations shall be held. Such examinations shall be held at least three times annually.~~

Sec. 809. Section 11, chapter 99, Laws of 1977 ex. sess. as amended by section 9, chapter 292, Laws of 1983 and RCW 70.119.110 are each amended to read as follows:

The secretary may~~((with the recommendation of the board and after hearing before the same;))~~ revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for an intentional violation of the requirements of this chapter or any lawful rules, order, or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for six months from the effective date of the final order of revocation.

Sec. 810. Section 14, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.140 are each amended to read as follows:

Operators certified by any state under provisions that, in the judgment of the secretary, are substantially equivalent to the requirements of this chapter and any rules and regulations promulgated hereunder, may be issued, upon application, a certificate without examination.

In making determinations pursuant to this section, the secretary ~~((shall consult with the board and))~~ may consider any generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities.

PART IX

FOREST PRACTICES ADVISORY COMMITTEE

NEW SECTION. Sec. 901. Section 20, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.200 are each repealed.

PART X

CAPITOL COMMITTEE

Sec. 1001. Section 43.17.070, chapter 8, Laws of 1965 as amended by section 8, chapter 40, Laws of 1982 and RCW 43.17.070 are each amended to read as follows:

There shall be an administrative committee~~((s))~~ of the state government, which shall be known as~~((+))~~ the state finance committee ~~((and (2) the state capitol committee))~~.

Sec. 1002. Section 43.34.040, chapter 8, Laws of 1965 and RCW 43.34.040 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration may erect one or more permanent buildings; one or more temporary buildings; excavate or partially excavate for any such building or buildings; partially erect any such building or buildings; make other temporary or permanent improvements wholly or in part; upon the capitol grounds belonging to the state and known as the "Sylvester site" or "Capitol place" in Olympia, Washington.

NEW SECTION. Sec. 1003. RCW 43.34.040, as amended by this 1986 act, is recodified as a section in chapter 79.24 RCW.

Sec. 1004. Section 7, chapter 69, Laws of 1909 as last amended by section 76, chapter 57, Laws of 1985 and RCW 79.24.030 are each amended to read as follows:

The board of natural resources ~~((and the state capitol committee))~~ may employ such cruisers, draughtsmen, engineers, architects or other assistants as may be necessary for the best interests of the state in carrying out the provisions of ~~((this act))~~ RCW 79.24.010 through 79.24.085, and all expenses incurred by the board ~~((and committee;))~~ and all claims against the capitol building construction account shall be audited by the ~~((state capitol committee))~~ department of natural resources and presented in vouchers to the state treasurer, who shall draw a warrant therefor against the capitol building construction account as herein provided or out of any appropriation made for such purpose.

Sec. 1005. Section 1, chapter 293, Laws of 1955 as last amended by section 90, chapter 75, Laws of 1977 and RCW 79.24.300 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration may construct parking facilities for the state capitol adequate to provide parking space for automobiles, said parking facilities to be either of a single level, multiple level, or both, and to be either on one site or more than one site and located either on or in close proximity to the capitol grounds, though not necessarily contiguous thereto. The ~~((state capitol committee))~~ department of general administration may select such lands as are necessary therefor and acquire them by purchase or condemnation. As an aid to such selection the ~~((committee))~~ department may cause location, topographical, economic, traffic, and other surveys to be conducted, and for this purpose may utilize the services of existing state agencies, may employ personnel, or may contract for the services of any person, firm or corporation. ~~((In selecting the location and plans for the construction of the parking facilities the committee shall consider recommendations of the director of general administration.))~~

Space in parking facilities may be rented to the officers and employees of the state on a monthly basis at a rental to be determined by the director of general administration. The state shall not sell gasoline, oil, or any other commodities or perform any services for any vehicles or equipment other than state equipment.

Sec. 1006. Section 2, chapter 293, Laws of 1955 and RCW 79.24.310 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration may construct any two of the following three facilities: (1) A two story parking facility south of the transportation and public lands building in the existing parking area; (2) multiple level but not to exceed three story parking facility adjacent to the new office building; (3) multiple level but not to exceed three story parking facility adjacent to the new office building.

Sec. 1007. Section 2, chapter 216, Laws of 1955 and RCW 79.24.410 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration may accept such grant on behalf of the state. Upon receipt from the city of Olympia of the conveyance authorized by RCW 79.24.400, the ~~((state capitol committee))~~ department of general administration may lease the premises thereby conveyed, to any person, firm, or corporation for the purpose of constructing, operating and maintaining a garage and parking facility underneath the surface of said property.

The lease shall be for a term of not to exceed twenty-five years and by its terms shall require the lessee to restore and maintain the condition of the surface of the property so as to be available and suitable for use as a public park. The lease shall further provide that all improvements to the property shall become the property of the state upon termination of the lease, and may provide such further terms as the ~~((capitol committee))~~ department of general administration may deem to be advantageous.

Sec. 1008. Section 1, chapter 258, Laws of 1957 and RCW 79.24.450 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration may construct a suitable access to the capitol grounds by way of fourteenth and fifteenth streets in the city of Olympia, and for the purpose may acquire, by purchase or condemnation, such lands along the said streets and between Capitol Way and Cherry Street in the city of Olympia, and construct thereon such improvements as the ~~((state capitol committee))~~ department of general administration may deem proper for the purposes of such access.

Sec. 1009. Section 1, chapter 167, Laws of 1961 as amended by section 1, chapter 43, Laws of 1967 ex. sess. and RCW 79.24.500 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration shall proceed as rapidly as their resources permit to acquire title to the following described property for development as state capitol grounds:

That area bounded as follows: Commencing at a point beginning at the southwest corner of Capitol Way and 15th Avenue and proceeding westerly to the present easterly boundary of the capitol grounds on the west; thence proceeding northerly along said easterly boundary of the capitol grounds; thence proceeding easterly along the boundary of the present capitol grounds to a point at the corner of Capitol Way and 14th Avenue; thence proceeding southerly to the point of beginning; also that area bounded by Capitol Way on the west, 11th Avenue on the north, Jefferson Street on the east, and 16th Avenue (Maple Park) on the south; also that area bounded by Jefferson Street on the west, 14th Avenue on the north, Cherry Street on the east and 14th Avenue (Interstate No. 5 access) on the south; also that area bounded by 14th Avenue (Interstate No. 5 access) on the north, the westerly boundary of the Oregon-Washington Railroad & Navigation Co. right-of-way on the east, 16th Avenue on the south, and Jefferson Street on the west; also that area bounded by 15th Avenue on the north, the westerly boundary of the Oregon-Washington Railroad & Navigation Co. right-of-way on the east, and 14th Avenue (Interstate No. 5 access) on the south and west; all in the city of Olympia, county of Thurston, state of Washington, or any such portion or portions of the above described areas as may be required for present or future expansion of the facilities of the state capitol.

Sec. 1010. Section 3, chapter 167, Laws of 1961 and RCW 79.24.520 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration may acquire such property by gift, exchange, purchase, option to purchase, condemnation, or any other means of acquisition not expressly prohibited by law. All other state agencies shall aid and assist the ~~((state capitol committee))~~ department of general administration in carrying out the provisions of RCW 79.24.500 through 79.24.600.

Sec. 1011. Section 4, chapter 167, Laws of 1961 and RCW 79.24.530 are each amended to read as follows:

The department of general administration shall develop, amend and modify an overall plan for the design and establishment of state capitol buildings and grounds on the east capitol site in accordance with current and prospective requisites of a state capitol befitting the state of Washington. ~~((The overall plan, amendments and modifications thereto shall be subject to the approval of the state capitol committee.))~~

Sec. 1012. Section 5, chapter 167, Laws of 1961 and RCW 79.24.540 are each amended to read as follows:

State agencies which are authorized by law to acquire land and construct buildings, whether from appropriated funds or from funds not subject to appropriation by the legislature, may buy land in the east capitol site and construct buildings thereon so long as the location, design and construction meet the requirements established by the department of general administration ~~((and approved by the state capitol committee.))~~.

Sec. 1013. Section 6, chapter 167, Laws of 1961 and RCW 79.24.550 are each amended to read as follows:

No state agency shall undertake construction of buildings in Thurston county except upon the state capitol grounds: PROVIDED, That the ~~((state capitol committee))~~ department of general administration may authorize exceptions upon a finding by the ~~((state capitol committee))~~ department that appropriate locations on the capitol grounds or east capitol site are unavailable.

Sec. 1014. Section 1, chapter 14, Laws of 1970 ex. sess. and RCW 79.24.630 are each amended to read as follows:

In addition to any authority previously granted, the state ~~((capitol))~~ finance committee is authorized and directed to issue coupon or registered revenue bonds of the state in an amount not to exceed four million dollars. The bonds shall bear interest at such rates and mature at such times as the state ~~((capitol))~~ finance committee shall determine ~~((by resolution.))~~. Both principal and interest shall be payable only from funds received and deposited in the capitol purchase and development account of the general fund or directly from proceeds provided in RCW 79.24.570.

Sec. 1015. Section 5, chapter 105, Laws of 1967 ex. sess. as amended by section 4, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.632 are each amended to read as follows:

Such bonds may be sold in such manner and in such amounts, in such denominations, at such price and at such times as the ~~((capitol))~~ state finance committee shall determine.

Sec. 1016. Section 6, chapter 105, Laws of 1967 ex. sess. as amended by section 5, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.634 are each amended to read as follows:

Bonds issued under RCW 79.24.630 through 79.24.646 shall mature at such time or times, and include such provisions for optional redemption, premiums, coverage, guarantees, and other covenants as in the opinion of the state ~~((capitol))~~ finance committee may be necessary. In issuing such bonds and including such provisions, the state ~~((capitol))~~ finance committee shall act for the state and all officers, departments and agencies thereof affected by such provisions, and the state and such officers, departments and agencies shall adhere to and be bound by such covenants. As long as any of such bonds shall be outstanding, neither the state, nor any of its officers, departments, agencies or instrumentalities, shall divert any of the proceeds and revenues actually pledged to secure the payment of the bonds and interest thereon, and the provisions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as the bonds are outstanding and unpaid and shall constitute a contract to that effect for the benefit of the holders of all such bonds. The principal and interest of said bonds shall be payable at the office of the state treasurer, or at the office of the fiscal agent of the state in New York City at the option of the holder of any such bond or bonds.

Sec. 1017. Section 8, chapter 105, Laws of 1967 ex. sess. as last amended by section 5, chapter 8, Laws of 1982 2nd ex. sess. and RCW 79.24.638 are each amended to read as follows:

For the purpose of paying the principal and interest of said bonds as the same shall become due, or as said bonds become callable at the option of the ~~((capitol))~~ state finance committee, there is created a fund to be denominated the "state building bond redemption fund". While any of said bonds remain outstanding and unpaid, it shall be the duty of the ~~((capitol))~~ state finance committee on or before June 30th of each year to determine the amount that will be required for the redemption of bonds and the payment of interest during the twelve-month period of the next fiscal year, and certify said amount to the state treasurer in writing. The state treasurer shall forthwith and thereafter during said twelve-month period and at least fifteen days prior to each interest and principal payment date deposit into the state building bond redemption fund that portion of all receipts necessary to pay the principal and

interest on the bonds issued that would otherwise be deposited in the general fund—capitol purchase and development account and transfer such additional amounts from the general fund—capitol purchase and development account as may be necessary until the amount certified to said treasurer by the (~~(said capitol)~~) state finance committee has accrued to the state building bond redemption fund. Nothing in RCW 79.24.630 through 79.24.642, 79.24.645, 79.24.647, 79.24.570 and 79.24.580 shall prohibit the use of such receipts from leases and contracts of sale for any other lawfully authorized purpose when not required for the redemption and payment of interest and meeting the covenant requirements of the bonds authorized herein.

On June 30, 1983, the state treasurer shall transfer from the capitol purchase and development account to the general fund all moneys in excess of seven hundred thousand dollars.

In addition to certifying and providing for the annual amounts required to pay the principal and interest of said bonds, the (~~(capitol)~~) state finance committee may, under such terms and conditions and at such times and in such amounts as may be found necessary to insure the sale of said bonds, provide for additional payments into the state building bond redemption fund to be held as a reserve to secure the payment of the principal and interest of such bonds.

The owner and holder of any of said bonds or the trustee for any of said bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as directed herein.

The proceeds from the sale of the bonds hereby authorized shall be paid into the general fund—capitol purchase and development account.

Sec. 1018. Section 10, chapter 105, Laws of 1967 ex. sess. as amended by section 9, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.642 are each amended to read as follows:

Proceeds of the bonds issued hereunder shall be expended by the (~~(state capitol committee)~~) department of general administration for the purposes enumerated in this section.

The (~~(state capitol committee)~~) department of general administration shall provide for the acquisition, development and improvement of lands, improvements and facilities within the east capitol site, as now described or as may be described by the legislature, as may be determined by the (~~(state capitol committee)~~) department of general administration to be necessary for the current and prospective requisites of a state capitol in accordance with the provisions of RCW 79.24.500 through 79.24.590 and chapter 43.19 RCW, and to pay for all costs and expenses in issuing the bonds and to pay interest thereon during construction of the improvements and facilities for which the bonds were issued and six months thereafter.

Sec. 1019. Section 1, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.642 are each amended to read as follows:

The state (~~(capitol)~~) finance committee is hereby authorized to refund, at the maturity thereof, or before the maturity thereof if they are subject to call prior to maturity, or if all the holders thereof consent thereto, upon such terms and conditions as it shall deem just, any or all of its revenue bonds now or hereafter outstanding, issued pursuant to RCW 79.24.630 through 79.24.646, which revenue bonds are payable out of the state building bond redemption fund. Refunding revenue bonds may be issued hereunder in a sufficient amount to refund the aforesaid outstanding revenue bonds and in addition to provide the balance of the four million dollars in bond proceeds authorized by RCW 79.24.630 for deposit into the general fund—capitol purchase and development account. Such refunding bonds shall bear interest at such rates and mature at such times, without limitation by the interest rates or maturity of the bonds being refunded, as the state (~~(capitol)~~) finance committee shall determine (~~(by resolution)~~). Such refunding revenue bonds shall be issued in accordance with and be subject to the provisions of RCW 79.24.630 through 79.24.642.

Sec. 1020. Section 1, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.650 are each amended to read as follows:

The (~~(state capitol committee)~~) department of general administration shall provide for the construction, remodeling, and furnishing of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as are determined by the (~~(state capitol committee)~~) department of general administration to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms, and to provide executive office space and housing for the governor, and to provide executive office space for other elective officials and such other state agencies as may be necessary, and to pay for all costs and expenses in issuing the bonds and to pay interest thereon during construction of the facilities for which the bonds were issued and six months thereafter.

Sec. 1021. Section 2, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.652 are each amended to read as follows:

In addition to any authority previously granted, the state (~~(capitol)~~) finance committee is authorized and directed to issue coupon or registered revenue bonds of the state in an amount not to exceed fifteen million dollars. The bonds may be sold in such manner and amounts, and in such denominations, at such times, at such price and shall bear interest at such rates and mature at such times as the state (~~(capitol)~~) finance committee shall determine (~~(by resolution)~~). Both principal and interest shall be payable only from revenues hereafter received from leases and contracts of sale heretofore or hereafter made of lands, timber, and other products from

the surface or beneath the surface of the lands granted to the state by the United States pursuant to the act of congress approved February 22, 1889, for capitol building purposes and from any parking revenues derived from state capitol parking facilities.

Sec. 1022. Section 3, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.654 are each amended to read as follows:

Bonds issued under RCW 79.24.650 through 79.24.668 shall mature at such time or times, and include such provisions for optional redemption, premiums, coverage, guarantees, and other covenants as in the opinion of the state (~~capitol~~) finance committee may be necessary. In issuing such bonds and including such provisions, the state (~~capitol~~) finance committee shall act for the state and all officers, departments and agencies thereof affected by such provisions, and the state and such other officers, departments and agencies shall adhere to and be bound by such covenants. As long as any of such bonds shall be outstanding, neither the state, nor any of its officers, departments, agencies or instrumentalities, shall divert any of the proceeds and revenues actually pledged to secure the payment of the bonds and interest thereon, and the provisions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as the bonds are outstanding and unpaid and shall constitute a contract to that effect for the benefit of the holders of all such bonds. The principal and interest of said bonds shall be payable at the office of the state treasurer, or at the office of the fiscal agent of the state in New York City at the option of the holder of any such bond or bonds.

Sec. 1023. Section 5, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.658 are each amended to read as follows:

For the purpose of paying the principal and interest of said bonds as the same shall become due, or as said bonds become callable at the option of the (~~capitol~~) state finance committee, there is created a fund to be denominated the "state building and parking bond redemption fund". While any of said bonds remain outstanding and unpaid, it shall be the duty of the (~~capitol~~) state finance committee on or before June 30th of each year to determine the amount that will be required for the redemption of bonds and the payment of interest during the next fiscal year, and certify said amount to the state treasurer in writing. The state treasurer shall forthwith and thereafter during that fiscal year and at least fifteen days prior to each interest and principal payment date deposit into the state building and parking bond redemption fund all receipts from any parking facilities and to the extent necessary from receipts from leases and contracts of sale heretofore or hereafter made of lands, timber, and other products from the surface or beneath the surface of the lands granted to the state by the United States pursuant to the act of congress until the amount certified to the treasurer by the (~~capitol~~) state finance committee has accrued to the state building and parking bond redemption fund. Nothing in RCW 79.24.650 through 79.24.668 shall prohibit the use of such receipts from leases and contracts of sale for any other lawfully authorized purpose when not required for the redemption and payment of interest and meeting the covenant requirements of the bonds authorized herein.

In addition to certifying and providing for the annual amounts required to pay the principal and interest of said bonds, the (~~capitol~~) state finance committee may, under such terms and conditions and at such times and in such amounts as may be found necessary to insure the sale of said bonds, provide for additional payments into the state building and parking bond redemption fund to be held as a reserve to secure the payment of the principal and interest of such bonds.

The owner and holder of any of said bonds or the trustee for any of said bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as directed herein.

The proceeds from the sale of the bonds hereby authorized shall be paid into the general fund—state building construction account.

Sec. 1024. Section 7, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.662 are each amended to read as follows:

Proceeds of the bonds issued hereunder shall be expended by the (~~state capitol committee~~) department of general administration for the purposes enumerated in RCW 79.24.650.

Sec. 1025. Section 9, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.666 are each amended to read as follows:

The (~~state capitol committee~~) department of general administration shall perform the foregoing in accordance with law and after consultation with and advice of such committee of the senate and house of representatives as the legislature may appoint for this purpose. The (~~state capitol committee~~) department of general administration shall have power to do all acts and things necessary or convenient to carry out the purposes of RCW 79.24.650 through 79.24.668 subject to and in accordance with the provisions of RCW 79.24.650 through 79.24.668 and chapters 43.19 and 79.24 RCW.

NEW SECTION. Sec. 1026. The following acts or parts of acts are each repealed:

(1) Section 43.30.090, chapter 8, Laws of 1965, section 105, chapter 3, Laws of 1983 and RCW 43.30.090;

(2) Section 43.34.010, chapter 8, Laws of 1965, section 10, chapter 57, Laws of 1979 ex. sess. and RCW 43.34.010;

(3) Section 43.34.015, chapter 8, Laws of 1965 and RCW 43.34.015;

(4) Section 43.82.020, chapter 8, Laws of 1965 and RCW 43.82.020; and

(5) Section 3, chapter 293, Laws of 1955 and RCW 79.24.320.

PART XI

NEW SECTION. Sec. 1101. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections. The rules of the agencies abolished by this act shall continue in force until acted upon by the succeeding agency and shall be enforced by the succeeding agency. If there is no succeeding agency, the rules shall terminate.

NEW SECTION. Sec. 1102. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 16 of the title, strike "and 70.119.140" and insert "70.119.140, 43.17.070, 43.34.040, 79.24.030, 79.24.300, 79.24.310, 79.24.410, 79.24.450, 79.24.500, 79.24.520, 79.24.530, 79.24.540, 79.24.550, 79.24.630, 79.24.632, 79.24.634, 79.24.638, 79.24.642, 79.24.642i, 79.24.650, 79.24.652, 79.24.654, 79.24.658, 79.24.662, and 79.24.666" and on line 19, strike "and 76.09.200" and insert "76.09.200, 43.30.090, 43.34.010, 43.34.015, 43.82.020, and 79.24.320".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 4938 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4725 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 234, Laws of 1983 and RCW 18.04.025 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of accountancy created by RCW 18.04.035.

(2) "Certified public accountant" or "CPA" means a person holding a certified public accountant certificate issued under this chapter or the accountancy act of any state.

(3) "Department" means the department of licensing.

(4) "Director" means the director of the department of licensing or the director's designee.

(5) "State" includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

((4)) (6) "Opinions on financial statements" are any reports prepared by certified public accountants, based on examinations in accordance with generally accepted auditing standards as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting.

((5)) (7) The "practice of public accounting" means performing services as one skilled in the knowledge and practice of public accounting and preparing reports designated as "audit reports," "review reports," and "compilation reports."

(8) "Firm" means a sole proprietorship, a corporation, or a partnership.

(9) "CPE" means continuing professional education.

(10) "Certificate" means a certificate as a certified public accountant issued under this chapter, or a corresponding certificate issued by another state.

(11) "Licensee" means the holder of a certificate who also holds a valid license issued under this chapter.

(12) "License" means a biennial license issued to an individual or firm under this chapter.

(13) "Quality assurance review" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

Sec. 2. Section 4, chapter 234, Laws of 1983 and RCW 18.04.035 are each amended to read as follows:

(1) There is created a board of accountancy for the state of Washington to be known as the Washington board of accountancy. The board shall consist of five members appointed by the governor. Members of the board shall include four persons who hold certified public accountant certificates and have been in public practice as certified public accountants in this state continuously for the previous ten years. The fifth member shall be the public member and shall be a person who is qualified to judge whether the qualifications, activities, and professional practice of those regulated under this chapter conform with standards to protect the public interest.

(2) The members of the board of accountancy (~~existing immediately prior to July 1, 1983; shall serve out their existing terms as members of the board created under this act. Thereafter, each member of the board~~) shall be appointed by the governor to a term of three years. (~~Their successors shall be appointed for terms of three years.~~) Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of a member's term of office, the member shall continue to serve until a successor has been appointed and has assumed office. The governor shall remove from the board any member whose certificate or (~~permit~~) license to practice has been revoked or suspended and may, after hearing, remove any member of the board for neglect of duty or other just cause. No person who has served two successive complete terms is eligible for reappointment. Appointment to fill an unexpired term is not considered a complete term.

Sec. 3. Section 5, chapter 234, Laws of 1983 and RCW 18.04.045 are each amended to read as follows:

(1) The board shall annually elect a chairman, a vice chairman, and a secretary from its members.

(2) The board may adopt and amend rules under chapter 34.04 RCW for the orderly conduct of its affairs (~~and for the administration of this chapter~~).

(3) A majority of the board constitutes a quorum for the transaction of business.

(4) The board shall have a seal which shall be judicially noticed.

(5) The board shall keep records of its proceedings, and of any proceeding in court arising from or founded upon this chapter. Copies of these records certified as correct under the seal of the board are admissible in evidence as tending to prove the content of the records.

~~(The board may employ personnel and arrange for assistance as it requires to perform its duties.~~

~~(2))~~ (6) Each member of the board shall receive compensation as provided under RCW 18.04.080.

~~((3))~~ (7) The board shall file an annual report of its activities with the governor. ~~(The report shall include but not be limited to a statement of all receipts and disbursements and a listing of all certified public accountants who are registered, or who have offices registered, or permits to practice issued under this chapter.)~~ Upon request, the ~~(board)~~ department shall mail a copy of each annual report ~~((to any person, office, partnership, or corporation listed, or))~~ to any member of the public.

Sec. 4. Section 6, chapter 234, Laws of 1983 and RCW 18.04.055 are each amended to read as follows:

The board shall prescribe rules consistent with this chapter as necessary to implement this chapter. Included may be:

(1) Rules of procedure to govern the conduct of matters before the board;

(2) Rules of professional conduct to establish and maintain high standards of competence and integrity in the profession;

(3) Educational requirements to set for an examination or for the issuance of the certificate or license of certified public accountant;

(4) Rules designed to ensure that certified public accountants' "opinions on financial statements" meet the definitional requirements for that term as specified in RCW 18.04.025;

(5) Requirements for continuing professional education to maintain or improve the professional competence of (~~permit~~) certificate and license holders (~~to practice under RCW 18.04.215~~) as a condition to maintaining their (~~continuing in the practice of public accounting~~) certificate or license to practice under RCW 18.04.215;

(6) Regulations governing sole proprietors, partnerships, and corporations practicing public accounting including, but not limited to, rules concerning their style, name, title, and affiliation with any other organization, and establishing reasonable practice standards to protect the public interest;~~(and)~~

(7) The board may by rule implement a quality assurance review program as a means to monitor licensees' quality of practice and compliance with professional standards. The board may exempt from such program, licensees who undergo periodic peer reviews in programs of the American Institute of Certified Public Accountants, National Association of State Boards of Accountancy, or other programs recognized and approved by the board by rule.

(8) The board may by rule require firms to obtain professional liability insurance if in the board's discretion such insurance provides additional and necessary protection for the public; and

(9) Any other rule which the board finds necessary or appropriate to implement this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 18.04 RCW to read as follows:

The director may employ persons to administer this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 18.04 RCW to read as follows:

The director shall establish fees in accordance with RCW 43.24.086.

Sec. 7. Section 7, chapter 234, Laws of 1983 as amended by section 3, chapter 57, Laws of 1985 and RCW 18.04.105 are each amended to read as follows:

(1) The certificate of "certified public accountant" shall be ~~((granted))~~ issued by the ~~((board))~~ department to any person:

(a) Who is of good character. ~~Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The department may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding by the department of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the department shall furnish the applicant a statement containing the findings of the department and a notice of the applicant's right of appeal.~~

(b) Who has ~~((a baccalaureate degree conferred by a college or university recognized by the board, and whose educational program included an accounting concentration or its equivalent, and related subjects))~~ met such educational standards established by rule as the board determines to be appropriate; and

(c) Who has passed a written examination in accounting, auditing, and related subjects the board determines to be appropriate.

~~(2) ((The board may, in its discretion, waive the educational requirement for any person if it is satisfied, by appropriate means of evaluation, that the person's educational qualifications are an acceptable substitute for the requirements of subsection (1)(b) of this section.~~

~~((3))~~ The examination described in subsection (1)(c) of this section shall be held by the ~~((board))~~ department and shall take place as often as the board determines to be desirable, but at least once a year. The board may use all or any part of the examination ~~((and))~~ or grading service of the American Institute of Certified Public Accountants or National Association of State Boards of Accountancy to assist it in performing its duties under this chapter.

~~((4) A person who has met the educational requirements of subsection (1)(b) of this section, or who expects to meet it within one hundred twenty days following the examination, or with respect to whom it has been waived under subsection (2) of this section, is eligible to take the examination if the person also meets the requirements of subsection (1)(a) of this section. If a person is admitted to the examination on the expectation that he or she will complete the educational requirement within one hundred twenty days, no certificate may be issued, nor credit for the examination or any part of it be given, unless this requirement is in fact completed within that time or within such time as the board in its discretion may determine upon application.~~

~~((5))~~ (3) The board may, by rule, provide for granting credit to a person for satisfactory completion of a written examination in any one or more of the subjects specified in subsection (1)(c) of this section given by the licensing authority in any other state. These rules shall include requirements the board determines to be appropriate in order that any examination approved as a basis for any credit shall, in the judgment of the board, be at least as thorough as the most recent examination given by the board at the time credit is granted.

(4) The board may, by rule, prescribe the terms and conditions under which a person who passes the examination in one or more of the subjects indicated in subsection (1)(c) of this section may be reexamined in only the remaining subjects, giving credit for the subjects previously passed. It may also provide by rule for a reasonable waiting period for a person's reexamination in a subject he or she has failed. A person is entitled to any number of reexaminations, subject to this subsection and any other rules adopted by the board.

(5) A person passing the examination in any one or more subjects specified in subsection (1)(c) of this section shall meet the educational requirements of subsection (1)(b) of this section in effect on the date the person successfully completes the requirements of subsection (1)(c) of this section. The board may provide, by rule, for exceptions to prevent what it determines to be undue hardship to applicants.

(6) The ~~((board))~~ department shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection ~~((5))~~ (4) of this section for each subject in which the applicant is reexamined ~~((or for evaluation of a person's educational qualifications under subsection (2) of this section))~~. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the ~~((board))~~ director

under ~~(chapter 18.04)~~ RCW 43.24.086. There is established in the state treasury an account to be known as the certified public accountants' ~~(examination)~~ account. All fees received from candidates to take any or all sections of the certified public accountant examination ~~(shall be deposited by the board into this account, and funds appropriated from the account)~~ shall be used only for costs ~~(directly)~~ related to the examination. All earnings of investments of balances in the certified public accountants' ~~(examination)~~ account shall be credited to the general fund.

(7) Persons who on ~~(July 1, 1983)~~ June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

~~(8)(a) Persons who on July 1, 1983, hold registrations as licensed public accountants and annual permits to practice previously issued under the laws of this state shall be entitled to practice public accounting and be known as certified public accountants and to use the designation "CPA" provided that these persons continue to hold permits to practice under this chapter.~~

~~(b) Persons who held qualifications as licensed public accountants but who do not hold annual permits to practice on July 1, 1983, are not entitled to engage in the practice of public accounting under this chapter (unless they meet the requirements imposed by this chapter for certified public accountants). (These) No person(s) shall (not) use the term "licensed public accountant(s)" or the designation "LPA."~~

(9) A certificate of a "certified public accountant" under this chapter is issued on a biennial basis with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

(10) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant holding a certificate on the effective date of this act shall verify to the board that he or she has completed at least ten days or an accumulation of eighty hours of continuing professional education during the last two-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; and

(d) Establish proceedings for revocation, suspension, and reinstatement of certificates for failure to meet the continuing professional education requirement.

(11) Failure to furnish verification of the completion of the continuing professional education requirement constitutes grounds for revocation, suspension, or failure to renew the certificate, unless the board determines that the failure was due to reasonable cause or excusable neglect.

Sec. 8. Section 8, chapter 234, Laws of 1983 and RCW 18.04.185 are each amended to read as follows:

(1) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.

(2) Application for a biennial ~~(permit)~~ license to practice public accounting in this state by a certified public accountant or CPA firm who holds a license or permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the biennial ~~(permit)~~ license to practice.

Sec. 9. Section 9, chapter 234, Laws of 1983 and RCW 18.04.195 are each amended to read as follows:

(1) A sole proprietorship engaged in this state in the practice of public accounting shall license biennially with the department as a firm.

(a) The principal purpose and business of the firm shall be to furnish services to the public which are consistent with this chapter and the rules of the board.

(b) The person shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(c) Each resident licensee in charge of an office of the sole proprietorship engaged in this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(2) A partnership engaged in this state in the practice of public accounting shall (register) license biennially with the (board) department as a partnership of certified public accountants, and shall meet the following requirements:

(a) The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

(b) At least one general partner of the partnership shall be a certified public accountant holding a ((permit)) license to practice under RCW 18.04.215;

(c) Each resident ((manager)) licensee in charge of an office of the partnership in this state and each resident partner personally engaged within this state in the practice of public accounting ((as a member in the office)) shall be a certified public accountant holding a ((permit)) license to practice under RCW 18.04.215.

~~((2))~~ (3) A corporation organized for the practice of public accounting and engaged in this state in the practice of public accounting shall ((register)) license biennially with the ((board)) department as a corporation of certified public accountants and shall meet the following requirements:

(a) The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and

(b) Each shareholder of the corporation shall be a certified public accountant of some state holding a ((permit)) license to practice and shall be principally employed by the corporation or actively engaged in its business. No other person may have any interest in the stock of the corporation. The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation shall be a certified public accountant of some state holding a ((permit)) license to practice;

(c) At least one shareholder of the corporation shall be a certified public accountant holding a ((permit)) license to practice under RCW 18.04.215;

(d) Each resident ((manager)) licensee in charge of an office of the corporation in this state and each shareholder or director personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a ((permit)) license to practice under RCW 18.04.215;

(e) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; and

(f) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe.

~~((3))~~ (4) Application for ((registration of)) a license as a ((partnership or corporation)) firm shall be made upon the affidavit of ((a general)) the proprietor or person designated as managing partner or shareholder ((who is)) for Washington. This person shall be a certified public accountant holding a ((permit)) license to practice under RCW 18.04.215. The ((board)) department shall determine in each case whether the applicant is eligible for ((registration)) a license. A partnership or corporation which is ((so registered and which holds a permit)) licensed to practice under RCW 18.04.215 may use the designation "certified public accountants" or "CPAs" in connection with its partnership or corporate name. The ((board)) department shall be given notification within ((thirty)) ninety days after the admission or withdrawal of a partner or shareholder engaged in this state in the practice of public accounting from any partnership or corporation so ((registered)) licensed.

~~((4))~~ (5) Fees for the ((registration of partnerships or corporations)) license as a firm and for notification of the ((board)) department of the admission or withdrawal of a partner or shareholder shall be determined by the ((board)) director under RCW 43.24.086. Fees shall be paid by the ((applicant)) firm at the time the ((registration)) license application form or notice of admission or withdrawal of a partner or shareholder is filed with the ((board)) department.

Sec. 10. Section 10, chapter 234, Laws of 1983 and RCW 18.04.205 are each amended to read as follows:

(1) Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or a partnership or corporation of certified public accountants, shall register with the ((board)) department under this chapter biennially.

(2) Each office shall be under the direct supervision of a resident ((manager)) licensee holding a ((permit)) license to practice under RCW 18.04.215 who may be ((either)) a sole proprietor, partner, principal shareholder, or a staff employee.

~~((2))~~ (3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the practice of public accounting.

~~((3))~~ (4) Fees for the registration of offices shall be determined by the ((board)) director under RCW 43.24.086. Fees shall be paid by the applicant at the time the registration form is filed with the ((board)) department.

Sec. 11. Section 11, chapter 234, Laws of 1983 and RCW 18.04.215 are each amended to read as follows:

(1) Biennial ((permits)) licenses to engage in the practice of public accounting in this state shall be issued by the ((board)) department:

(a) To holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent;

(b) To ~~((partnerships and corporations registered))~~ firms under RCW 18.04.195, if all offices of the ~~((partnerships and corporations))~~ firm in this state are maintained and registered as required under RCW 18.04.205.

~~(2) All ((permits)) licenses to practice ((for)) issued to persons born in an even-numbered year expire on the last day of June ((1984 shall be for one year and may be renewed for a period of two years)) of each even-numbered year. All ((permits)) licenses to practice ((for)) issued to persons born in an odd-numbered year expire on the last day of June ((1985 shall be for two years and may be renewed for a period of two years)) of each odd-numbered year. Renewals of ((permits)) licenses to practice issued to individuals under subsection (1) (a) ((or (b))) of this section shall be issued in accordance with subsection ((3)) (4) of this section. Applicants for issuance or renewal of ((permits)) licenses shall, at the time of filing their applications, list with the ((board)) department all states in which they hold or have applied for permits or licenses to practice.~~

~~((2)) (3) A certified public accountant who holds a permit or license issued by another state, and applies for a ((permit)) license in this state, may practice ((accounting)) in this state from the date of filing a completed application with the ((board)) department, until the board has acted upon the application.~~

~~((3)) (4) As a prerequisite to renewal of a ((permit)) license, a person practicing public accounting shall submit to the ((Washington state board of accountancy)) department satisfactory proof of having completed ten days or an accumulation of eighty hours of continuing education recognized and approved by the board during the preceding two years. Failure to furnish this evidence as required constitutes grounds for revocation, suspension, or refusal to renew the ((permit)) license in a proceeding under RCW 18.04.295, unless the board determines the failure to have been due to reasonable cause or excusable neglect.~~

The board ~~((:))~~ in its discretion ~~((:))~~ may renew a biennial ~~((permit))~~ license to practice despite failure to furnish evidence of compliance with requirements of continuing professional education upon condition that the applicant follow a particular program of continuing professional education. In issuing rules and individual orders with respect to continuing professional education requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and ~~((shall))~~ may take into account the accessibility of continuing education to applicants and instances of individual hardship.

~~((4)) (5) Fees for biennial ((permits)) licenses to engage in the practice of public accounting in this state shall be determined by the ((board)) director under ((chapter 18.04)) RCW 43.24.086. Fees shall be paid by the applicant at the time the ((registration)) application form is filed with the ((board)) department. The department, by rule, may provide for proration of fees for licenses issued between normal renewal dates.~~

Sec. 12. Section 12, chapter 234, Laws of 1983 and RCW 18.04.295 are each amended to read as follows:

~~((After notice and hearing as provided in RCW 18.04.320, the board may revoke or suspend any certificate issued under RCW 18.04.105, or may revoke, suspend, or refuse to renew any permit to practice, or may censure the holder of a permit for one or a combination)) The board of accountancy shall have the power to revoke, suspend, or refuse to renew the license of any certified public accountant for any of the following causes:~~

(1) Fraud or deceit in obtaining a certificate as a certified public accountant, ~~((or in obtaining registration under this act.))~~ or in obtaining a ~~((permit))~~ license to practice public accounting under RCW 18.04.215;

(2) Dishonesty, fraud, or ~~((gross))~~ negligence in the practice of public accounting;

(3) A violation of any provision of this ~~((act))~~ chapter;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this ~~((act))~~ chapter;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state;

(7) Suspension or revocation of the right to practice before any state or federal agency ~~((or)).~~

Sec. 13. Section 13, chapter 234, Laws of 1983 and RCW 18.04.305 are each amended to read as follows:

~~((After notice and hearing under RCW 18.04.320, the board shall revoke the registration issued to a partnership or corporation under RCW 18.04.195 and permit to practice issued to a partnership or corporation under RCW 18.04.215 if at any time the partnership or corporation does not have all the qualifications prescribed under this chapter for registration. After notice and hearing as provided in RCW 18.04.320, the board may revoke or suspend the registration of a partnership or corporation, may revoke, suspend, or refuse to renew its permit to practice.)) The board of accountancy may revoke, suspend, or refuse to renew the license issued to a firm if at any time the firm does not meet the requirements of this chapter for licensing, or for any of the causes enumerated in RCW 18.04.295, or for any of the following additional causes:~~

(1) The revocation or suspension of the certificate as a certified public accountant or the revocation or suspension or refusal to renew the ~~((permit))~~ license of any partner or shareholder; or

(2) The ~~((cancellation.))~~ revocation, suspension, or refusal to renew the ~~((authority))~~ license or permit of the ~~((partnership or corporation))~~ firm, or any partner or shareholder thereof, to practice public accounting in any other state for any cause other than failure to pay a fee or to meet the requirements of continuing professional education in the other state.

Sec. 14. Section 31, chapter 226, Laws of 1949 as amended by section 14, chapter 234, Laws of 1983 and RCW 18.04.320 are each amended to read as follows:

~~((1) Proceedings for))~~ in the case of the refusal, revocation, or suspension of ((the certificate, permit, or registration of any person, partnership, or corporation may be initiated)) a certificate or a license by the board ((on its own motion, on the complaint of any person, or on receiving notification from another state board of accountancy of its decision to:

(a) Revoke or suspend practice privileges granted in that state to a holder of a certified public accountant certificate or a public accountant registrant of that state; or

(b) Revoke, suspend, refuse to renew, or censure the holder of a permit to practice in that state who holds a permit to practice under RCW 18.04.215;

(2) Unless the charge or charges are dismissed by the board as unfounded or trivial, the board shall set a date for hearing not later than ninety days after formal charges are filed. A copy of the charge or charges, together with a notice of the time and place of hearing before the board shall be served not less than thirty days prior to the date set for hearing on the accused either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the board;

(3) If after having been so served with a notice of hearing, the accused fails to appear at the hearing, the board may proceed to hear evidence against him and may enter such order as may be justified by the evidence, which shall be final unless the accused petitions for a review thereof. Within thirty days from the date of any such order upon a showing of good cause for failing to appear, the board may reopen the proceedings and may permit the accused to submit evidence in his or her behalf;

(4) At any hearing the accused may appear in person and by counsel, may produce evidence and witnesses on his or her own behalf, and may cross-examine such witnesses as may appear against him. A partnership may be represented before the board by counsel or by a partner. A corporation may be represented before the board by counsel or by a shareholder. The accused shall be entitled on application to the board to the issuance of subpoenas to compel the attendance of witnesses and the production of evidence on his or her behalf;

(5) The board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with or upon hearing under this chapter. To compel obedience to a subpoena the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence;

(6) The board shall not be bound by technical rules of evidence;

(7) The decision of the board shall be by majority vote;

(8) Any person adversely affected by any action of the board may obtain a review thereof by filing a written petition for review in the superior court of the county in which he resides within thirty days after the entry of such order. A copy of the petition shall be served upon any member of the board and thereupon the board shall certify and file in the court a transcript of the record upon which the order complained of was entered. The court will hear the matter de novo, and may sustain, modify, or set aside the board's order in whole or in part, or may remand the matter to the board for further action, and may, in its discretion, stay the effect of the board's order pending its determination of the case. The court's decision has the force and effect of a decree in equity; and

(9) On rendering a decision to: (a) Revoke or suspend a certificate issued under RCW 18.04.195; (b) revoke or suspend a registration issued under RCW 18.04.195; or (c) revoke, suspend, refuse to renew, or censure the holder of a permit to practice under RCW 18.04.215, the board shall examine its records to determine whether the accused holds a certificate, a registration, or a permit or annual limited permit to practice in any other state. If the board determines that the accused holds a certificate, or a registration in any other state, the board shall notify the board of accountancy of the other state of its decision by mail within thirty days of

~~rendering the decision)) under the provisions of this chapter, such proceedings and any appeal therefrom shall be taken in accordance with the administrative procedure act, chapter 34.04 RCW.~~

Sec. 15. Section 15, chapter 234, Laws of 1983 and RCW 18.04.335 are each amended to read as follows:

Upon application in writing and after hearing pursuant to notice, the board may, if adequate justification is provided by the applicant, direct the department to:

(1) Reissue a certificate to a certified public accountant whose certificate has been revoked or suspended; or

(2) Modify the suspension of or reissue any ((permit)) license to practice which has been revoked, suspended, or which the board has refused to renew.

Sec. 16. Section 16, chapter 234, Laws of 1983 and RCW 18.04.345 are each amended to read as follows:

(1) No person may hold himself or herself out to the public, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person has received a certificate as a certified public accountant, holds a valid ((permit)) license to practice under RCW 18.04.215, and all of the person's offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(2) No ((partnership or corporation)) firm may hold itself out to the public, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the ((partnership or corporation)) firm is composed of certified public accountants or CPAs, unless the ((partnership or corporation)) firm is ((registered as a partnership or corporation of certified public accountants)) licensed under RCW 18.04.195, holds a valid ((permit)) license to practice under RCW 18.04.215, and all offices of the ((partnership or corporation)) firm in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(3) No person, partnership, or corporation may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation "certified accountant," "chartered accountant," ((enrolled accountant.)) "licensed accountant," ((registered accountant, accredited accountant.)) "public accountant," or any other title or designation likely to be confused with "certified public accountant" or any of the abbreviations "CA," ((EA, RA.)) "LA," ((A.)) or "PA," or similar abbreviations likely to be confused with "CPA." However, nothing in this chapter prohibits use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a ((permit)) license under this chapter.

(4) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an "audit," "review," or "compilation," unless the person holds a biennial ((permit)) license to practice under RCW 18.04.215 and all of the person's offices in this state for the practice of public accounting are maintained and ((registered)) licensed under RCW 18.04.205.

(5) No person may sign, affix, or associate a ((partnership or corporate)) firm name to any report designated as an "audit," "review," or "compilation," unless the ((partnership or corporation)) firm is ((registered)) licensed under RCW 18.04.195 ((holds a permit to practice under RCW)) and 18.04.215, and all of its offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(6) No person, partnership, or corporation not holding a ((permit)) license to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an "auditor" with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

(7) Nothing contained in this chapter prohibits any person who is the holder of a valid certified public accountant certificate from assuming or using the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, sign, card, or device tending to indicate that the person is a certified public accountant.

(8) No person may assume or use the designation "certified public accountant" or "CPA" in conjunction with names indicating or implying that there is a partnership or corporation. ((or in conjunction with the designation "and Company" or "and Co." or a similar designation.)) if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.

(9) No person, partnership, or corporation holding a ((permit)) license under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation "and Associates" or "and Assoc." unless he or she has in fact a partner or employee who holds a ((permit)) license under RCW 18.04.215.

(10) No person, partnership, or corporation may hold himself, herself, or itself out to the public for the practice of public accounting unless the person, partnership, or corporation holds a ((permit)) license to practice under RCW 18.04.215 and all of his or its offices in this state are maintained and registered under RCW 18.04.205.

Sec. 17. Section 34, chapter 226, Laws of 1949 as last amended by section 17, chapter 234, Laws of 1983 and RCW 18.04.350 are each amended to read as follows:

(1) Nothing in this chapter prohibits any person not a certified public accountant from serving as an employee of, or as assistant to, a certified public accountant or partnership composed of certified public accountants or corporation of certified public accountants holding a valid ~~((permit))~~ license under RCW 18.04.215. However, the employee or assistant shall not issue any accounting or financial statement over his or her name.

(2) Nothing in this chapter prohibits a certified public accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice.

(3) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to other certified public accountants, peer review teams, partnerships, or corporations of public accountants engaged in conducting peer reviews, or any one of their employees in connection with peer reviews of that accountant's accounting and auditing practice conducted under the auspices of recognized professional associations.

(4) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to any employee, representative, officer, or committee member of a recognized professional association, or to the board of accountancy, or ~~((any of its employees or committees))~~ the department in connection with a professional ~~((ethics))~~ investigation held under the auspices of recognized professional associations or the board of accountancy.

(5) Nothing in this chapter prohibits any officer, employee, partner, or principal of any organization:

(a) From affixing his or her signature to any statement or report in reference to the affairs of the organization with any wording designating the position, title, or office which he or she holds in the organization; or

(b) From describing himself or herself by the position, title, or office he or she holds in such organization.

(6) Nothing in this chapter prohibits any person, or partnership or corporation composed of persons not holding a ~~((permit))~~ license under RCW 18.04.215 from offering or rendering to the public bookkeeping, accounting, and tax services, including devising and installing systems, financial information or data, or preparing financial statements, written statements describing how such financial statements were prepared, or similar services, provided that persons, partnerships, or corporations not holding a ~~((permit))~~ license under RCW 18.04.215 who offer or render these services do not designate any written statement as an "audit report," "review report," or "compilation report," do not issue any written statement which purports to express or disclaim an opinion on financial statements which have been audited, and do not issue any written statement which expresses assurance on financial statements which have been reviewed.

(7) Nothing in this chapter prohibits any act of or the use of any words by a public official or a public employee in the performance of his or her duties.

Sec. 18. Section 37, chapter 226, Laws of 1949 as amended by section 20, chapter 234, Laws of 1983 and RCW 18.04.380 are each amended to read as follows:

The display or presentation by a person of a card, sign, advertisement, or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof, or "licensed public accountant" or any abbreviation thereof, or "public accountant" or any abbreviation thereof, shall be prima facie evidence in any action brought under this chapter that the person whose name is so displayed, caused or procured the display or presentation of the card, sign, advertisement, or other printed, engraved, or written instrument or device, and that the person is holding himself or herself out to be a certified public accountant or a public accountant holding a ~~((permit))~~ license to practice under this chapter. In any such action, evidence of the commission of a single act prohibited by this chapter is sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

Sec. 19. Section 38, chapter 226, Laws of 1949 as amended by section 21, chapter 234, Laws of 1983 and RCW 18.04.390 are each amended to read as follows:

(1) In the absence of an express agreement between the certified public accountant and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a certified public accountant incident to or in the course of professional service to clients, except reports submitted by a certified public accountant to a client, are the property of the certified public accountant.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the accountant or corporation, or any combined or merged partnership or corporation, or successor in interest ~~((to the partnership or corporation))~~.

(3) A licensee shall furnish to his or her client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account; the licensee may make and retain copies of such documents of the client when they form the basis for work done by him or her.

Sec. 20. Section 23, chapter 234, Laws of 1983 and RCW 18.04.405 are each amended to read as follows:

(1) A certified public accountant, a partnership or corporation of certified public accountants, or any of their employees shall not disclose any confidential information obtained in the course of a professional transaction except with the consent of the client or former client or as disclosure may be required by law, legal process, the standards of the profession, or as disclosure of confidential information is permitted by RCW 18.04.350 ~~((2))~~ (3) and ~~((3))~~ (4) in connection with peer reviews and ~~(ethics)~~ investigations.

(2) This section shall not be construed as limiting the authority of this state or of the United States or an agency of this state or of the United States to subpoena and use such information in connection with any investigation, public hearing, or other proceeding, nor shall this section be construed as prohibiting a certified public accountant whose professional competence has been challenged in a court of law or before an administrative agency from disclosing confidential information as a part of a defense to the court action or administrative proceeding.

Sec. 21. Section 34, chapter 234, Laws of 1983 and RCW 18.04.901 are each amended to read as follows:

If any provision of this ~~(act)~~ chapter or its application to any person or circumstance is held invalid, the remainder of the ~~(act)~~ chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

- (1) Section 30, chapter 234, Laws of 1983 and RCW 43.131.311;
- (2) Section 31, chapter 234, Laws of 1983 and RCW 43.131.312; and
- (3) Section 24, chapter 234, Laws of 1983 and RCW 18.04.065.

Sec. 23. Section 1, chapter 234, Laws of 1983 and RCW 18.04.920 are each amended to read as follows:

This chapter may be cited as the public accountancy act ~~((of 1983))~~.

NEW SECTION. Sec. 24. RCW 18.04.930, 18.04.931, 18.04.932, 18.04.933, and 18.04.934 are each decodified.

NEW SECTION. Sec. 25. All administrative powers, administrative duties, and administrative functions of the board of accountancy pertaining to (1) the examination of applicants for, (2) the issuance of certificates, permits, and registrations relating to, and (3) the discipline of persons engaged in the practice of accountancy under chapter 18.04 RCW are transferred to the department of licensing.

NEW SECTION. Sec. 26. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the board of accountancy and pertaining to the powers, functions, and duties transferred by section 25 of this act shall be delivered to the custody of the department of licensing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the board of accountancy in carrying out the powers, functions, and duties transferred by section 25 of this act shall be made available to the department of licensing. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred by section 25 of this act shall be assigned to the department of licensing.

Any appropriations made to the board of accountancy for carrying out the powers, functions, and duties transferred by section 25 of this act shall, on the effective date of this act, be transferred and credited to the department of licensing.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 27. All employees of the board of accountancy engaged in performing the powers, functions, and duties transferred by section 25 of this act are transferred to the jurisdiction of the department of licensing. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of licensing to perform duties within their classifications without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 28. All rules and all pending business before the board of accountancy pertaining to the powers, functions, and duties transferred by section 25 of this act shall be continued and acted upon by the department of licensing. All existing contracts and obligations shall remain in full force and shall be performed by the department of licensing.

NEW SECTION. Sec. 29. The transfer of the powers, duties, functions, and personnel of the board of accountancy shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION. Sec. 30. If apportionments of budgeted funds are required because of the transfers directed by sections 26 through 29 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 31. Nothing contained in sections 25 through 30 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 32. For the purposes of RCW 1.12.025(2), sections 1 through 24 of this act are intended to reflect and be consistent with the amendments to chapter 18.04 RCW by chapter ... (ESHB 1758), Laws of 1986.

NEW SECTION. Sec. 33. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1986."

On page 1, line 1 of the title, after "accountancy;" strike the remainder of the title and insert "amending RCW 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.105, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.320, 18.04.335, 18.04.345, 18.04.350, 18.04.380, 18.04.390, 18.04.405, 18.04.901, and 18.04.920; adding new sections to chapter 18.04 RCW; decodifying RCW 18.04.930, 18.04.931, 18.04.932, 18.04.933, and 18.04.934; repealing RCW 43.131.311, 43.131.312, and 18.04.065; declaring an emergency; and providing an effective date."

and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Warnke, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 4725 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1708 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Belcher, Walk and Fuhrman.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the request of the House for a conference on House Bill No. 1708 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1708 and the Senate amendments thereto: Senators Moore, Cantu and Hansen.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Kremen, McMullen and Schoon.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the request of the House for a conference on Engrossed Substitute House Bill No. 1587 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1587 and the Senate amendments thereto: Senators Warnke, Sellar and Goltz.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives McMullen, Rayburn and Schmidt.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the request of the House for a conference on Engrossed Substitute House Bill No. 1870 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1870 and the Senate amendment thereto: Senators Moore, Pullen and Wojahn.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MOTIONS FOR CHANGE IN CONFEREES

On motion of Senator Vognild, and there being no objection, Senator Cantu was relieved of conference duties on House Bill No. 1708.

On motion of Senator Vognild, Senator Metcalf was appointed as a conferee on House Bill No. 1708.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Grimm, McMullen and Schoon.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the request of the House for a conference on Engrossed Substitute House Bill No. 1754 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1754 and the Senate amendment thereto: Senators Bottiger, Hayner and Warnke.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1795 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Armstrong, Appelwick and G. Nelson.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the request of the House for a conference on House Bill No. 1795 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1795 and the Senate amendments thereto: Senators Talmadge, Hayner and Owen.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MOTION

At 1:53 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:55 p.m. by President Cherberg.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4888 with the following amendment:

On page 1, beginning on line 6, strike all material through "RCW." on line 13 and insert:

"A vehicle dealer who sells used vehicles shall either display on the vehicle, or disclose upon request, the written asking price of a specific vehicle offered for sale by the dealer as of that time.

A violation of this section is an unfair business practice under chapter 19.86 RCW, the Consumer Protection Act, and the provisions of chapter 46.70 RCW."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendment to Substitute Senate Bill No. 4888.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4888, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4888, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Craswell, Garrett, Hansen, Johnson - 4.

Excused: Senators Kiskaddon, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4888, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 3498 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that recreational water contact activities are becoming increasingly popular. Recreational water contact facilities are expanding in number and in the variety of equipment and activities offered. The legislature, to protect the public health, safety, and welfare and promote the safe use of recreational water contact facilities finds it necessary to regulate these facilities.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) "Recreational water contact facility" means an artificial water contact facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water, including but not limited to, water slides, wave pools, and water amusement lagoons which bring water in contact with patrons. It shall also include "public bath houses" as defined in this section.

(2) "Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

(3) "Secretary" means the secretary of social and health services.

(4) "Person" means an individual, firm, partnership, co-partnership, corporation, company, association, club, government entity, or organization of any kind.

(5) "Department" means the department of social and health services.

(6) "Board" means the state board of health.

(7) "Public bath house" means any place open to the public for a fee where Russian, Turkish, Swedish, hot air, vapor, electric cabinet, or other baths of any kind are given or furnished, except an ordinary tub bath where an attendant is not required, or baths given in any hospital or by licensed physical therapists treating a patient under a written prescription of a licensed physician or by any health practitioner authorized to treat the sick, injured, or infirm.

NEW SECTION. Sec. 3. (1) The board shall adopt rules under the administrative procedures act, chapter 34.04 RCW, setting safety, sanitation, and water quality standards for recreational water contact facilities. The rules shall include but not be limited to requirements for design; operation; injury and illness reports; biological and chemical contamination standards; water quality monitoring; inspection; permit application and issuance; fees sufficient to cover the costs incurred by the department for the administration and enforcement of this chapter; and enforcement procedures.

(2) In adopting rules under subsection (1) of this section regarding the operation or design of a recreational water contact facility, the board shall review and consider any recommendations made by the recreational water contact facility advisory committee.

NEW SECTION. Sec. 4. (1) A recreational water contact facility advisory committee is established and shall be appointed by the board which shall consist of the following members:

(a) A representative of the board of health;

(b) A private operator of a recreational water contact facility;

(c) A public operator of a recreational water contact facility;

(d) A representative from the department of social and health services;

(e) A representative of the county health departments;

(f) A representative from those who engage in the construction or design of recreational water contact facilities; and

(g) A representative from those who engage in the manufacturing or design of goods or services for recreational water contact facilities.

(2) The advisory committee shall have the following powers and duties:

(a) To assist in reviewing and drafting proposed rules regarding the design or operation of any recreational water contact facility which recommendations shall be transmitted to the board;

(b) To provide technical assistance regarding the review of new products, equipment and procedures, and periodic program review; and

(c) To provide recommendations upon request in the settlement of grievances.

(3) The committee may appoint subcommittees as it deems necessary.

NEW SECTION. Sec. 5. The secretary shall enforce the rules adopted under this chapter. The secretary may develop joint plans of responsibility with any local health jurisdiction to administer this chapter.

NEW SECTION. Sec. 6. (1) Local health officers may establish and collect fees sufficient to cover their costs incurred in carrying out their duties under this chapter and the rules adopted under this chapter.

(2) The department may establish and collect fees sufficient to cover its costs incurred in carrying out its duties under this chapter. The fees shall be deposited in the state general fund.

(3) A person shall not be required to submit fees at both the state and local levels.

NEW SECTION. Sec. 7. A permit is required for any modification to or construction of any recreational water contact facility after the effective date of this act. The plans and specifications for the modification or construction shall be submitted to the applicable local authority or the department as applicable, but a person shall not be required to submit plans at both the state and local levels or apply for both a state and local permit. The plans shall be reviewed and may be approved or rejected or modifications or conditions imposed consistent with this chapter as the public health or safety may require, and a permit shall be issued or denied.

NEW SECTION. Sec. 8. An operating permit from the department or local health officer, as applicable, is required for each recreational water contact facility operated in this state. The permit shall be renewed annually. The permit shall be conspicuously displayed at the recreational water contact facility.

NEW SECTION. Sec. 9. Nothing in this chapter or the rules adopted under this chapter creates or forms the basis for any liability: (1) On the part of the state and local health jurisdictions, or their officers, employees, or agents, for any injury or damage resulting from the failure of the owner or operator of recreational water contact facilities to comply with this chapter or the rules adopted under this chapter; or (2) by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter or the rules adopted under this chapter on the part of the state and local health jurisdictions, or by their officers, employees, or agents.

All actions of local health officers and the secretary shall be deemed an exercise of the state's police power.

NEW SECTION. Sec. 10. Any person operating a recreational water contact facility shall report to the local health officer or the department any serious injury, communicable disease, or death occurring at or caused by the recreational water contact facility.

NEW SECTION. Sec. 11. County, city, or town legislative authorities and the secretary, as applicable, may establish civil penalties for a violation of this chapter or the rules adopted under this chapter not to exceed five hundred dollars. Each day upon which a violation occurs constitutes a separate violation. A person violating this chapter may be enjoined from continuing the violation.

NEW SECTION. Sec. 12. (1) Any person aggrieved by an order or action of the department may request a hearing under the administrative procedure act, chapter 34.04 RCW. Notice shall be provided by the department as required under chapter 34.04 RCW for contested cases.

(2) Any person aggrieved by an order or action of a local health officer may request a hearing which shall be held consistent with the local health jurisdiction's administrative appeals process. Notice shall be provided by the local health jurisdiction consistent with its due process requirements.

NEW SECTION. Sec. 13. The provisions of this chapter shall not affect local health ordinances existing as of the effective date of this act which regulate water contact facilities.

NEW SECTION. Sec. 14. The board may require a recreational water contact facility to purchase insurance in an amount not less than five hundred thousand dollars against liability for bodily injury to or death of one or more persons in any one accident arising out of the use of the facility.

NEW SECTION. Sec. 15. The recreational water contact facility advisory committee shall be reviewed under the process provided in chapter 43.131 RCW before December 1, 1989. Unless extended by law, the committee shall be terminated on June 30, 1990, and section 4 of this act shall expire June 30, 1991.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act are added to chapter 70.90 RCW.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "70.90 RCW;" strike the remainder of the title and insert "and prescribing penalties."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate refuses to concur in the House amendments to Reengrossed Substitute Senate Bill No. 3498 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Reengrossed Substitute Senate Bill No. 3498 and the House amendments thereto: Senators Williams, Cantu and Warnke.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4463 with the following amendments:

On page 2, after line 6, insert the following:

"NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 179, Laws of 1933, section 1, chapter 164, Laws of 1937 and RCW 39.24.020;

(2) Section 2, chapter 179, Laws of 1933 and RCW 39.24.030; and

(3) Section 3, chapter 179, Laws of 1933 and RCW 39.24.040."

On page 1, line 2, after "sections;" insert "repealing RCW 39.24.020, 39.24.030, and 39.24.040;"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 4463 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 4463 and the House amendments thereto: Senators Warnke, Bailey and Vognild.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4738 with the following amendments:

On page 3, after line 31, insert the following:

Sec. 3. Section 61, chapter 291, Laws of 1977 ex. sess. as last amended by section 18, chapter 191, Laws of 1983 and RCW 13.40.070 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor neither files nor diverts the case, he shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, assault in the third degree, rape in the third degree, or any other offense listed in RCW 13.40.020(1) (b) or (c); or

(b) An alleged offender is accused of a felony and has a criminal history of at least one class A or class B felony, or two class C felonies, or at least two gross misdemeanors, or at least two misdemeanors and one additional misdemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor; or

(c) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

(d) An alleged offender is accused of a misdemeanor or gross misdemeanor and has previously entered into a total of three diversion agreements for separate offenses, not in the same course of conduct.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense(s) in combination with the alleged offender's criminal history do not exceed three offenses or violations and do not include any felonies: PROVIDED, That if the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed: PROVIDED FURTHER, That an alleged misdemeanor or gross misdemeanor shall be filed pursuant to subsection (5)(d) of this section.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

Sec. 4. Section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 8, chapter 191, Laws of 1983 and RCW 13.40.160 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.

~~(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision; if the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition. A disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.~~

~~Any disposition other than community supervision may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision may not be appealed under RCW 13.40.230 as now or hereafter amended);~~

(a) The court shall order that the respondent serve a term of community supervision; and

(b) If the minor or first offender has a criminal history of two or more offenses, the court may impose a term of confinement not to exceed seven days in addition to a term of community supervision. If confinement has been imposed, the court shall state aggravating factors as set forth in RCW 13.40.150.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition under (a) or (b) of this subsection would cause a manifest injustice, the court may impose a disposition other than community supervision and/or up to seven days' confinement. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the range shall be determined under RCW 13.40.030(5). The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition under (c) of this subsection is appealable under RCW 13.40.230. A disposition under (a) or (b) of this subsection is not appealable under RCW 13.40.230.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense: PROVIDED, That if the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 as now or hereafter amended.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 as now or hereafter amended.

(5) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(6) In its dispositional order, the court shall not suspend or defer the imposition or the execution of the disposition.

(7) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

NEW SECTION. Sec. 5. The legislature finds that children who are dependent or in conflict with their families and who violate court-ordered placements or other terms of a court order which may detrimentally affect their emotional or physical well-being should face the consequences of their actions. The legislature further finds that use of the power of contempt of court can accomplish this while maintaining the distinction between these children and juveniles who have violated the criminal laws. It is the intent of the legislature to broaden the court's contempt powers and emphasize that contempt is the appropriate tool for punishing violations of court orders.

Sec. 6. Section 14, chapter 298, Laws of 1981 and RCW 13.32A.250 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is punishable as contempt.

(2) Contempt under this section is punishable by a fine of up to one hundred dollars and imprisonment for up to ~~((seven))~~ fourteen days, or both.

(3) A child found in contempt under this section shall be imprisoned only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) The procedure in a contempt proceeding held under this section is governed by RCW 7.20.040 through 7.20.080, as now law or hereafter amended.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

Sec. 7. Section 1, chapter 257, Laws of 1985 and RCW 13.34.165 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is punishable as contempt.

(2) Contempt under this section is punishable by confinement for up to ~~((seven))~~ fourteen days.

(3) A child found in contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) The procedure in a contempt proceeding under this section is governed by RCW 7.20-.040 through 7.20.080.

(5) A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter.

On page 1, line 1 of the title, after "juveniles," strike the remainder of the title and insert "amending 13.40.200, 13.40.300, 13.40.070, 13.40.160, 13.32A.250 and 13.34.165; creating a new section; and prescribing penalties".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 4738 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 4738 and the House amendments thereto: Senators Talmadge, Pullen and Rinehart.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4917 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 30.04.030, chapter 33, Laws of 1955 and RCW 30.04.030 are each amended to read as follows:

The supervisor shall have power to adopt uniform rules and regulations in accordance with the administrative procedure act, chapter 34.04 RCW, to govern examinations and reports of banks and trust companies and the form in which they shall report their assets, liabilities, and reserves, charge off bad debts and otherwise keep their records and accounts, and otherwise to govern the administration of this title. He shall mail a copy of the rules and regulations to each bank and trust company at its principal place of business ~~(and they shall be effective thirty days after the mailing thereof. The person doing the mailing shall make and file his affidavit thereof in the office of the supervisor).~~

The supervisor shall have the power, and broad administrative discretion, to administer and interpret the provisions of this title to facilitate the delivery of financial services to the citizens of the state of Washington by the banks and trust companies subject to this title.

Sec. 2. Section 1, chapter 245, Laws of 1977 ex. sess. and RCW 30.04.075 are each amended to read as follows:

(1) All examination reports and all information obtained by the supervisor and the supervisor's staff in conducting examinations of banks, trust companies, or alien banks is confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity ~~((except as provided by RCW-39-58-105)).~~

(2) Subsection (1) of this section notwithstanding, the supervisor may furnish all or any part of examination reports prepared by the supervisor's office to:

~~((a) Federal agencies empowered to examine state banks, trust companies, or alien banks; (to the examined bank, trust company, or alien bank as provided in subsection (4) of this section; and to))~~

~~((b) Officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the supervisor furnishes any examination report to officials empowered to investigate criminal charges, the supervisor may only furnish that part of the report which is necessary and pertinent to the investigation, and the supervisor may do this only after notifying the affected bank, trust company, or alien bank and any customer of the bank, trust company, or alien bank who is named in that part of the examination or report ((of~~

the order to furnish the part of the examination report)) ordered to be furnished unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause;

(c) The examined bank, trust company, or alien bank, or holding company thereof;

(d) The attorney general in his or her role as legal advisor to the supervisor;

(e) Liquidating agents of a distressed bank, trust company, or alien bank;

(f) A person or organization officially connected with the bank as officer, director, attorney, auditor, or independent attorney or independent auditor;

(g) The Washington public deposit protection commission as provided by RCW 39.58.105.

(3) All examination reports furnished under subsections (2) and (4) of this section shall remain the property of the division of banking, and be confidential and no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: PROVIDED, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the division of banking is designed for use in the supervision of the bank, trust company, or alien bank (~~and the supervisor may furnish a copy of the report to the bank, trust company, or alien bank examined~~). The report shall remain the property of the supervisor and will be furnished to the bank, trust company, or alien bank solely for its confidential use. Under no circumstances shall the bank, trust company, or alien bank or any of its directors, officers, or employees disclose or make public in any manner the report or any portion thereof, to any person or organization not connected with the bank as officer, director, employee, attorney, auditor, or candidate for executive office with the bank. The bank may also, after execution of an agreement not to disclose information in the report, disclose the report or relevant portions thereof to a party proposing to acquire or merge with the bank.

(5) Examination reports and information obtained by the supervisor and the supervisor's staff in conducting examinations shall not be subject to public disclosure under chapter 42.17 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor.

(7) This section shall not apply to investigation reports prepared by the supervisor and the supervisor's staff concerning an application for a new bank or trust company or an application for a branch of a bank, trust company, or alien bank: PROVIDED, That the supervisor may adopt rules making confidential portions of the reports if in the supervisor's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the supervisor considers necessary to fully evaluate the application.

(8) Every person who violates any provision of this section shall (~~forfeit the person's office or employment and~~) be guilty of a gross misdemeanor.

NEW SECTION, Sec. 3. The total loans and extensions of credit by a bank or trust company to a person outstanding at any one time shall not exceed twenty percent of the capital and surplus of such bank or trust company. The following loans and extensions of credit shall not be subject to this limitation:

(1) Loans or extensions of credit arising from the discount of commercial or business paper evidencing an obligation to the person negotiating it with recourse;

(2) Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, or treasury bills of the United States or by other such obligations wholly guaranteed as to principal and interest by the United States;

(3) Loans or extensions of credit to or secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States;

(4) Loans or extensions of credit fully secured by a segregated deposit account or accounts in the lending bank;

(5) Loans or extensions of credit secured by collateral having a readily ascertained market value of at least one hundred fifteen percent of the outstanding amount of the loan or extension of credit;

(6) Loans or extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples shall be subject to a limitation of thirty-five percent of capital and surplus in addition to the general limitations, if the market value of the staples securing each additional loan or extension of credit at all times equals or exceeds one hundred fifteen percent of the outstanding amount of the loan or extension of credit. The staples shall be fully covered by insurance whenever it is customary to insure the staples;

(7) The purchase of bankers' acceptances of the kind described in section 13 of the federal reserve act and issued by other banks shall not be subject to any limitation based on capital and surplus;

(8) The unpaid purchase price of a sale of bank property, if secured by such property.

For the purposes of this section "capital" shall include the amount of common stock outstanding and unimpaired, the amount of preferred stock outstanding and unimpaired, and capital notes or debentures issued pursuant to chapter 30.36 RCW.

For the purposes of this section "surplus" shall include capital surplus, reflecting the amounts paid in excess of the par or stated value of capital stock, or amounts contributed to the bank other than for capital stock, and amounts transferred to surplus from undivided profits pursuant to resolution of the board of directors.

The term "person" shall include an individual, sole proprietor, partnership, joint venture, association, trust, estate, business trust, corporation, sovereign government or agency, instrumentality, or political subdivision thereof, or any similar entity or organization.

The supervisor may prescribe rules to administer and carry out the purposes of this section, including rules to define or further define terms used in this section and to establish limits or requirements other than those specified in this section for particular classes or categories of loans or extensions of credit, and to determine when a loan putatively made to a person shall, for purposes of this section, be attributed to another person.

Sec. 4. Section 30.04.120, chapter 33, Laws of 1955 as amended by section 1, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.120 are each amended to read as follows:

The shares of stock of every bank and trust company shall be deemed personal property. No such corporation shall hereafter make any loan or discount on the security of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; in which case the stocks so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or acquisition. Except as hereinafter provided or otherwise permitted by law, nothing herein contained shall authorize the purchase by any such bank or trust company for its own account of any shares of stock of any corporation, except a federal reserve bank of which such corporation shall become a member, and then only to the extent required by such federal reserve bank: PROVIDED, That any ((such)) bank or trust company may purchase, acquire and hold shares of stock in any other corporation which shares have been previously pledged as security to any loan or discount made in good faith and such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith and stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within two years from the time of its purchase or acquisition. Any time limit imposed in this section may be extended by the supervisor upon cause shown. Banks and trust companies are authorized to make loans on the security of the capital stock of a bank or trust company other than the lending corporation.

NEW SECTION. Sec. 5. Unless otherwise prohibited by law, any state bank or trust company may invest in the capital stock of corporations organized to conduct the following businesses:

(1) A safe deposit business: PROVIDED, That the amount of investment does not exceed fifteen percent of its capital stock and surplus;

(2) A corporation holding the premises of the bank or its branches: PROVIDED, That without the approval of the supervisor, the investment of such stock shall not exceed, together with all loans made to the corporation by the bank, a sum equal to the amount permitted to be invested in the premises by RCW 30.04.210;

(3) Stock in a small business investment company licensed and regulated by the United States as authorized by the small business act, Public Law 85-536, 72 Statutes at Large 384, in an amount not to exceed five percent of its capital and surplus;

(4) Capital stock of a banking service corporation or corporations. The total amount that a bank may invest in the shares of such corporation may not exceed ten percent of its capital and surplus. A bank service corporation may not engage in any activity other than those permitted by the bank service corporation act, 12 U.S.C. Sec. 1861, et seq., as subsequently amended and in effect on the effective date of this act. The performance of any service, and any records maintained by any such corporation for a bank, shall be subject to regulation and examination by the supervisor and appropriate federal agencies to the same extent as if the services or records were being performed or maintained by the bank on its own premises;

(5) Capital stock of a federal reserve bank to the extent required by such federal reserve bank;

(6) A corporation engaging in business activities that have been determined by the board of governors of the federal reserve system or by the United States congress to be closely related to the business of banking, as of the effective date of this act;

(7) A governmentally sponsored corporation engaged in secondary marketing of loans and the stock of which must be owned in order to participate in its marketing activities;

(8) A corporation in which all of the voting stock is owned by the bank and that engages exclusively in nondeposit-taking activities that are authorized to be engaged in by the bank or trust company.

Sec. 6. Section 30.04.130, chapter 33, Laws of 1955 and RCW 30.04.130 are each amended to read as follows:

Any debt due a bank or trust company on which interest is one year or more past due and unpaid, unless such debt be well secured and in the course of collection by legal process or probate proceedings, or unless such debt be represented by or secured by bonds or other collateral having a ~~((determinable))~~ readily ascertainable market value ~~((currently quoted on the New York stock exchange;))~~ shall be considered a bad debt, and shall be charged off of the books of such corporation. Such ~~((bonds))~~ assets shall be carried on the books of such corporation at such value as the supervisor may from time to time direct, but in no event shall such carrying value exceed the market value thereof. A judgment held by a bank or trust company shall not be considered an asset of the corporation after two years from the date of its rendition unless with the written permission of the supervisor specifying an additional period: PROVIDED, That time consumed by any appeal shall be excluded.

~~All assets or portion thereof that the supervisor may have required a bank or trust company to charge off shall be charged off. No bank or trust company shall enter or at any time carry on its books any of its assets at a valuation exceeding the actual cost. However, accreting the discount on securities is permitted on a pro rata basis, over the life of the security.~~

Sec. 7. Section 30.04.140, chapter 33, Laws of 1955 as last amended by section 6, chapter 157, Laws of 1983 and RCW 30.04.140 are each amended to read as follows:

No bank or trust company shall pledge or hypothecate any of its securities or assets to any depositor, except that it may qualify as depository for United States deposits, ~~((postal savings funds))~~ or other public funds, or funds held in trust and deposited by any public officer by virtue of his office, ~~or as a depository for the money of estates under the statutes of the United States pertaining to bankruptcy or funds deposited by a trustee or receiver in bankruptcy appointed by any court of the United States or any referee thereof,~~ or funds held by the United States or the state of Washington, or any officer thereof in trust, or for funds of corporations owned or controlled by the United States, and may give such security for such deposits as are required by law or by the officer making the same; and it may give security to its trust department for deposits with itself which represent trust funds invested in savings accounts or which represent fiduciary funds awaiting investment or distribution.

Sec. 8. Section 30.04.180, chapter 33, Laws of 1955 as last amended by section 1, chapter 89, Laws of 1981 and RCW 30.04.180 are each amended to read as follows:

No bank or trust company shall declare or pay any dividend to an amount greater than its net profits then on hand ~~((which net profits shall be determined only after deducting:~~

(1) All losses;

(2) All assets or depreciation that the supervisor or a duly appointed examiner may have required to be charged off; and no bank or trust company shall enter or at any time carry on its books any of its assets at a valuation exceeding the actual cost. However, amortizing the discount on municipal and United States government securities is permitted on a pro rata basis, over the life of the security, providing that the approval of the supervisor has been obtained and maintained by each individual bank;

(3) All expenses, interest and taxes due or accrued from said bank or trust company;

(4) Bad debts as defined by RCW 30.04.130 owing to such bank or trust company).

~~((After providing for the above deductions))~~ The board of directors of any bank or trust company may ~~((at any regular meeting thereof))~~ declare a dividend out of so much of the undivided profits of such bank or trust company as they shall judge expedient: PROVIDED, HOWEVER, That before any such dividend is declared or the net profits in any way disposed of, not less than one-tenth of such net profits shall be carried to a surplus fund until the amount in such surplus fund shall be equal to twenty-five percent of the paid-in common ~~((capital))~~ stock of such bank or trust company: PROVIDED, FURTHER, That for the purposes of this section, any amounts paid into a fund for the retirement of any preferred stock of any such bank and trust company out of its net profits for such period or periods shall be deemed to be additions to its surplus fund if, upon the retirement of such preferred stock, the amounts so paid into such retirement fund may then properly be carried to surplus. In any such case the bank and trust company shall be obligated to transfer to surplus the amounts so paid into such retirement fund on account of the preferred stock as such stock is retired: PROVIDED FURTHER, That the supervisor shall in his discretion have the power to require any bank or trust company to suspend the payment of any and all dividends until all requirements that may have been made by the supervisor ~~((or any duly appointed examiner))~~ shall have been complied with; and upon such notice to suspend dividends no bank or trust company shall thereafter declare or pay any dividends until such notice has been rescinded in writing. ~~((As to banks or trust companies having segregated savings, sums carried to surplus shall be apportioned between or among departments as the capital is apportioned;))~~ A dividend is payable in property or capital stock.

Sec. 9. Section 30.04.210, chapter 33, Laws of 1955 as last amended by section 4, chapter 329, Laws of 1985 and RCW 30.04.210 are each amended to read as follows:

A bank or trust company may purchase, hold, and convey real estate for the following purposes ~~((and no other))~~:

(1) Such as shall be necessary for the convenient transaction of its business, including with its banking offices other ~~((apartments))~~ space in the same building to rent as a source of income: PROVIDED, That any bank or trust company shall not invest for such purposes more than the greater of: (a) Fifty percent of its capital, surplus, and undivided profits; or (b) one hundred twenty-five percent of its capital stock without the approval of the supervisor.

(2) Such as shall be purchased or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of its business.

(3) Such as it shall purchase at sale under judgments, decrees, liens, or mortgage foreclosures, ~~((against securities held by))~~ from debts owed to it.

(4) Such as a trust company receives in trust or acquires pursuant to the terms or authority of any trust.

(5) Such as it may take title to or for the purpose of investing in real estate conditional sales contracts.

(6) Such as shall be purchased, held, or conveyed in accordance with RCW 30.04.212 granting banks the power to invest directly or indirectly in unimproved or improved real estate.

No real estate specified in subdivision (4) shall be considered an asset of the bank or trust company holding the same in trust nor shall any real estate except that specified in subdivision (1) be carried as an asset on the bank's or trust company's books for a longer period than five years from the date title is acquired thereto, unless an extension of time be granted by the supervisor.

Sec. 10. Section 7, chapter 136, Laws of 1969 as amended by section 8, chapter 157, Laws of 1983 and RCW 30.04.215 are each amended to read as follows:

(1) Notwithstanding any other provisions of law, in addition to all powers enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business activities that have been determined by the board of governors of the federal reserve system or by the United States Congress to be closely related to the business of banking, as of ((April 25, 1983)) the effective date of this 1986 act. At least thirty days before investment in corporations or other entities under this chapter, notification by letter shall be made to the supervisor in accordance with such terms and conditions as the supervisor might establish by rule.

(2) A bank that desires to perform an activity that is not expressly authorized by subsection (1) of this section shall first apply to the supervisor for authorization to conduct such activity. Within thirty days of the receipt of this application, the supervisor shall determine whether the activity is closely related to the business of banking, whether the public convenience and advantage will be promoted, whether the activity is apt to create an unsafe or unsound practice by the bank and whether the applicant is capable of performing such an activity. If the supervisor finds the activity to be closely related to the business of banking and the bank is otherwise qualified, he shall forthwith inform the applicant that the activity is authorized. If the supervisor determines that such activity is not closely related to the business of banking or the bank is not otherwise qualified, he shall forthwith inform the applicant in writing. The applicant shall have the right to appeal from an unfavorable determination in accordance with the procedures of the Administrative Procedure Act, chapter 34.04 RCW. In determining whether a particular activity is closely related to the business of banking, the supervisor shall be guided by the rulings of the board of governors of the federal reserve system and the comptroller of the currency in making determinations in connection with the powers exercisable by bank holding companies, and the activities performed by other commercial banks or their holding companies. Any activity which may be performed by a bank, except the taking of deposits, may be performed by a corporation, all of the outstanding stock of which is owned by the bank. ~~((A bank shall not invest a sum greater than twenty-five percent of its capital and surplus in the capital stock of corporations organized to perform activities authorized by this section.))~~

(3) In addition to all powers enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business activities that are determined by the supervisor, by regulation adopted pursuant to chapter 34.04 RCW, to be closely related to the business of banking, or necessary or convenient thereto, and the exercise thereof will promote the public convenience and advantage. Provided, however, that such other business activities shall also have been determined by the board of governors of the federal reserve system or by the United States congress to be closely related to the business of banking.

NEW SECTION. Sec. 11. In the absence of an express prohibition in its articles of incorporation, the making of contributions or gifts for the public welfare, or for charitable, scientific, or educational purposes by a state bank or trust company is within its powers and shall be deemed to inure to the benefit of the bank.

Sec. 12. Section 1, chapter 305, Laws of 1985 and RCW 30.04.238 are each amended to read as follows:

(1) Notwithstanding any other provision of this title, a bank, with the prior approval of the supervisor, may purchase shares of its own capital stock. ((However, no bank may purchase and hold at any time more than five percent of its outstanding shares. Shares purchased under this section shall not be held for a period greater than six months.))

(2) When a bank purchases such shares, its capital accounts shall be reduced appropriately. The shares shall be held as authorized but unissued shares (~~(-but may be resold at any time within six months after acquisition for a price equal to or greater than the higher of the acquisition price or par value. Except as provided in this subsection, shares shall not be sold without the prior written approval of the supervisor).~~)

Sec. 13. Section 9, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.380 are each amended to read as follows:

Any bank or trust company (~~(which is a member of the federal reserve system.))~~ may invest an amount not exceeding ten per centum of its paid-in capital stock and surplus in the stock of one or more banks or corporations chartered under the laws of the United States, or of any state thereof, and principally engaged in international or foreign banking, or banking in a dependency or insular possession of the United States, either directly or through the agency, ownership or control of local institutions in foreign countries, or in such dependencies or insular possessions.

Sec. 14. Section 10, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.390 are each amended to read as follows:

Any bank or trust company (~~(which is a member of the federal reserve system.))~~ may acquire and hold, directly or indirectly, stock or other evidence of indebtedness (~~(of)~~) or ownership in one or more banks organized under the law of a foreign country or a dependency or insular possession of the United States.

Sec. 15. Section 2, chapter 246, Laws of 1977 ex. sess. as amended by section 5, chapter 305, Laws of 1985 and RCW 30.04.405 are each amended to read as follows:

(1) It is unlawful for any person to acquire control of a bank until thirty days after filing with the supervisor a copy of the notice of change of control required to be filed with the federal deposit insurance corporation or a completed application. The notice or application shall be under oath and contain substantially all of the following information plus any additional information that the supervisor may prescribe as necessary or appropriate in the particular instance for the protection of bank depositors, borrowers, or shareholders and the public interest:

(a) The identity, banking and business experience of each person by whom or on whose behalf acquisition is to be made;

(b) The financial and managerial resources and future prospects of each person involved in the acquisition;

(c) The terms and conditions of any proposed acquisition and the manner in which the acquisition is to be made;

(d) The source and amount of the funds or other consideration used or to be used in making the acquisition, and a description of the transaction and the names of the parties if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition;

(e) Any plan or proposal which any person making the acquisition may have to liquidate the bank, to sell its assets, to merge it with any other bank, or to make any other major change in its business or corporate structure for management;

(f) The identification of any person employed, retained, or to be compensated by the acquiring party, or by any person on its behalf, who makes solicitations or recommendations to shareholders for the purpose of assisting in the acquisition and a brief description of the terms of the employment, retainer, or arrangement for compensation; and

(g) Copies of all invitations for tenders or advertisements making a tender offer to shareholders for the purchase of their stock to be used in connection with the proposed acquisition.

(2) Notwithstanding any other provision of this section, a bank or domestic bank holding company as defined in RCW 30.04.230 need only notify the supervisor of an intent to acquire control and the date of the proposed acquisition of control at least thirty days before the date of the acquisition of control.

(3) When a person, other than an individual or corporation, is required to file an application under this section, the supervisor may require that the information required by subsection (1)(a), (b), and (f) of this section be given with respect to each person, as defined in RCW 30.04.400(3), who has an interest in or controls a person filing an application under this subsection.

(4) When a corporation is required to file an application under this section, the supervisor may require that information required by subsection (1)(a), (b), and (f) of this section be given for the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the corporation.

(5) If any tender offer, request, or invitation for tenders or other agreements to acquire control is proposed to be made by means of a registration statement under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C., Sec. 77(a)), as amended, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C., Sec. 78(a)), as amended, the registration statement or application may be filed with the supervisor in lieu of the requirements of this section.

(6) Any acquiring party shall also deliver a copy of any notice or application required by this section to the bank proposed to be acquired within two days after the notice or application is filed with the supervisor.

(7) Any acquisition of control in violation of this section shall be ineffective and void.

~~((7))~~ (8) Any person who willfully or intentionally violates this section or any rule adopted pursuant thereto is guilty of a gross misdemeanor pursuant to chapter 9A.20 RCW. Each day's violation shall be considered a separate violation, and any person shall upon conviction be fined not more than one thousand dollars for each day the violation continues.

NEW SECTION. Sec. 16. Any investment by a bank other than a loan, if legal and authorized when made, may continue to be held by the bank notwithstanding a change in circumstances or change in the law.

Sec. 17. Section 30.08.010, chapter 33, Laws of 1955 as last amended by section 3, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.010 are each amended to read as follows:

When authorized by the supervisor, as hereinafter provided, five or more natural persons, citizens of the United States, may incorporate a bank or trust company in the manner herein prescribed. No bank or trust company shall incorporate for less amount nor commence business unless it ~~((have))~~ has a paid-in capital ~~((as follows:~~

in cities, villages or communities having a population of less than	25,000	\$ 50,000.00
in cities having a population of 25,000 and less than 100,000		100,000.00
in cities having a population of 100,000 or more		200,000.00

~~PROVIDED, That on request of any persons desiring to incorporate a bank in a city having a population of twenty-five thousand or over, the supervisor shall make an order defining the boundaries of the central business district of such city, which shall include the district in which is carried on the principal retail, financial and office business of such city and banks may be incorporated with a paid-up capital of not less than fifty thousand dollars to be located in such city outside of the central business district of such city as defined by the order of the supervisor, which shall be stated in its articles of incorporation, but any such bank which shall be hereafter incorporated to be located outside such central business district, which shall thereafter change its location into such central business district without increasing its capital stock and surplus to the amount required by then existing laws to incorporate a bank within such central business district, shall forfeit its charter and right to do business. The supervisor may from time to time change the boundaries of said central business district, if, in his judgment, such action is proper.~~

~~in addition to the foregoing:)) stock, surplus and undivided profits in the amount as may be determined by the supervisor after consideration of the proposed location, management, and the population and economic characteristics for the area, the nature of the proposed activities and operation of the bank or trust company, and other factors deemed pertinent by the supervisor. Each bank and trust company shall before commencing business have subscribed and paid into it in the same manner as is required for capital stock, an ~~((additional))~~ amount equal to at least ten percent of the capital stock above required~~((Such additional amount)), that shall be carried in the undivided profit account and may be used to defray organization and operating expenses of the company ~~((deemed reasonable by the supervisor))~~. Any sum not so used shall be transferred to the surplus fund of the company before any dividend shall be declared to the stockholders.~~~~

Sec. 18. Section 30.08.020, chapter 33, Laws of 1955 as last amended by section 1, chapter 73, Laws of 1981 and RCW 30.08.020 are each amended to read as follows:

Persons desiring to incorporate a bank or trust company shall file with the supervisor a notice of their intention to organize a bank or trust company in such form and containing such information as the supervisor shall prescribe by regulation, together with proposed articles of incorporation, which shall be submitted for examination to the supervisor at his office in Olympia.

The proposed articles of incorporation shall state:

(1) The name of such bank or trust company.
 (2) The city, village or locality and county where the head office of such corporation is to be located.

(3) The nature of its business, whether that of a commercial bank, ~~((a savings bank or both))~~ or a trust company.

(4) The amount of its capital stock, which shall be divided into shares of ~~((not less than ten dollars each, nor more than one hundred dollars each:))~~ a par or no par value as may be provided in the articles of incorporation.

(5) ~~((The period for which such corporation is organized, which may be for a stated number of years or perpetual.~~

(6)) The names and places of residence and mailing addresses of the persons who as directors are to manage the corporation until the first annual meeting of its stockholders.

~~((7) In articles filed on or before June 1, 1985, for four years from the date of approval of the articles (a) no voting share of the corporation shall, without the prior written approval of the supervisor, be affirmatively voted for any proposal which would have the effect of sale.~~

conversion, merger, or consolidation to or with any other banking entity or affiliated financial interest, whether through transfer of stock ownership, sale of assets, or otherwise; (b) the corporation shall take no action to consummate any sale, conversion, merger, or consolidation in violation of this subdivision; (c) this provision of the articles shall not be revoked, altered, or amended by the shareholders without the prior written approval of the supervisor; and (d) all stock issued by the corporation shall be subject to this subdivision and a copy hereof shall be placed upon all certificates of stock issued by the corporation;))

(6) If there is to be preferred or special classes of stock, a statement of preferences, voting rights, if any, limitations and relative rights in respect of the shares of each class; or a statement that the shares of each class shall have the attributes as shall be determined by the bank's board of directors from time to time with the approval of the supervisor.

(7) Any provision granting the shareholders the preemptive right to acquire additional shares of the bank and any provision granting shareholders the right to cumulate their votes.

(8) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision restricting the transfer of shares and any provision which under this title is required or permitted to be set forth in the bylaws.

(9) Any provision the incorporators elect to so set forth, not inconsistent with law or the purposes for which the bank is organized, or any provision limiting any of the powers granted in this title.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers granted in this title. The articles of incorporation shall be signed by all of the incorporators and acknowledged before an officer to take acknowledgments.

Sec. 19, Section 30.08.050, chapter 33, Laws of 1955 as last amended by section 16, chapter 302, Laws of 1981 and RCW 30.08.050 are each amended to read as follows:

In case of approval the supervisor shall forthwith give notice thereof to the proposed incorporators and file one of the triplicate articles of incorporation in his own office, and shall transmit another triplicate to the secretary of state, and the last to the incorporators. Upon receipt from the proposed incorporators of the same fees as are required for filing and recording other articles of incorporation the secretary of state shall file such articles and record the same. Upon the filing of articles of incorporation ~~((in triplicate;))~~ approved as aforesaid by the supervisor, with the secretary of state, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this title, and whose existence shall continue from the date of the filing of such articles ~~((for the term mentioned in its articles of incorporation unless sooner))~~ until terminated pursuant to law; but such corporation shall not transact any business except as is necessarily preliminary to its organization until it has received a certificate of authority as provided herein.

Sec. 20, Section 30.08.060, chapter 33, Laws of 1955 as last amended by section 17, chapter 302, Laws of 1981 and RCW 30.08.060 are each amended to read as follows:

Before any bank or trust company shall be authorized to do business, and within ninety days after approval of the articles of incorporation or such other time as the supervisor may allow, it shall furnish proof satisfactory to the supervisor that such corporation has a paid-in capital in the amount ~~((fixed by its articles of incorporation and by this title))~~ determined by the supervisor, that the requisite surplus or reserve fund has been accumulated or paid in cash, and that it has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to commencing business imposed by this title. If so satisfied, and within thirty days after receipt of such proof, the supervisor shall issue under his hand and official seal, in triplicate, a certificate of authority for such corporation. The certificate shall state that the corporation therein named has complied with the requirements of law, that it is authorized to transact ~~((at the place designated in its articles of incorporation))~~ the business of a bank or trust company, or both, as the case may be: PROVIDED, HOWEVER, That the supervisor may make his issuance of the certificate to a bank or trust company authorized to accept deposits, conditional upon the granting of deposit insurance by the federal deposit insurance corporation, and in such event, shall set out such condition in a written notice which shall be delivered to the corporation.

One of the triplicate certificates shall be transmitted by the supervisor to the corporation and one of the other two shall be filed by the supervisor in the ~~((same offices where the articles of incorporation are filed))~~ office of the secretary of state and shall be attached to said articles of incorporation ~~((and the one filed with the secretary of state shall be recorded;))~~: PROVIDED, HOWEVER, That if the issuance of the certificate is made conditional upon the granting of deposit insurance by the federal deposit insurance corporation, the supervisor shall not transmit or file the certificate until such condition is satisfied.

Sec. 21, Section 30.08.070, chapter 33, Laws of 1955 as amended by section 18, chapter 302, Laws of 1981 and RCW 30.08.070 are each amended to read as follows:

Every corporation heretofore or hereafter authorized by the laws of this state to do business as a bank~~(;)~~ or trust company, ~~((mutual savings bank or industrial loan company;))~~ which

corporation shall have failed to organize and commence business within six months after certificate of authority to commence business has been issued by the supervisor, shall forfeit its rights and privileges as such corporation, which fact the supervisor shall certify to the secretary of state, and such certificate of forfeiture shall be filed and recorded in the office of the secretary of state in the same manner as the certificate of authority: PROVIDED, That the supervisor may, upon showing of cause satisfactory to him, issue an order under his hand and seal extending for not more than three months the time within which such organization may be effected and business commenced, such order to be transmitted to the office of the secretary of state and filed and recorded therein.

Sec. 22, Section 4, chapter 89, Laws of 1981 and RCW 30.08.082 are each amended to read as follows:

(1) Notwithstanding any other provisions of law and if so authorized by its articles of incorporation or amendments thereto made in the manner provided in the case of a capital increase, any bank ((and) or trust company may, pursuant to action taken by its board of directors from time to time with the approval of the supervisor, ((and in the manner provided in the case of a capital increase;)) issue shares of preferred ((stock of one or more classes)) or special classes of stock with the attributes and in such amounts and with such par value, if any, as shall be ((approved by)) determined by the board of directors from time to time with the approval of the supervisor((-and make such amendments to its articles of incorporation as may be necessary for this purpose, but, in the case of any newly organized bank and trust company which has not yet issued common stock, the requirements of notice to and vote of shareholders shall not apply)). No increase of preferred stock shall be valid until the amount thereof shall have been subscribed and actually paid in and a certificate of increase is received from the supervisor.

(2) If provided in its articles of incorporation, a bank or trust company may issue shares of preferred or special classes having any one or several of the following provisions:

(a) Subjecting the shares to the right of the bank or trust company to repurchase or retire any such shares at the price fixed by the articles of incorporation for the repurchase or retirement thereof;

(b) Entitling the holders thereof to cumulative, noncumulative, or partially cumulative dividends;

(c) Having preference over any other class or classes of shares as to the payment of dividends;

(d) Having preference in the assets of the bank or trust company over any other class or classes of shares upon the voluntary or involuntary liquidation of the bank or trust company;

(e) Having voting or nonvoting rights; and

(f) Being convertible into shares of any other class or into shares of any series of the same or any other class, except a class having prior or superior rights and preferences as to dividends or distribution of assets upon liquidation.

NEW SECTION. Sec. 23. A new section is added to chapter 30.08 RCW to read as follows:

(1) If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of incorporation shall not have established series, and fixed and determined the variations in the relative rights and preferences as between series, the board of directors have authority to divide any or all of the classes into series and, within the limitation set forth in this section and in the articles of incorporation, fix and determine the relative rights and preferences of the shares of any series so established.

(2) In order for the board of directors to establish a series, where authority to do so is contained in the articles of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as is not fixed and determined by the articles of incorporation.

(3) Prior to the issue of any shares of a series established by resolution adopted by the board of directors, the corporation shall file and execute in the manner provided in this section a statement setting forth:

(a) The name of the bank;

(b) A copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof;

(c) The date of adoption of such resolution; and

(d) That the resolution was duly adopted by the board of directors.

(4) The statement shall be executed in triplicate by the bank by one of its officers and shall be delivered to the supervisor. If the supervisor finds that the statement conforms to law, the supervisor shall, when all fees have been paid as provided in this title:

(a) Endorse on each of the triplicate originals the word "Filed," and the effective date of the filing thereof;

(b) File two of the originals; and

(c) Return the other original to the bank or its representative.

(5) Upon the filing of the statement by the supervisor with the secretary of state, the resolution establishing and designating the series and fixing and determining the relative rights and

preferences thereof shall become effective and shall constitute an amendment of the articles of incorporation.

Sec. 24. Section 5, chapter 89, Laws of 1981 and RCW 30.08.084 are each amended to read as follows:

Notwithstanding any other provisions of law, whether relating to restriction upon the payment of dividends upon capital stock or otherwise, the holders of shares of preferred ((stock issued pursuant to section 5 of this act)) or special classes of stock shall be entitled to receive such ((cumulative)) dividends on the purchase price received by the bank ((and) or trust company for such stock ((and shall have such voting and conversion rights and such control of management and in the event of the retirement of such stock shall receive such retirement price, not in excess of such purchase price plus all accumulated dividends:)) as may be provided by the articles of incorporation or by the board of directors of the bank or trust company with the approval of the supervisor.

~~((The holders of such preferred stock shall not be held individually responsible as such holders for any debts, contracts, or engagements of such bank and trust company and shall not be liable for assessments to restore impairments in the capital of such bank and trust company as is now provided by law with reference to holders of common stock:))~~

No dividends shall be declared or paid on common stock until ~~((the))~~ cumulative dividends, if any, on the shares of preferred or special classes of stock shall have been paid in full; and, if the supervisor takes possession of a bank or trust company for purposes of liquidation, no payments shall be made to the holders of the common stock until the holders of the shares of preferred or special classes of stock shall have been paid in full such amount as may be provided ((in the articles of incorporation with the approval of the supervisor, not in excess of such purchase price of such preferred stock)) under the terms of said shares plus all accumulated dividends, if any.

Sec. 25. Section 6, chapter 89, Laws of 1981 and RCW 30.08.086 are each amended to read as follows:

If any part of the capital of a bank and trust company consists of preferred stock, the determination of whether or not the capital of such bank is impaired and the amount of such impairment shall be based on the ~~((par))~~ value of its stock as established at the time it was issued, or its par value, if any, even though the amount which the holders of such preferred stock shall be entitled to receive in the event of retirement or liquidation shall be in excess of the originally established value or the par value of such preferred stock.

Sec. 26. Section 1, chapter 140, Laws of 1965 as amended by section 1, chapter 106, Laws of 1979 and RCW 30.08.087 are each amended to read as follows:

Any bank or trust company may provide in its articles of incorporation or amendments thereto for authorized but unissued shares of its capital stock ~~((for the following purposes:~~

- ~~(1) For issuance and sale pursuant to approved stock option plans, stock purchase plans, stock bonus plans, or other similar plans approved by the supervisor;~~
- ~~(2) For issuing and selling minimum qualifying shares to new directors;~~
- ~~(3) For any other purpose, when the total amount of such shares is not more than fifty per cent of the currently issued and outstanding stock.~~

~~If such shares are issued pursuant to approved stock option plans, the consideration received for such shares shall not be less than the higher of par value or one hundred percent of fair market value of the shares at the time the option is granted. If such shares are issued pursuant to approved stock purchase plans, the consideration received for such shares shall not be less than the higher of par value or one hundred percent of fair market value of the shares at the time of purchase. If such shares are issued in order to qualify a new director of the corporation, the consideration received shall not be less than the higher of par value or ninety-five percent of the fair value of the shares at the time of the sale). The shares may be issued for such consideration as shall be established by the board from time to time but for not less than the par value, if any, and all consideration received therefor shall be allocated to the capital stock or surplus of the corporation.~~

Sec. 27. Section 2, chapter 140, Laws of 1965 as amended by section 2, chapter 106, Laws of 1979 and RCW 30.08.088 are each amended to read as follows:

~~((Any amendments to articles of incorporation which provide for authorized but unissued stock shall be made as provided in the case of a capital increase which is to be paid in full before becoming effective. However:)) The authorized but unissued shares shall not become a part of the capital stock ~~((except for the purposes hereof))~~ until they have been issued and paid for ~~((in cash))~~. Prior to the issuance of authorized but unissued stock, the bank shall notify the supervisor of the proposed issuance and the consideration to be received therefor and receive the supervisor's approval thereof, except that such notification and such approval shall not be required if the authorized but unissued stock is issued to employees of the bank pursuant to approved stock option, stock purchase, stock bonus or other similar plans approved by the supervisor.~~

Sec. 28. Section 30.08.090, chapter 33, Laws of 1955 as amended by section 3, chapter 140, Laws of 1965 and RCW 30.08.090 are each amended to read as follows:

Any bank or trust company may increase or decrease its capital stock or otherwise amend its articles of incorporation, in any manner not inconsistent with the provisions of this title, by a vote of the stockholders representing two-thirds of ~~((its issued capital stock))~~ each class of shares entitled to vote under the terms of the shares at any regular meeting, or special meeting duly called for that purpose in the manner prescribed by its bylaws~~((: PROVIDED, That notice of a meeting to increase or decrease authorized capital stock shall first be published once a week for four weekly issues in a newspaper published in the place in which such corporation is located; or if there be no newspaper published in such place, then in some newspaper published in the same county. The notice shall state the purpose of the meeting, the amount of the present authorized capital stock of the bank or trust company and the proposed new authorized capital stock))~~. A certificate of the fact and the terms of the amendment shall be executed by a majority of the directors and filed as required herein for articles of incorporation. ~~((Except when an amendment provides for authorized but unissued shares as permitted in this title:))~~ No ~~((increase of authorized))~~ issuance of capital stock shall be valid, until the amount thereof shall have been ((subscribed and) actually paid in and a certificate of increase is received from the supervisor. No reduction of the capital stock shall be made to an amount less than is required for capital~~((: nor be valid, nor warrant the cancellation of stock certificates, nor diminish the personal liabilities of the stockholders until such reduction has been approved by the supervisor, nor shall any reduction relieve any stockholder from any liability of the corporation incurred prior thereto))~~ by the supervisor. No amendment shall be made whereby a bank becomes a trust company unless such bank shall first receive permission from the supervisor.

Banks having authorized but unissued stock shall disclose on all statements of condition the amount of authorized stock and the amount of issued and paid in stock, as certified by the supervisor. The supervisor shall certify to each bank having authorized but unissued stock the amount of its issued and paid in capital stock and this amount shall be used in all statements of condition and in computing the capital of the bank for purposes of determining loan or investment limits ~~((and branching powers))~~ until a new certificate is issued by the supervisor. In cases where a bank issues authorized but unissued stock as permitted by this title, a new certificate need not be requested upon each stock issue. However, if the bank so requests and the supervisor approves, a certificate of issued and paid in capital stock shall be issued by the supervisor. A new certificate must be requested at such time as any increase of paid in capital stock represents five percent of the authorized capital stock and at such time as there is no remaining authorized but unissued stock.

Sec. 29. Section 30.08.140, chapter 33, Laws of 1955 as amended by section 3, chapter 248, Laws of 1957 and RCW 30.08.140 are each amended to read as follows:

Upon the issuance of a certificate of authority to a bank, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power:

- (1) To adopt and use a corporate seal.
- (2) To have perpetual succession ~~((for the term mentioned in its articles of incorporation))~~.
- (3) To make contracts.
- (4) To sue and be sued, the same as a natural person.
- (5) To elect directors who, subject to the provisions of the corporation's bylaws, shall have power to appoint such officers as may be necessary or convenient, to define their powers and duties and to dismiss them at pleasure, and who shall also have general supervision and control of the affairs of such corporation.
- (6) ~~((To prescribe by its stockholders bylaws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors and officers elected or appointed, its stockholders convened for general or special meetings, its property transferred, its general business conducted and the privileges granted to it by law exercised and enjoyed:~~
- ~~((7))~~ To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of its affairs.
- (7) To invest and reinvest its funds in marketable obligations evidencing the indebtedness of any person, copartnership, association, or corporation in the form of bonds, notes, or debentures commonly known as investment securities except as may by regulation be limited by the supervisor.

(8) To discount and negotiate promissory notes, drafts, bills of exchange and other evidences of debt, to receive deposits of money and commercial paper, to lend money ~~((on real or personal security))~~ secured or unsecured, to issue all forms of letters of credit, to buy and sell bullion, coins and bills of exchange.

~~((#))~~ (9) To take and receive as bailee for hire upon terms and conditions to be prescribed by the corporation, for safekeeping and storage, jewelry, plate, money, specie, bullion, stocks, bonds, mortgages, securities and valuable paper of any kind and other valuable personal property, and to rent vaults, safes, boxes and other receptacles for safekeeping and storage of personal property.

~~((9))~~ (10) If the bank be located in a city of not more than five thousand inhabitants, to act as insurance agent. A bank exercising this power may continue to act as an insurance agent notwithstanding a change of the population of the city in which it is located.

~~((10))~~ (11) To accept drafts or bills of exchange drawn upon it having not more than six months sight to run, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods, providing shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title to readily marketable staples. No bank shall accept, either in a foreign or a domestic transaction, for any one person, company, firm or corporation, to an amount equal at any one time in the aggregate to more than ten percent of its paid up and unimpaired capital stock and surplus unless the bank is secured by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid up and unimpaired capital stock and surplus: PROVIDED, HOWEVER, That the supervisor, under such general regulations applicable to all banks irrespective of the amount of capital or surplus, as he may prescribe may authorize any bank to accept such bills to an amount not exceeding at any time in the aggregate one hundred percent of its paid up and unimpaired capital stock and surplus: PROVIDED, FURTHER, That the aggregate of acceptances growing out of domestic transactions shall in no event exceed fifty percent of such capital stock and surplus.

~~((11))~~ (12) To accept drafts or bills of exchange drawn upon it, having not more than three months sight to run, drawn under regulations to be prescribed by the supervisor by banks or bankers in foreign countries or dependencies or insular possessions of the United States for the purpose of furnishing dollar exchange as required by the usages of trade in the respective countries, dependencies or insular possessions. Such drafts or bills may be acquired by banks in such amounts and subject to such regulations, restrictions and limitations as may be provided by the supervisor: PROVIDED, HOWEVER, That no bank shall accept such drafts or bills of exchange referred to in this subdivision for any one bank to an amount exceeding in the aggregate ten percent of the paid up and unimpaired capital and surplus of the accepting bank unless the draft or bill of exchange is accompanied by documents conveying or securing title or by some other adequate security, and that no such drafts or bills of exchange shall be accepted by any bank in an amount exceeding at any time the aggregate of one-half of its paid up and unimpaired capital and surplus: PROVIDED FURTHER, That compliance by any bank which is a member of the federal reserve system of the United States with the rules, regulations and limitations adopted by the federal reserve board thereof with respect to the acceptance of drafts or bills of exchange by members of such federal reserve system shall be a sufficient compliance with the requirements of this subdivision or paragraph relating to rules, regulations and limitations prescribed by the supervisor.

~~((12))~~ This section is retroactive as of June 10, 1931, and the powers hereby conferred shall inure to the benefit of any bank now holding such certificate, the persons named in the articles of incorporation of said bank and their successors:))

(13) To have and exercise all powers necessary or convenient to effect its purposes.

(14) To serve as custodian of an individual retirement account and pension and profit sharing plans qualified under internal revenue code section 401(a), the assets of which are invested in deposits of the bank or trust company or are invested, pursuant to directions from the customer owning the account, in securities traded on a national securities market: PROVIDED, That the bank or trust company shall accept no investment responsibilities over the account unless it is granted trust powers by the supervisor.

(15) To be a limited partner in a limited partnership that engages in only such activities as are authorized for the bank.

Sec. 30, Section 30.12.010, chapter 33, Laws of 1955 as last amended by section 8, chapter 196, Laws of 1982 and RCW 30.12.010 are each amended to read as follows:

Every bank and trust company shall be managed by not less than five directors, ~~((excepting that a bank having a capital of fifty thousand dollars or less may have only three directors))~~ who need not be residents of this state. Directors shall be elected by the stockholders and hold office for ~~((one year))~~ such term as is specified in the articles of incorporation, not exceeding three years, and until their successors are elected and have qualified. In the first instance the directors shall be those named in the articles of incorporation and afterwards, those elected at the annual meeting of the stockholders to be held at least once each year on a day to be specified by the bank's or trust company's bylaws ~~((but not later than May 15th of each year)).~~ Shareholders may not cumulate their votes unless the articles of incorporation specifically so provide. If for any cause no election is held at that time, it may be held at an adjourned meeting or at a subsequent meeting called for that purpose in the manner prescribed by the corporation's bylaws. The directors shall meet at least once each month and whenever required by the supervisor. A majority of the then serving board of directors shall constitute a quorum for the transaction of business. At all stockholders' meetings, each share

shall be entitled to one vote, unless the articles of incorporation provide otherwise. Any stockholder may vote in person or by written proxy. ~~((Every director must own in his own right shares of the capital stock of the bank or trust company of which he is a director the aggregate par value of which shall not be less than four hundred dollars, unless the capital of the bank or trust company shall not exceed fifty thousand dollars, in which case he must own in his own right shares of such capital stock the aggregate par value of which shall not be less than two hundred dollars, or an equivalent interest, as determined by the supervisor of banking, in any company which has control over such bank or trust company within the meaning of section 2 of the federal bank holding company act of 1956, as now or hereafter amended. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place.))~~

Immediately upon election, each director shall take, subscribe, swear to, and file with the supervisor an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such corporation and will not knowingly violate or willingly permit to be violated any provision of law applicable to such corporation ~~((and that he is the beneficial owner in good faith of the number of shares of stock required by this section, and that the same is fully paid, is not hypothecated or in any way pledged as security for any loan or debt))~~. Vacancies in the board of directors shall be filled by the board.

Sec. 31. Section 30.12.020, chapter 33, Laws of 1955 as amended by section 9, chapter 136, Laws of 1969 and RCW 30.12.020 are each amended to read as follows:

All meetings of the stockholders of any bank or trust company, except organization meetings, and meetings held with the consent of all stockholders, must be held in the ((town or city)) county in which the head office or any branch of the corporation is located. Meetings of the directors of any bank or trust company may be held either within or without this state. Every such corporation shall keep ((a book)) records in which shall be recorded the names and residences of the stockholders thereof, the number of shares held by each, ((when each person became a stockholder)) and also the transfers of stock, showing the time when made, the number of shares and by whom transferred. In all actions, suits and proceedings, said ((book)) records shall be prima facie proof of the facts shown therein. All of the corporate books, including the certificate book, stockholders' ledger and minute book or a copy thereof shall be kept at the corporation's principal place of business ((and not elsewhere)). Any books, record, and minutes may be in written form or any other form capable of being converted to written form within a reasonable time.

~~((Whenever in the opinion of the supervisor the condition of any bank or trust company is such that any transfer of the capital stock of such bank or trust company would be detrimental to the interests of its depositors, the supervisor may, by written order served upon the directors of such bank or trust company, direct that no transfer of stock shall be made until further order of the supervisor.))~~

NEW SECTION. Sec. 32. A new section is added to chapter 30.12 RCW to read as follows:

Any person who has been a shareholder of record at least six months immediately preceding his or her demand or who is the holder of record of at least five percent of all the outstanding shares of a bank or trust company, upon written demand stating the purpose thereof, has the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, the bank or trust company's minutes of the proceedings of its shareholders, its shareholder records, and its existing publicly available records. The person is entitled to make extracts therefrom, except that the person is not entitled to view or make extracts of any portion of minutes that refer or relate to information which is confidential.

Any officer or agent who, or a bank or trust company that, refuses to allow any such shareholder or his or her agent or attorney, to examine and make extracts from its minutes of the proceedings of its shareholders, record of shareholders, or existing publicly available books and records, for any proper purpose, shall be liable to the shareholder for actual damages or other remedy afforded the shareholder by law.

It is a defense to any action for penalties under this section that the person suing therefor has, within two years: (1) Sold or offered for sale any list of shareholders for shares of such bank or trust company or any other bank or trust company; (2) aided or abetted any person in procuring any list of shareholders for any such purpose; (3) improperly used any information secured through any prior examination of existing publicly available books and records, or minutes, or record of shareholders of such bank or trust company or any other bank or trust company; or (4) not acted in good faith or for a proper purpose in making his or her demand.

Nothing in this section impairs the power of any court of competent jurisdiction, upon proof by a shareholder of proper purpose, irrespective of the period of time during which the shareholder has been a shareholder of record, and irrespective of the number of shares held by him or her, to compel the production for examination by the shareholder of the existing publicly available books and records, minutes, and record of shareholders of a bank or trust company.

Upon the written request of any shareholder of a bank or trust company, the bank or trust company shall mail to the shareholder its most recent financial statements showing in reasonable detail its assets and liabilities and the results of its operations. As used in this section, "shareholder" includes the holder of voting trust certificates for shares.

Sec. 33. Section 30.12.030, chapter 33, Laws of 1955 and RCW 30.12.030 are each amended to read as follows:

(1) ~~Except as otherwise permitted by the supervisor under specified terms and conditions,~~ the board of directors of each bank and trust company shall direct and require good and sufficient surety company fidelity bonds issued by a company authorized to engage in the insurance business in the state of Washington on all active officers and employees, whether or not they draw salary or compensation, which bonds shall provide for indemnity to such bank or trust company, on account of any losses sustained by it as the result of any dishonest, fraudulent or criminal act or omission committed or omitted by them acting independently or in collusion or combination with any person or persons. Such bonds may be individual, schedule or blanket form, and the premiums therefor shall be paid by the bank or trust company.

(2) The said directors shall also direct and require suitable insurance protection to the bank or trust company against burglary, robbery, theft and other similar insurance hazards to which the bank or trust company may be exposed in the operations of its business on the premises or elsewhere.

The said directors shall be responsible for prescribing at least once in each year the amount or penal sum of such bonds or policies and the sureties or underwriters thereon, after giving due consideration to all known elements and factors constituting such risk or hazard. Such action shall be recorded in the minutes of the board of directors ~~((and thereafter be reported to the supervisor and be subject to his approval))~~.

Sec. 34. Section 30.12.050, chapter 33, Laws of 1955 and RCW 30.12.050 are each amended to read as follows:

A director, officer, employee or other agent of any bank shall not purchase, or be interested in the purchase, directly or indirectly, of any of its assets without the previous ~~((written))~~ consent of ~~((the supervisor and of))~~ a majority of ~~((the))~~ disinterested directors of the bank: PROVIDED, That if the fair market value of the asset or assets exceeded ten thousand dollars, not less than ten days' prior notice of the sale shall be given to the supervisor. ((Whoever knowingly does or participates or aids in the doing of any act in violation of this section shall be guilty of a gross misdemeanor and be punished accordingly, and also shall forfeit to the state double the amount of any loss suffered by the bank or trust company on account of the unlawful purchase, the recovery to be one-half for the use of the bank or trust company and the rest for the use of the state.))

Sec. 35. Section 30.12.110, chapter 33, Laws of 1955 and RCW 30.12.110 are each amended to read as follows:

~~((Every))~~ No officer, director, agent, employee or stockholder of any bank or trust company ~~((who))~~ shall, directly or indirectly, receive a bonus, commission, compensation, remuneration, gift, speculative interest or gratuity of any kind from any person, firm or corporation other than the bank or as allowed by section 36 of this 1986 act for granting, procuring or endeavoring to procure, for any person, firm or corporation, any loan by or out of the funds of such bank or trust company or the purchase or sale of any securities or property for or on account of such bank or trust company or for granting or procuring permission for any person, firm or corporation to overdraw any account with such bank or trust company((;)). Any person violating this section shall be guilty of a ((felony)) gross misdemeanor.

NEW SECTION. Sec. 36. A new section is added to chapter 30.12 RCW to read as follows:

(1) If a transaction is fair to a corporation at the time it is authorized, approved, or ratified, the fact that a director or an officer had a direct or indirect interest in the transaction is not grounds for either invalidating the transaction or imposing liability on the director or officer.

(2) In any proceeding seeking to invalidate a transaction with the corporation in which a director or an officer had a direct or indirect interest in a transaction with the corporation, the person asserting the validity of the transaction has the burden of proving fairness unless:

(a) The material facts of the transaction and the director's or officer's interest was disclosed or known to the board of directors, or a committee of the board, and the board or committee authorized, approved, or ratified the transaction; or

(b) The material facts of the transaction and the director's or officer's interest was disclosed or known to the shareholders entitled to vote, and they authorized, approved, or ratified the transaction.

(3) For purposes of this section, a director or an officer of a corporation has an indirect interest in a transaction with the corporation if:

(a) Another entity in which the director or officer has a material financial interest, or in which such person is a general partner, is a party to the transaction; or

(b) Another entity of which the director or officer is a director, officer, or trustee is a party to the transaction, and the transaction is or should be considered by the board of directors of the corporation.

(4) For purposes of subsection (3)(a) of this section, a transaction is authorized, approved, or ratified only if it receives the affirmative vote of a majority of the directors on the board of directors or on the committee who have no direct or indirect interest in the transaction. If a majority of the directors who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking

action under this section. The presence of, or a vote cast by, a director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subsection (3)(a) of this section if the transaction is otherwise authorized, approved, or ratified as provided in that subsection.

(5) For purposes of subsection (3)(b) of this section, a transaction is authorized, approved, or ratified only if it receives the vote of a majority of shares entitled to be counted under this subsection. All outstanding shares entitled to vote under this title or the articles of incorporation are entitled to be counted under this subsection except shares owned by or voted under the control of a director or an officer who has a direct or indirect interest in the transaction. Shares owned by or voted under the control of an entity described in subsection (3)(a) of this section shall not be counted to determine whether shareholders have authorized, approved, or ratified a transaction for purposes of subsection (3)(b) of this section. The vote of the shares owned by or voted under the control of a director or an officer who has a direct or indirect interest in the transaction and shares owned by or voted under the control of an entity described in subsection (3)(a) of this section, however, shall be counted in determining whether the transaction is approved under other sections of this title and for purposes of determining a quorum.

NEW SECTION. Sec. 37. A new section is added to chapter 30.12 RCW to read as follows:

Subject to any restrictions in its articles of incorporation and in accordance with and subject to the provisions of RCW 30.08.088, the board of directors of a bank or trust company may grant options entitling the holders thereof to purchase from the corporation shares of any class of its stock. The instrument evidencing the option shall state the terms upon which, the time within which, and the price at which such shares may be purchased from the corporation upon the exercise of such option. If any such options are granted by contract, or are to be granted pursuant to a plan, to officers or employees of the bank or trust company, then the contract or the plan shall require the approval, within twelve months of its approval by the board of directors, of the holders of a majority of its voting capital stock. Subsequent amendments to any such contract or plan which do not change the price or duration of any option, the maximum number of shares which may be subject to options, or the class of employees eligible for options may be made by the board of directors without further shareholder approval.

Subject to any restrictions in its articles of incorporation, the board of directors of a bank or trust company shall have the authority to enter into any plans or contracts providing for compensation for its officers and employees, including, but not being limited to, incentive bonus contracts, stock purchase or bonus plans and profit sharing plans.

Sec. 38. Section 30.20.060, chapter 33, Laws of 1955 as last amended by section 3, chapter 280, Laws of 1961 and RCW 30.20.060 are each amended to read as follows:

~~((Any)) A bank or trust company ((which shall conduct a savings account department)) shall repay all deposits to the depositor or his lawful representative when required at such time or times and with such interest as the regulations of the corporation shall prescribe. Such regulations shall be prescribed by the directors of ((any such)) the bank or trust company and may contain provisions with respect to the terms and conditions upon which any ((such savings)) account or deposit will be maintained by said bank or trust company. Such regulations and any amendments thereto shall be posted in a conspicuous place in a room where the ((savings account)) deposit business of ((any such)) the bank or trust company shall be transacted and shall ((be)) remain available to depositors upon request. All such rules and regulations and all amendments thereto from time to time in effect shall be binding upon all depositors. At the option of the bank, a passbook shall be issued to each savings account depositor, or a ((ledger)) record maintained in lieu of a passbook((r-covering such deposits in which shall be entered each deposit by and each payment to such depositor, and no payment or checks against any savings account shall be made unless accompanied by and entered in any passbook issued therefor, except for good cause and assurance satisfactory to the corporation: PROVIDED, HOWEVER, That in any event, a passbook shall be issued upon request)). A deposit contract may be adopted by the bank or trust company in lieu of or in addition to account rules and regulations and shall be enforceable and amendable in the same manner as provided herein for account rules and regulations or as provided in the deposit contract. A copy of such contract shall be provided to the depositor.~~

Sec. 39. Section 30.40.020, chapter 33, Laws of 1955 as last amended by section 2, chapter 73, Laws of 1981 and RCW 30.40.020 are each amended to read as follows:

A bank or trust company ((having a paid-in capital of not less than five hundred thousand dollars)) may, with the approval of the supervisor, establish and operate branches ((in any city or town)) anywhere within the state. ((A bank or trust company having a paid-in capital of not less than two hundred thousand dollars may, with the approval of the supervisor, establish and operate branches within the limits of the county in which its principal place of business is located.)) A bank having a paid-in capital of not less than one million dollars may, with the approval of the supervisor, establish and operate branches in any foreign country. The supervisor's approval of a branch within this state shall be conditioned on a finding that the resources in the neighborhood of the proposed location and in the surrounding country offer a reasonable promise of adequate support for the proposed branch and that the proposed

branch is not being formed for other than the legitimate objects covered by this title. The supervisor's approval of a branch in a foreign country shall be conditioned on a finding that the proposed location offers a reasonable promise of adequate support for the proposed branch, that the proposed branch is not being formed for other than the legitimate objects covered by this title (~~and that the principal purpose for establishing such branch is to aid in financing or facilitating exports and/or imports and the exchange of commodities with any foreign country or the agencies or nationals thereof.~~

The aggregate paid-in capital stock of every bank or trust company operating branches shall at no time be less than the aggregate of the minimum capital required by law for the establishment of an equal number of banks or trust companies in the cities or towns wherein the principal office or place of business of such bank or trust company and its branches are located:

No bank or trust company shall establish or operate any branch, except a branch in a foreign country, in any city or town outside the city or town in which its principal place of business is located in which any bank, trust company or national banking association regularly transacts a banking or trust business, except by taking over or acquiring an existing bank, trust company or national banking association or the branch of any bank, trust company or national banking association operating in such city or town. However, on and after July 1, 1981, a bank or trust company having a paid-in capital of not less than five hundred thousand dollars may, with the approval of the supervisor, establish and operate branches within the limits of the county in which its principal place of business is located, including within any city or town located in such county and whether or not an existing bank, trust company, or national banking association or branch thereof is operating in the city or town. On and after July 1, 1985, a bank or trust company having a paid-in capital of not less than five hundred thousand dollars may, with the approval of the supervisor, establish and operate a branch anywhere within the state, including within cities and towns where an existing bank, trust company, or national banking association or a branch thereof is operating).

Sec. 40. Section 1, chapter 196, Laws of 1982 and RCW 30.04.550 are each amended to read as follows:

A state banking corporation may, with the approval of the supervisor of banking and the affirmative vote of the shareholders of such corporation owning at least two-thirds of ((its capital stock outstanding, reorganize)) each class of shares entitled to vote under the terms of such shares, be reorganized to become a subsidiary of a bank holding company or a company that will, upon consummation of such reorganization, become a bank holding company, as defined in the federal bank holding company act of 1956, as amended.

Sec. 41. Section 2, chapter 196, Laws of 1982 and RCW 30.04.555 are each amended to read as follows:

A reorganization authorized under RCW 30.04.550 shall be carried out in the following manner:

(1) A plan of reorganization specifying the manner in which the reorganization shall be carried out must be approved by a majority of the entire board of directors of the banking corporation. The plan shall specify the name of the acquiring corporation, the amount of cash, securities of the bank holding company, other consideration, or any combination thereof to be paid to the shareholders of the reorganizing corporation in exchange for their shares of the stock of the corporation. The plan shall also specify the exchange date or the manner in which such exchange date shall be determined, the manner in which the exchange shall be carried out, and such other matters, not inconsistent with this chapter, as shall be determined by the board of directors of the corporation.

(2) The plan of reorganization shall be submitted to the shareholders of the reorganizing corporation at a meeting to be held on the call of the directors. Notice of the meeting of ((stockholders)) shareholders at which the plan shall be considered shall be given ((by publication in a newspaper of general circulation in the place where the principal office of each banking corporation is located at least once each week for four successive weeks, and)) by certified mail at least twenty days before the date of the meeting, to each stockholder of record of the banking corporation. The notice shall state that dissenting ((stockholders)) shareholders will be entitled to payment of the value of only those shares which are voted against approval of the plan.

Sec. 42. Section 3, chapter 196, Laws of 1982 and RCW 30.04.560 are each amended to read as follows:

If the shareholders approve the reorganization by a two-thirds vote of ((the capital stock outstanding)) each class of shares entitled to vote under the terms of such shares, and if it is thereafter approved by the supervisor and consummated, any shareholder of the banking corporation who has voted shares against such reorganization at such meeting or has given notice in writing at or prior to such meeting to the banking corporation that he or she dissents from the plan of reorganization and has not voted in favor of the reorganization, shall be entitled to receive the value of the shares determined as provided in RCW 30.04.565. Such dissenter's rights must be exercised by making written demand which shall be delivered to the

corporation at any time within thirty days after the date of shareholder approval, accompanied by the surrender of the appropriate stock certificates.

Sec. 43. Section 30.49.010, chapter 33, Laws of 1955 and RCW 30.49.010 are each amended to read as follows:

As used in this chapter:

"Merging bank" means a party to a merger:

"Converting bank" means a bank converting from a state to a national bank, or the reverse;

"Merger" includes consolidation;

"Resulting bank" means the bank resulting from a merger or conversion.

Wherever reference is made to a vote of stockholders or a vote of classes of stockholders it shall mean only a vote of those entitled to vote under the terms of such shares.

NEW SECTION. Sec. 44. Prior to the approval of the reorganization, the supervisor, upon request of the board of directors of the bank, or not less than ten percent of its shareholders, shall hold a public hearing at which bank shareholders and other interested parties may appear. Notice of the public hearing shall be sent to each shareholder and otherwise publicized in accordance with the administrative procedure act, chapter 34.04 RCW.

The approval of the reorganization by the supervisor of banking shall be conditioned on a finding that the terms of the reorganization are fair to the shareholders and other interested parties.

Sec. 45. Section 1, chapter 166, Laws of 1974 ex. sess. as amended by section 1, chapter 137, Laws of 1979 and RCW 30.43.010 are each amended to read as follows:

As used in this chapter the term "financial institution" means any bank or trust company established in this state pursuant to Title 12, United States Code, chapter 2, or Title 30 RCW, any mutual savings bank established in this state pursuant to Title 32 RCW, any savings and loan association established in this state pursuant to Title 12, United States Code, chapter 12, or Title 33 RCW, and any credit union established in this state pursuant to Title 12, United States Code, chapter 14 or chapters 31.12 and 31.13 RCW.

As used in this chapter, the term "supervisor" means, if applicable to banks, trust companies, or mutual savings banks, the supervisor of banking and, if applicable to savings and loan associations and credit unions, the supervisor of savings and loan associations, or the National Credit Union Administration in the case of federally chartered credit unions.

As used in this chapter, the term "satellite facility" means an unmanned facility at which transactions, including, but not being limited to account transfers, payments, and instructions for deposits and withdrawals may be conducted and which is not a part of a branch or main office of the financial institution: PROVIDED, That such a facility shall not be construed to be the establishment of a branch: PROVIDED FURTHER, That ~~((in considering any application for authority to open a new branch or to establish a new financial institution, the supervisor shall disregard the existence of facilities established pursuant to this chapter in determining whether there is reasonable promise of adequate support for the new branch or proposed new financial institution.))~~ an unmanned facility which is connected to a dispenser of goods or services and that originates or communicates funds transfer instructions for the payment of such goods or services shall not be a "satellite facility."

NEW SECTION. Sec. 46. Any action required by this title to be taken at a meeting of the shareholders of a corporation, or any action that may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all of the shareholders entitled to vote with respect to the subject matter thereof.

The consent shall have the same force and effect as a unanimous vote of shareholders and may be stated as such in any articles or documents filed under this title.

NEW SECTION. Sec. 47. Unless otherwise provided by the articles of incorporation or bylaws, any action required by this title to be taken at a meeting of the directors of a bank or trust company, or any action which may be taken at any meeting of the directors or of a committee, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors, or all of the members of the committee, as the case may be. Such consent shall have the same effect as a unanimous vote.

NEW SECTION. Sec. 48. Except as may be otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or any committee designated by the board of directors may participate in a meeting of the board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence, in person, at a meeting.

Sec. 49. Section 30.49.040, chapter 33, Laws of 1955 as amended by section 9, chapter 196, Laws of 1982 and RCW 30.49.040 are each amended to read as follows:

This section is applicable where there is to be a resulting state bank, except in the case of reorganization and exchange as authorized by this title.

(1) The board of directors of each merging state bank shall, by a majority of the entire board, approve a merger agreement which shall contain:

(a) The name of each merging state or national bank and location of each office;

(b) With respect to the resulting state bank, (i) the name and location of the principal and other offices; (ii) the name and ((residence)) mailing address of each director to serve until the next annual meeting of the stockholders; (iii) the name and ((residence)) mailing address of each officer; (iv) the amount of capital, the number of shares and the par value, if any, of each share; and (v) the amendments to its charters and bylaws;

(c) Provisions governing the exchange of shares of the merging state or national banks for such consideration as has been agreed to in the merger agreement;

(d) A statement that the agreement is subject to approval by the supervisor of banking and the stockholders of each merging state or national bank;

(e) Provisions governing the manner of disposing of the shares of the resulting state bank if such shares are to be issued in the transaction and are not taken by dissenting shareholders of merging state or national banks;

(f) Such other provisions as the supervisor of banking requires to discharge his or her duties with respect to the merger;

(2) After approval by the board of directors of each merging state bank, the merger agreement shall be submitted to the supervisor of banking for approval, together with certified copies of the authorizing resolutions of each board of directors showing approval by a majority of the entire board and evidence of proper action by the board of directors of any merging national bank;

(3) Within sixty days after receipt by the supervisor of banking of the papers specified in subsection (2) of this section, the supervisor of banking shall approve or disapprove of the merger agreement, and if no action is taken, the agreement shall be deemed approved. The supervisor of banking shall approve the agreement if it appears that:

(a) The resulting state bank meets the requirements of state law as to the formation of a new state bank;

(b) The agreement provides an adequate capital structure including surplus in relation to the deposit liabilities of the resulting state bank and its other activities which are to continue or are to be undertaken;

(c) The agreement is fair;

(d) The merger is not contrary to the public interest.

If the supervisor of banking disapproves an agreement, he or she shall state his or her objections and give an opportunity to the merging state or national banks to amend the merger agreement to obviate such objections.

NEW SECTION, Sec. 50. A new section is added to chapter 30.12 RCW to read as follows:

The shareholders of a banking corporation organized under the laws of this state and the deposits of which are insured by the federal deposit insurance corporation shall not be liable for any debts or obligations of the bank.

NEW SECTION, Sec. 51. The following acts or parts of acts are each repealed:

(1) Section 30.04.040, chapter 33, Laws of 1955, section 79, chapter 81, Laws of 1971 and RCW 30.04.040;

(2) Section 30.04.100, chapter 33, Laws of 1955 and RCW 30.04.100;

(3) Section 30.04.110, chapter 33, Laws of 1955, section 1, chapter 136, Laws of 1969, section 4, chapter 157, Laws of 1983 and RCW 30.04.110;

(4) Section 1, chapter 302, Laws of 1955 and RCW 30.04.122;

(5) Section 2, chapter 302, Laws of 1955 and RCW 30.04.124;

(6) Section 1, chapter 185, Laws of 1959, section 1, chapter 124, Laws of 1979 and RCW 30.04.126;

(7) Section 2, chapter 194, Laws of 1963, section 5, chapter 157, Laws of 1983 and RCW 30.04.128;

(8) Section 30.04.160, chapter 33, Laws of 1955, section 7, chapter 157, Laws of 1983, section 97, chapter 7, Laws of 1985 and RCW 30.04.160;

(9) Section 30.04.170, chapter 33, Laws of 1955 and RCW 30.04.170;

(10) Section 30.04.190, chapter 33, Laws of 1955 and RCW 30.04.190;

(11) Section 2, chapter 356, Laws of 1955 and RCW 30.04.340;

(12) Section 3, chapter 356, Laws of 1955 and RCW 30.04.350;

(13) Section 4, chapter 356, Laws of 1955 and RCW 30.04.360;

(14) Section 30.12.080, chapter 33, Laws of 1955, section 3, chapter 106, Laws of 1959, section 5, chapter 140, Laws of 1965, section 3, chapter 106, Laws of 1979 and RCW 30.12.080;

(15) Section 30.12.140, chapter 33, Laws of 1955 and RCW 30.12.140;

(16) Section 30.12.150, chapter 33, Laws of 1955 and RCW 30.12.150;

(17) Section 30.12.160, chapter 33, Laws of 1955 and RCW 30.12.160;

(18) Section 30.12.170, chapter 33, Laws of 1955 and RCW 30.12.170;

(19) Section 30.12.200, chapter 33, Laws of 1955, section 1, chapter 296, Laws of 1955 and RCW 30.12.200;

(20) Section 4, chapter 140, Laws of 1965, section 4, chapter 106, Laws of 1979 and RCW 30.12.210;

(21) Section 30.20.070, chapter 33, Laws of 1955 and RCW 30.20.070;

(22) Section 30.20.080, chapter 33, Laws of 1955 and RCW 30.20.080; and

(23) Section 7, chapter 106, Laws of 1979, section 1, chapter 9, Laws of 1980 and RCW 30.40.060.

NEW SECTION. Sec. 52. Sections 3, 5, 16, 44, and 46 through 48 of this act are each added to chapter 30.04 RCW.

NEW SECTION. Sec. 53. Financial institutions have been subjected to significant changes in the recent past. Regulated financial institutions have come under pressure from nonregulated financial institutions for markets that were formerly the sole province of the regulated institutions. The legislature has been repeatedly asked to expand the powers of regulated institutions so they may compete on an equal basis. It is the intent of the legislature, in enacting section 54 of this act, to develop the information with which it can respond to requests from financial institutions for new powers.

NEW SECTION. Sec. 54. A new section is added to chapter 30.04 RCW to read as follows:

(1) The supervisor of banking shall study the financial institution structure in the state and report to the governor and the appropriate standing committees of the house of representatives and the senate on changes which should be made to enable commercial banks to remain safe and sound and yet be competitive with other financial institutions. In conducting the study the supervisor shall consider:

(a) The powers which commercial banks under state regulatory authority should be entitled to exercise;

(b) The level of supervision that is necessary to assure safe and sound commercial banks without unnecessarily restricting the operation of the institutions;

(c) Whether the distinction between commercial banks, savings banks, and savings and loan associations should be retained, and if so, whether there should continue to be differences in their powers;

(d) The general corporate powers that should be authorized for banking corporations; and

(e) Any other matters deemed by the supervisor to be relevant.

(2) The supervisor, in conducting the study required by subsection (1) of this section shall consult with the supervisor of savings and loans and with representatives from all types of financial institutions, including large and small, urban and rural, commercial banks, savings banks, and savings and loan associations. The supervisor shall also advise the appropriate standing committees of the house of representatives and the senate of all meetings held to consider the study conducted under this section.

(3) The supervisor of banking shall submit the report required by subsection (1) of this section not later than November 1, 1987. A progress report shall be submitted to the governor and the respective standing committees of the house of representatives and the senate not later than December 1, 1986."

On page 1, line 1 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 30.04.030, 30.04.075, 30.04.120, 30.04.130, 30.04.140, 30.04.180, 30.04.210, 30.04.215, 30.04.238, 30.04.380, 30.04.390, 30.04.405, 30.08.010, 30.08.020, 30.08.050, 30.08.060, 30.08.070, 30.08.082, 30.08.084, 30.08.086, 30.08.087, 30.08.088, 30.08.090, 30.08.140, 30.12.010, 30.12.020, 30.12.030, 30.12.050, 30.12.110, 30.20.060, 30.40.020, 30.04.550, 30.04.555, 30.04.560, 30.49.010, 30.43.010, and 30.49.040; adding new sections to chapter 30.04 RCW; adding a new section to chapter 30.08 RCW; adding new sections to chapter 30.12 RCW; creating new sections; repealing RCW 30.04.040, 30.04.100, 30.04.110, 30.04.122, 30.04.124, 30.04.126, 30.04.128, 30.04.160, 30.04.170, 30.04.190, 30.04.340, 30.04.350, 30.04.360, 30.12.080, 30.12.140, 30.12.150, 30.12.160, 30.12.170, 30.12.200, 30.12.210, 30.20.070, 30.20.080, and 30.40.060."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Moore, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 4917 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 4917 and the House amendments thereto: Senators Moore, Deccio and Bender.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4872 with the following amendments:

On page 1, line 12, following "state" insert ", three members at large"

On page 1, line 27, strike "~~Three~~" and insert "Four"

On page 2, line 1, strike "~~three~~" and insert "four"

On page 2, line 3, strike "~~three~~" and insert "four"

On page 2, line 11, following "districts" insert "one member at large"

On page 2, line 15, following "districts" insert "and one member at large"

On page 2, line 18, following "districts" insert "and one member at large"

On page 5, line 24, following "state" insert "the members at large"

On page 3, line 31, after "public instruction," insert "or any officer or employee of any education association or organization that represents school employees, or any school directors"

On page 5, line 12, after "a" strike "~~((president and))~~" and insert "president and"

On page 5, line 13, after "the" strike "~~((chief executive officer))~~ president" and insert "chief executive officer"

On page 5, line 17, after "present" strike "~~((and voting thereon and the superintendent's vote is essential for action thereon))~~" and insert "and voting thereon and the superintendent's vote is essential for action thereon"

On page 5, line 19, after "as" strike "~~((chief executive officer))~~ president" and insert "chief executive officer"

On page 7, following line 10, insert:

(7) Prepare a report to be submitted biennially to the legislature which will specify (a) current short term, midrange and long term goals and objectives of the state school system; (b) current plans and processes instituted to achieve the goals and objectives; (c) current progress being made to achieve the goals and objectives; and (d) recommendations for legislation necessary to achieve the goals and objectives.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 4872 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 4872 and the House amendments thereto: Senators Gaspard, Craswell and Bauer.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5005 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter may be known and cited as the "credit services organizations act."

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

(1) "Buyer" means any individual who is solicited to purchase or who purchases the services of a credit services organization.

(2)(a) "Credit services organization" means any person who, with respect to the extension of credit by others, sells, provides, performs, or represents that he or she can or will sell, provide, or perform, in return for the payment of money or other valuable consideration any of the following services:

(i) Improving a buyer's credit record, history, or rating;

(ii) Obtaining an extension of credit for a buyer; or

(iii) Providing advice or assistance to a buyer with regard to either (a)(i) or (a)(ii) of this subsection.

(b) "Credit services organization" does not include:

(i) Any person authorized to make loans or extensions of credit under the laws of this state or the United States who is subject to regulation and supervision by this state or the United States or a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the national housing act;

(ii) Any bank, savings bank, or savings and loan institution whose deposits or accounts are eligible for insurance by the federal deposit insurance corporation or the federal savings and loan insurance corporation, or a subsidiary of such bank, savings bank, or savings and loan institution;

(iii) Any credit union, federal credit union, or out-of-state credit union doing business in this state under chapter 31.12 RCW;

(iv) Any nonprofit organization exempt from taxation under section 501(c)(3) of the internal revenue code;

(v) Any person licensed as a real estate broker by this state if the person is acting within the course and scope of that license;

(vi) Any person licensed as a collection agency pursuant to chapter 19.16 RCW if acting within the course and scope of that license;

(vii) Any person licensed to practice law in this state if the person renders services within the course and scope of his or her practice as an attorney;

(viii) Any broker-dealer registered with the securities and exchange commission or the commodity futures trading commission if the broker-dealer is acting within the course and scope of that regulation; or

(ix) Any consumer reporting agency as defined in the federal fair credit reporting act, 15 U.S.C. Secs. 1681 through 1681t.

(3) "Extension of credit" means the right to defer payment of debt or to incur debt and defer its payment offered or granted primarily for personal, family, or household purposes.

NEW SECTION, Sec. 3. A credit services organization, its salespersons, agents, and representatives, and independent contractors who sell or attempt to sell the services of a credit services organization may not do any of the following:

(1) Charge or receive any money or other valuable consideration prior to full and complete performance of the services the credit services organization has agreed to perform for the buyer, unless the credit services organization has obtained a surety bond of ten thousand dollars issued by a surety company admitted to do business in this state and established a trust account at a federally insured bank or savings and loan association located in this state;

(2) Charge or receive any money or other valuable consideration solely for referral of the buyer to a retail seller who will or may extend credit to the buyer if the credit that is or will be extended to the buyer is upon substantially the same terms as those available to the general public;

(3) Make or counsel or advise any buyer to make any statement that is untrue or misleading or that should be known by the exercise of reasonable care to be untrue or misleading, to a credit reporting agency or to any person who has extended credit to a buyer or to whom a buyer is applying for an extension of credit with respect to a buyer's credit worthiness, credit standing, or credit capacity;

(4) Make or use any untrue or misleading representations in the offer or sale of the services of a credit services organization or engage, directly or indirectly, in any act, practice, or course of business that operates or would operate as fraud or deception upon any person in connection with the offer or sale of the services of a credit services organization.

NEW SECTION, Sec. 4. If a credit services organization is in compliance with section 3(1) of this act, the salesperson, agent, or representative who sells the services of that organization is not required to obtain a surety bond and establish a trust account.

NEW SECTION, Sec. 5. Before the execution of a contract or agreement between the buyer and a credit services organization or before the receipt by the credit services organization of any money or other valuable consideration, whichever occurs first, the credit services organization shall provide the buyer with a statement in writing, containing all the information required by section 6 of this act. The credit services organization shall maintain on file for a period of two years an exact copy of the statement, personally signed by the buyer, acknowledging receipt of a copy of the statement.

NEW SECTION, Sec. 6. The information statement required under section 5 of this act shall include all of the following:

(1)(a) A complete and accurate statement of the buyer's right to review any file on the buyer maintained by any consumer reporting agency, as provided under the federal Fair Credit Reporting Act, 15 U.S.C. Secs. 1681 through 1681t;

(b) A statement that the buyer may review his or her consumer reporting agency file at no charge if a request is made to the consumer credit reporting agency within thirty days after receiving notice that credit has been denied; and

(c) The approximate price the buyer will be charged by the consumer reporting agency to review his or her consumer reporting agency file;

(2) A complete and accurate statement of the buyer's right to dispute the completeness or accuracy of any item contained in any file on the buyer maintained by any consumer reporting agency;

(3) A complete and detailed description of the services to be performed by the credit services organization for the buyer and the total amount the buyer will have to pay, or become obligated to pay, for the services;

(4) A statement asserting the buyer's right to proceed against the bond or trust account required under section 3 of this act; and

(5) The name and address of the surety company that issued the bond, or the name and address of the depository and the trustee and the account number of the trust account.

NEW SECTION, Sec. 7. (1) Each contract between the buyer and a credit services organization for the purchase of the services of the credit services organization shall be in writing, dated, signed by the buyer, and include all of the following:

(a) A conspicuous statement in bold face type, in immediate proximity to the space reserved for the signature of the buyer, as follows: "You, the buyer, may cancel this contract at any time prior to midnight of the fifth day after the date of the transaction. See the attached notice of cancellation form for an explanation of this right";

(b) The terms and conditions of payment, including the total of all payments to be made by the buyer, whether to the credit services organization or to some other person;

(c) A full and detailed description of the services to be performed by the credit services organization for the buyer, including all guarantees and all promises of full or partial refunds, and the estimated date by which the services are to be performed, or estimated length of time for performing the services;

(d) The credit services organization's principal business address and the name and address of its agent in the state authorized to receive service of process;

(2) The contract shall be accompanied by a completed form in duplicate, captioned "Notice of Cancellation" that shall be attached to the contract, be easily detachable, and contain in bold face type the following statement written in the same language as used in the contract.

"Notice of Cancellation

You may cancel this contract, without any penalty or obligation within five days from the date the contract is signed.

If you cancel any payment made by you under this contract, it will be returned within ten days following receipt by the seller of your cancellation notice.

To cancel this contract, mail or deliver a signed dated copy of this cancellation notice, or any other written notice to _____ (name of seller) at _____ (address of seller) _____ (place of business) not later than midnight _____ (date)

I hereby cancel this transaction, _____ (date)

(purchaser's signature)

The credit services organization shall give to the buyer a copy of the completed contract and all other documents the credit services organization requires the buyer to sign at the time they are signed.

NEW SECTION, Sec. 8. (1) Any waiver by a buyer of any part of this chapter is void. Any attempt by a credit services organization to have a buyer waive rights given by this chapter is a violation of this chapter.

(2) In any proceeding involving this chapter, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

(3) Any person who violates this chapter is guilty of a gross misdemeanor. Any district court of this state has jurisdiction in equity to restrain and enjoin the violation of this chapter.

(4) This section does not prohibit the enforcement by any person of any right provided by this or any other law.

(5) A violation of this chapter by a credit services organization is an unfair business practice as provided in chapter 19.86 RCW.

NEW SECTION, Sec. 9. (1) Any buyer injured by a violation of this chapter may bring any action for recovery of damages. Judgment shall be entered for actual damages, but in no case less than the amount paid by the buyer to the credit services organization, plus reasonable attorney's fees and costs. An award may also be entered for punitive damages.

(2) The remedies provided under this chapter are in addition to any other procedures or remedies for any violation or conduct provided for in any other law.

NEW SECTION, Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION, Sec. 11. A new section is added to chapter 19.86 RCW to read as follows: It is a violation of RCW 19.86.020 for a consumer reporting agency, as defined in the federal Fair Credit Reporting Act, 15 U.S.C. Secs. 1681 through 1681i, to violate any provisions of the federal Fair Credit Reporting Act."

On page 1, line 2 of the title, after "RCW;" insert "adding a new section to chapter 19.86 RCW;".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Moore, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5005 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed SENATE BILL NO. 5068 with the following amendment:

On page 1, after line 28, insert:

"(5) Effective July 1, 1987, the Legislative Budget Committee shall assume the duties of the committee created in this section."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate refuses to concur in the House amendment to Senate Bill No. 5068 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Haugen, Hine and Brough.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the request of the House for a conference on Engrossed Substitute House Bill No. 1447 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1447 and the Senate amendments thereto: Senators Goltz, Saling and McManus.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House has ruled the Senate amendments to ENGROSSED HOUSE BILL NO. 1614 beyond the scope and object of the bill and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Fisher, Walk and Van Luven.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Peterson, the request of the House for a conference on Engrossed House Bill No. 1614 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1614 and the Senate amendments thereto: Senators Peterson, Patterson and Vognild.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1722 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rust, Lux and Allen.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Vognild, the request of the House for a conference on Substitute House Bill No. 1722 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1722 and the Senate amendment thereto: Senators Kreidler, Bluechel and Talmadge.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1829 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate insists on its position on Substitute House Bill No. 1829 and requests a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1829 and the Senate amendments thereto: Senators Gaspard, Kiskaddon and Bauer.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1643 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate insists on its position on House Bill No. 1643 and once again requests the House to concur therein.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4531 with the following amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. It is the intent of the legislature that all insurers, health care service contractors, and health maintenance organizations that provide health care coverage in the state shall offer the option of including mental health treatment in their health benefit plans. Further it is the intent of the legislature that all mental health care benefit plans shall provide reimbursement for mental health treatment by every type of provider listed as follows: Physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health agencies licensed under chapter 71.24 RCW.

Sec. 2. Section 1, chapter 35, Laws of 1983 and RCW 48.21.240 are each amended to read as follows:

(1) Each group insurer providing disability insurance coverage in this state for hospital or medical care under contracts which ~~((ts))~~ are issued, delivered, or renewed in this state on or after July 1, ~~((1983))~~ 1986, shall offer optional supplemental coverage for mental health treatment for the insured and the insured's covered dependents.

~~((Treatment shall be covered))~~

(2) Benefits shall be provided under the optional supplemental coverage ~~((tf))~~ for mental health treatment whether treatment is rendered by: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; or (c) a community mental health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW. The treatment shall be covered at the usual and customary rates for such treatment. The insurer, health care service contractor, or health maintenance organization providing optional coverage under the provisions of this section for mental health services may establish separate usual and customary rates for services rendered by physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health centers licensed under chapter 71.24 RCW. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

~~((2))~~ (3) The group disability insurance contract may provide that all the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the insurer.

(4) This section shall not apply to a group disability insurance contract that has been entered into in accordance with a collective bargaining agreement between management and labor representatives prior to the effective date of this 1986 act.

Sec. 3. Section 2, chapter 35, Laws of 1983 and RCW 48.44.340 are each amended to read as follows:

(1) Each health care service contractor providing hospital or medical services or benefits in this state under group contracts for health care services under this chapter which ~~((ts))~~ are issued, delivered, or renewed in this state on or after July 1, ~~((1983))~~ 1986, shall offer optional supplemental coverage for mental health treatment for the insured and the insured's covered dependents.

~~((Treatment shall be covered))~~ (2) Benefits shall be provided under the optional supplemental coverage ~~((tf))~~ for mental health treatment whether treatment is rendered by: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; or (c) a community mental health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW. The treatment shall be covered at the usual and customary rates for such treatment. The insurer, health care service contractor, or health maintenance organization providing optional coverage under the provisions of this section for mental health services may establish separate usual and customary rates for services rendered by physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health centers licensed under chapter 71.24 RCW. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

~~((2))~~ (3) The group contract for health care services may provide that all the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the health care service contractor.

(4) This section shall not apply to a group health care service contract that has been entered into in accordance with a collective bargaining agreement between management and labor representatives prior to the effective date of this 1986 act.

Sec. 4. Section 3, chapter 35, Laws of 1983 and RCW 48.46.290 are each amended to read as follows:

(1) Each health maintenance organization providing services or benefits for hospital or medical care coverage in this state under group health maintenance agreements which ~~((ts))~~

are issued, delivered, or renewed in this state on or after July 1, ~~((1983))~~ 1986, shall offer optional supplemental coverage for mental health treatment to the enrolled participant and the enrolled participant's covered dependents.

~~((Treatment shall be covered))~~ (2) Benefits shall be provided under the optional supplemental coverage ~~((ff))~~ for mental health treatment whether treatment is rendered by the health maintenance organization or ~~((ff))~~ the health maintenance organization refers the enrolled participant or the enrolled participant's covered dependents for treatment to: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; or (c) a community mental health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW. The treatment shall be covered at the usual and customary rates for such treatment. The insurer, health care service contractor, or health maintenance organization providing optional coverage under the provisions of this section for mental health services may establish separate usual and customary rates for services rendered by physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health centers licensed under chapter 71.24 RCW. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

~~((2))~~ (3) The group health maintenance agreement may provide that all the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the health maintenance organization.

(4) This section shall not apply to a group health maintenance agreement that has been entered into in accordance with a collective bargaining agreement between management and labor representatives prior to the effective date of this 1986 act.

NEW SECTION. Sec. 5. This act shall take effect July 1, 1986.

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

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Moore, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 4513 and requests a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4513 and the House amendment thereto: Senators Moore, Sellar and Granlund.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House has ruled the Senate amendment to HOUSE BILL NO. 1499 to page 8, line 15, (Sec. 7) beyond the scope and object of the bill; refused to concur in the amendment to page 9, line 15, NEW SECTION, Sec. 7) and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate refuses to recede in the Senate amendments to House Bill No. 1499 and requests a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1499 and the Senate amendments thereto: Senators Talmadge, Newhouse and Halsan.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MOTION

At 3:31 p.m., on motion of Senator Bottiger, the Senate recessed until 4:30 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 4:31 p.m. by President Cherberg.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3574 with the following amendment:

On page 2, line 18, following "agreement" insert "including any rents paid by a sublessee".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 3574.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3574, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3574, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senators Halsan, Hayner, Peterson - 3.

Excused: Senators Kiskaddon, Stratton - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3574, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senators Patterson and Saling were excused.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3948 with the following amendments:

On page 1, line 4, strike "60.24" and insert "60.04"

On page 1, line 2 of the title, strike "60.24" and insert "60.04",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Bender, the Senate concurred in the House amendments to Substitute Senate Bill No. 3948.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3948, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3948, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yeas: Senators Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senator Metcalf - 1.

Excused: Senators Kiskaddon, Patterson, Saling, Stratton - 4.

SUBSTITUTE SENATE BILL NO. 3948, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITTUTE SENATE BILL NO. 4503 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 266, Laws of 1979 ex. sess. as amended by section 1, chapter 192, Laws of 1984 and RCW 82.45.032 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Real estate" or "real property" means real property but includes used mobile homes and used floating homes.

(2) "Used mobile home" means a mobile home which has been previously sold at retail and ~~((the immediately preceding sale))~~ has ~~((already))~~ been subjected to tax under chapter 82.08 RCW, or which has been previously used and ~~((the immediately preceding use))~~ has ~~((already))~~ been subjected to tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

(3) "Mobile home" means a mobile home as defined by RCW 46.04.302, as now or hereafter amended.

(4) "Used floating home" means a floating home in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.

(5) "Floating home" means a building on a float used in whole or in part for human habitation as a single-family dwelling, which is not designed for self propulsion by mechanical means or for propulsion by means of wind, and which is on the property tax rolls of the county in which it is located.

Sec. 2. Section 3, chapter 266, Laws of 1979 ex. sess. and RCW 82.08.033 are each amended to read as follows:

The tax imposed by RCW 82.08.020 shall not apply to:

(1) Sales of used mobile homes as defined in RCW 82.45.032 ~~((or sales of used mobile homes if the sale thereof to the present user has already been subjected to tax under (chapter) 82.45 RCW)).~~

(2) The renting or leasing of mobile homes ~~((where such))~~ if the rental agreement or lease exceeds thirty days in duration and ((where)) if the rental or lease of such mobile home is not conducted jointly with the provision of short-term lodging for transients.

Sec. 3. Section 4, chapter 266, Laws of 1979 ex. sess. and RCW 82.12.033 are each amended to read as follows:

The tax imposed by RCW 82.12.020 shall not apply in respect to:

(1) ~~The use of used mobile homes as defined in RCW 82.45.032 ((if the sale thereof to the present user has already been subjected to tax under chapter 82.45 RCW)).~~

(2) The use of a mobile home acquired by renting or leasing if the rental agreement or lease exceeds thirty days in duration and if the rental or lease of the mobile home is not conducted jointly with the provision of short-term lodging for transients.

Sec. 4. Section 2, chapter 22, Laws of 1977 ex. sess. as last amended by section 1, chapter 22, Laws of 1985 and by section 1, chapter 395, Laws of 1985 and RCW 46.44.170 are each reenacted and amended to read as follows:

(1) Any person moving a mobile home as defined in RCW 46.04.302 upon public highways of the state must obtain a special permit from the department of transportation and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home shall not be valid until the county treasurer of the county in which the mobile home is located shall endorse or attach thereto his certificate that all property taxes (~~due in that calendar year, and all delinquent taxes~~) which are a lien or which are delinquent, or both, upon the mobile home being moved have been satisfied. Further, any mobile home required to have a special movement permit under this section shall display an easily recognizable decal: PROVIDED, That endorsement or certification by the county treasurer and the display of said decal is not required when a mobile home is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets. It shall be the responsibility of the owner of the mobile home or the agent to obtain such endorsement from the county treasurer and said decal.

(3) Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home, but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid.

(4) The department of transportation and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section. The department of transportation shall adopt rules specifying the design, reflective characteristics, annual coloration, and for the uniform implementation of the decal required by this section."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 4503.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4503, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4503, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Kiskaddon, Saling, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4503, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4536 with the following amendments:

On page 1, line 15, after "fine of" insert "no less than"

On page 6, after line 6, insert the following:

***NEW SECTION.** Sec. 4. A new section is added to chapter 46.12 RCW to read as follows:

The department shall issue a certificate of ownership valid for title purposes only to the owner of an off-road vehicle as defined in RCW 46.09.020. The owner shall pay the fees established by RCW 46.12.040. Issuance of such certificate does not qualify the vehicle for licensing under chapter 46.16 RCW.

***NEW SECTION.** Sec. 5. A new section is added to chapter 46.16 RCW to read as follows:

The director, the state of Washington, and its political subdivisions shall be immune from civil liability arising from the issuance of a vehicle license to a nonroadworthy vehicle."

In line 2 of the title, after "46.63.020;" insert "adding a new section to chapter 46.12 RCW; adding a new section to chapter 46.16 RCW;".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Substitute Senate Bill No. 4536.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4536, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4536, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Sellar, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bauer, Rinehart - 2.

Excused: Senators Kiskaddon, Saling, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 4536, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed SENATE BILL NO. 4537 with the following amendments:

On page 1, after line 22 insert the following:

*Sec. 2. Section 330, chapter 258, Laws of 1984 and RCW 46.63.110 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court (~~may~~) shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid."

In line 2 of the title, after "46.64.020" and before the period insert "and 46.63.110".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Senate Bill No. 4537.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4537, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4537, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Bluechel, Cantu, McManus - 3.

Excused: Senators Kiskaddon, Saling, Stratton - 3.

SENATE BILL NO. 4537, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senators Bluechel and Cantu were excused.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4547 with the following amendments:

On page 3, line 27, after "section" strike "5(3)" and insert "5(4)"

On page 7, line 29, after "the" strike "filing officer" and insert "department of licensing"

On page 8, line 1, after "the" strike "filing officer" and insert "department of licensing"

On page 8, line 5, after "The" strike "filing officer" and insert "department of licensing"

On page 8, beginning on line 25, after "chapter" strike all material through "properly" on line 26, and insert "60.13 RCW ((~~sections 1 through 7 of this 1985 act~~)) or a depositor's lien"

On page 8, line 33, after "liens" insert "created under sections 1 through 14 of this 1986 act".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Substitute Senate Bill No. 4547.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4547, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4547, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Owen - 1.

Excused: Senators Bluechel, Cantu, Kiskaddon, Saling, Stratton - 5.

SUBSTITUTE SENATE BILL NO. 4547, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4572 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 2, chapter 13, Laws of 1982 1st ex. sess. and RCW 90.58.030 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

- (a) "Department" means the department of ecology;
- (b) "Director" means the director of the department of ecology;
- (c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;
- (d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

- (a) "Extreme low tide" means the lowest line on the land reached by a receding tide;
- (b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

- (A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,
- (B) Birch Bay—from Point Whitehorn to Birch Point,
- (C) Hood Canal—from Tala Point to Foulweather Bluff,
- (D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and
- (E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology: PROVIDED, That any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk-heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds ~~((one))~~ two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of a single family residence, the cost of which does not exceed ~~((two thousand five hundred dollars))~~ six thousand five hundred dollars, to be adjusted annually by the Implicit Price Deflator as computed by the United States Department of Commerce: PROVIDED, That the size design and location of the dock shall meet the requirements of local master programs;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge.

Sec. 2. Section 18, chapter 286, Laws of 1971 ex. sess. as last amended by section 2, chapter 51, Laws of 1975-'76 2nd ex. sess. and RCW 90.58.180 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 as now or hereafter amended may seek review

from the shorelines hearings board by filing a request for the same within thirty days of the date of filing as defined in RCW 90.58.140(6) as now or hereafter amended.

Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor: PROVIDED, That the failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the request for review filed pursuant to this section. The shorelines hearings board shall initially schedule review proceedings on such requests for review without regard as to whether such requests have or have not been certified or as to whether the period for the department or the attorney general to intervene has or has not expired, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines hearings board and the appropriate local government within thirty days from the date the final order was filed as provided in RCW 90.58.140(6) as now or hereafter amended.

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases. Judicial review of such proceedings of the shorelines hearings board may be had as provided in chapter 34.04 RCW.

(4) Local government may appeal to the shorelines hearings board any rules, regulations, or guidelines ~~(- designations, or master programs for shorelines of the state)~~ adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

~~((a) in an appeal relating to a master program for shorelines, the board, after full consideration of the positions of the local government and the department, shall determine the validity of the master program.))~~ If the board determines that said ~~((program))~~ rule, regulation, or guideline:

~~((#))~~ (a) Is clearly erroneous in light of the policy of this chapter; or

~~((#))~~ (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

~~((#))~~ (c) Is arbitrary and capricious; or

~~((#))~~ (d) Was developed without fully considering and evaluating all ~~((proposed master programs))~~ material submitted to the department by the local government; or

~~((#))~~ (e) Was not adopted in accordance with required procedures;

the board shall enter a final decision declaring the ~~((program))~~ rule, regulation, or guideline invalid, remanding the ~~((master program))~~ rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new ~~((master program))~~ rule, regulation, or guideline. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the ~~((master program))~~ rule, regulation, or guideline to be valid and enter a final decision to that effect.

~~((b) in an appeal relating to a master program for shorelines of state-wide significance the board shall approve the master program adopted by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the master program approved by the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines:~~

~~((c) in an appeal relating to rules, regulations, guidelines, master programs of state-wide significance, and designations, the standard of review provided in RCW 34.04.070 shall apply.))~~

(5) Rules, regulations, ~~((designations, master programs.))~~ and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.04.070: PROVIDED, That no review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section is filed within three months after the date of final decision by the shorelines hearings board.

Sec. 3. Section 19, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.190 are each amended to read as follows:

(1) The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. ~~((Each local government shall submit any proposed adjustments, to the department as soon as they are~~

completed. No such adjustment shall become effective until it has been approved by the department.) Any adjustments proposed by a local government to its master program shall be forwarded to the department for review. The department shall approve, reject, or propose modification to the adjustment. If the department either rejects or proposes modification to the master program adjustment, it shall provide substantive written comments as to why the proposal is being rejected or modified.

(2) Any local government aggrieved by the department's decision to approve, reject, or modify a proposed master program or master program adjustment may appeal the department's decision to the shorelines hearings board. In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program adjustment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's adjustment in light of the policy of RCW 90.58.020 and the applicable guidelines. In an appeal relating to shorelines of state-wide significance, the board shall uphold the decision by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines. Review by the hearings board shall be considered a contested case under chapter 34.04 RCW. The aggrieved local government shall have the burden of proof in all such reviews. Whenever possible, the review by the hearings board shall be heard within the county where the land subject to the proposed master program or master program adjustment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to the superior court of Thurston county.

(3) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program adjustment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program adjustment.

Sec. 4. Section 21, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.210 are each amended to read as follows:

(1) The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

(2) Any person who shall fail to conform to the terms of a permit issued under this chapter or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty upon whatever terms the department or local government in its discretion deems proper. Any penalty imposed pursuant to this section by the department shall be subject to review by the shorelines hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the shorelines hearings board.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendment to Substitute Senate Bill No. 4572.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4572, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4572, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Deccio - 1.

Excused: Senators Bluechel, Cantu, Kiskaddon, Saling, Stratton - 5.

SUBSTITUTE SENATE BILL NO. 4572, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4620 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advertisement" means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communication media published in connection with an offer or sale of a franchise.

(2) "Affiliate" means any person, firm, or corporation who controls or is controlled by any motor fuel refiner-supplier, and includes any subsidiary or affiliated corporation in which the motor fuel refiner-supplier or its shareholders, officers, agents, or employees hold or control more than twenty-five percent of the voting shares.

(3) "Community interest" means a continuing financial interest between the motor fuel refiner-supplier and motor fuel retailer in the operation of the franchise business.

(4) "Marketing area" means an area five miles or less in any direction from a motor fuel retailer selling products of any trademark of the motor fuel refiner-supplier.

(5) "Motor fuel" means gasoline or diesel fuel of a type distributed for use in self-propelled motor vehicles and includes gasohol.

(6) "Motor fuel franchise" means any oral or written contract, either expressed or implied, between a motor fuel refiner-supplier and motor fuel retailer under which the motor fuel retailer is supplied motor fuel for resale to the public under a trademark owned or controlled by the motor fuel refiner-supplier or for sale on commission or for a fee to the public, or any agreements between a motor fuel refiner-supplier and motor fuel retailer under which the retailer is permitted to occupy premises owned, leased, or controlled by the refiner-supplier for the purpose of engaging in the retail sale of motor fuel under a trademark owned or controlled by the motor fuel refiner-supplier supplied by the motor fuel refiner-supplier.

(7) "Motor fuel refiner-supplier" means any person, firm, or corporation, including any affiliate of the person, firm, or corporation, engaged in the refining of crude oil into petroleum who supplies motor fuel for sale, consignment, or distribution through retail outlets and has an operable refinery capacity of three hundred twenty-five thousand barrels a day or more as reported to the federal department of energy.

(8) "Motor fuel retailer" means a person, firm, or corporation that resells motor fuel entirely at one or more retail motor fuel outlets pursuant to a motor fuel franchise entered into with a refiner-supplier.

(9) "Offer or offer to sell" includes every attempt or offer to dispose of or solicitation of an offer to buy a franchise or an interest in a franchise.

(10) "Person" means a natural person, corporation, partnership, trust, or other entity and in the case of an entity, it shall include any other entity which has a majority interest in such an entity or effectively controls such other entity as well as the individual officers, directors, and other persons in act of control of the activities of each such entity.

(11) "Price" means the net purchase price, after adjustment for commission, brokerage, rebate, discount, services or facilities furnished, or other such adjustment.

(12) "Publish" means publicly to issue or circulate by newspaper, mail, radio, or television or otherwise to disseminate to the public.

(13) "Retail motor fuel outlet" means any location where motor fuel is distributed for purposes other than resale.

(14) "Sale or sell" includes every contract of sale, contract to sell, or disposition of a franchise.

(15) "Trademark" means any trademark, trade name, service mark, or other identifying symbol or name.

NEW SECTION, Sec. 2. It is unlawful for any motor fuel refiner-supplier to discriminate in price between motor fuel retailers in the same marketing area for purchases of motor fuel of like grade and quality, where the effect of the discrimination may be substantially to injure, destroy, or prevent competition with any motor fuel retailer who receives the benefit of the discrimination, or with the customers of either motor fuel retailer. Nothing in this section prevents differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the fuel is sold to motor fuel retailers. Upon proof being made of discrimination under this section, the burden of rebutting the prima facie case thus made by showing justification is upon the refiner-supplier. A refiner-supplier may show justification by establishing that a differential price was only made in good faith to meet an equally low price of a competitor if the price was also offered to all other motor fuel retailers under any trademark of the refiner-supplier within the same marketing area as the motor fuel retailer receiving the lower price.

NEW SECTION, Sec. 3. Notwithstanding the terms of any motor fuel franchise, a motor fuel refiner-supplier shall not absolutely prohibit or unreasonably withhold its consent to any sale, assignment, or other transfer of the motor fuel franchise by a motor fuel retailer to a third party without fairly compensating the motor fuel retailer for the fair market value, at the time of expiration of the franchise, of the motor fuel retailer's inventory, supplies, equipment, and furnishings purchased from the motor fuel refiner-supplier, and good will, exclusive of personalized materials which have no value to the motor fuel refiner-supplier, and inventory, supplies, equipment, and furnishings not reasonably required in the conduct of the franchise business. A motor fuel refiner-supplier may offset against amounts owed to a motor fuel retailer under this section any amounts owed by the motor fuel retailer to the motor fuel refiner-supplier.

NEW SECTION, Sec. 4. Notwithstanding the terms of any motor fuel franchise, no motor fuel refiner-supplier may prohibit or prevent the sale, assignment, or other transfer of the motor fuel franchise to a corporation in which the motor fuel retailer has and maintains a controlling interest if the motor fuel retailer offers in writing personally to guarantee the performance of the obligations under the motor fuel franchise.

NEW SECTION, Sec. 5. Notwithstanding the terms of any motor fuel franchise, the interest of a motor fuel retailer under such an agreement shall be considered personal property and shall devolve on the death of the motor fuel retailer to a designated successor in interest of the retailer, limited to the retailer's spouse, adult child, or adult stepchild or, if no successor in interest is designated, to the retailer's spouse, if any. The designation shall be made, witnessed in writing by at least two persons, and delivered to the motor fuel refiner-supplier during the term of the franchise. The designation may be revised at any time by the motor fuel retailer and shall be substantially in the following form:

"I (motor fuel retailer name) at the service station located at in the City of Washington, designate as my successor in interest under section 4 of this act and as my alternate successor if the originally designated successor is unable or unwilling so to act.
I so specify this day of, 19...."

The motor fuel refiner-supplier shall assist the designated successor in interest temporarily in the day-to-day operation of the service station to insure continued operation of the service station.

NEW SECTION, Sec. 6. Notwithstanding the terms of any motor fuel franchise, the motor fuel retailer shall be given the right of first refusal to purchase the real estate and/or improvements owned by the refiner-supplier at the franchise location, and at least thirty days' advance notice within which to exercise this right, prior to any sale thereof to any other buyer.

NEW SECTION, Sec. 7. Notwithstanding the terms of any motor fuel franchise, no motor fuel refiner-supplier may:

(1) Require any motor fuel retailer to meet mandatory minimum sales volume requirements for fuel or other products unless the refiner-supplier proves that its price to the motor fuel retailer has been sufficiently low to enable the motor fuel retailer reasonably to meet the mandatory minimum;

(2) Alter, or require the motor fuel retailer to consent to the alteration of, any provision of the motor fuel franchise during its effective term without mutual consent of the motor fuel retailer;

(3) Interfere with any motor fuel retailer's right to assistance of counsel on any matter or to join or be active in any trade association; and

(4) Set or compel, directly or indirectly, the retail price at which the motor fuel retailer sells motor fuel or other products to the public.

NEW SECTION, Sec. 8. It is unlawful for any person in connection with the offer, sale, or purchase of any motor fuel franchise directly or indirectly:

(1) To sell or offer to sell a motor fuel franchise in this state by means of any written or oral communication which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made in light of the circumstances under which they were made not misleading.

(2) To employ any device, scheme, or artifice to defraud.

(3) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person..

NEW SECTION. Sec. 9. Without limiting the other provisions of this chapter, the following specific rights and prohibitions shall govern the relation between the motor fuel refiner-supplier and the motor fuel retailers:

(1) The parties shall deal with each other in good faith.

(2) For the purposes of this chapter and without limiting its general application, it shall be an unfair or deceptive act or practice or an unfair method of competition and therefore unlawful and a violation of this chapter for any person to:

(a) Require a motor fuel retailer to purchase or lease goods or services of the motor fuel refiner-supplier or from approved sources of supply unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that such restrictive purchasing agreements are reasonably necessary for a lawful purpose justified on business grounds, and do not substantially affect competition: PROVIDED, That this provision shall not apply to the initial inventory of the motor fuel franchise. In determining whether a requirement to purchase or lease goods or services constitutes an unfair or deceptive act or practice or an unfair method of competition the courts shall be guided by the decisions of the courts of the United States interpreting and applying the anti-trust laws of the United States.

(b) Discriminate between motor fuel retailers in the charges offered or made for royalties, goods, services, equipment, rentals, advertising services, or in any other business dealing, unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that any classification or discrimination between motor fuel retailers is reasonable, is based on motor fuel franchises granted at materially different times and such discrimination is reasonably related to such difference in time or on other proper and justifiable distinctions considering the purposes of this chapter, and is not arbitrary.

(c) Sell, rent, or offer to sell to a motor fuel retailer any product or service for more than a fair and reasonable price.

(d) Require motor fuel retailer to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this chapter.

NEW SECTION. Sec. 10. (1) Any person who sells or offers to sell a motor fuel franchise in violation of this chapter shall be liable to the motor fuel retailer or motor fuel refiner-supplier who may sue at law or in equity for damages caused thereby for rescission or other relief as the court may deem appropriate. In the case of a violation of section 8 of this act rescission is not available to the plaintiff if the defendant proves that the plaintiff knew the facts concerning the untruth or omission or that the defendant exercised reasonable care and did not know or if he had exercised reasonable care would not have known of the untruth or omission.

(2) The suit authorized under subsection (1) of this section may be brought to recover the actual damages sustained by the plaintiff: PROVIDED, That the prevailing party may in the discretion of the court recover the costs of said action including a reasonable attorneys' fee.

(3) Any person who becomes liable to make payments under this section may recover contributions as in cases of contracts from any persons who, if sued separately, would have been liable to make the same payment.

(4) A final judgment, order, or decree heretofore or hereafter rendered against a person in any civil, criminal, or administrative proceedings under the United States anti-trust laws, under the Federal Trade Commission Act, or this chapter shall be regarded as evidence against such persons in any action brought by any party against such person under subsection (1) of this section as to all matters which said judgment or decree would be an estoppel between the parties thereto.

NEW SECTION. Sec. 11. The pendency of any civil, criminal, or administrative proceedings against a person brought by the federal or Washington state governments or any of their agencies under the anti-trust laws, the Federal Trade Commission Act, or any federal or state act related to anti-trust laws or to franchising, or under this chapter shall toll the limitation of this action if the action is then instituted within one year after the final judgment or order in such proceedings: PROVIDED, That said limitation of actions shall in any case toll the law so long as there is actual concealment on the part of the person.

NEW SECTION. Sec. 12. Any motor fuel retailer who is injured in his or her business by the commission of any act prohibited by this chapter, or any motor fuel retailer injured because of his or her refusal to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter may bring a civil action in superior court to enjoin further violations, to recover the actual damages sustained by him or her, or both, together with the costs of the suit, including reasonable attorney's fees.

NEW SECTION. Sec. 13. (1) The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act herein prohibited or

declared to be unlawful. The prevailing party may in the discretion of the court recover the costs of such action including a reasonable attorneys' fee.

(2) Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

NEW SECTION, Sec. 14. In any proceeding under this chapter, the burden of proving an exception or an exemption from definition is upon the person claiming it. Any condition, stipulation or provision purporting to bind any person acquiring a motor fuel franchise at the time of entering into a motor fuel franchise or other agreement to waive compliance with any provision of this chapter or any rule or order hereunder is void.

NEW SECTION, Sec. 15. The provisions of this chapter apply to any motor fuel franchise or contract entered into or renewed on or after the effective date of this act between a motor fuel refiner-supplier and a motor fuel retailer.

NEW SECTION, Sec. 16. The Administrative Procedure Act, chapter 34.04 RCW, shall wherever applicable herein govern the rights, remedies, and procedures respecting the administration of this chapter.

NEW SECTION, Sec. 17. It is the intent of the legislature that this chapter be interpreted consistent with chapter 19.100 RCW.

NEW SECTION, Sec. 18. This chapter shall be liberally construed to effectuate its beneficial purposes.

NEW SECTION, Sec. 19. This chapter shall be known as the "Gasoline Dealer Bill of Rights Act."

NEW SECTION, Sec. 20. The Washington state attorney general shall conduct a study to determine whether motor fuel refiner-suppliers are injuring competition from motor fuel retailers, by charging retailers that sell products under their trademark, prices for motor fuel which equal or exceed the prices charged for motor fuel in the same geographic market to retail customers at retail motor fuel outlets operated by company personnel, a subsidiary company, or commissioned or contract agents. The attorney general shall report his findings and recommendations to the legislature by December 1, 1986. Periodic reports shall be submitted to the legislative transportation committee. For the purposes of this study, the attorney general is authorized to use all of the civil investigative demand powers enumerated in RCW 19.86.110, subject to the procedures and requirements specified in RCW 19.86.110: PROVIDED, That disclosure of documentary material, answers to written interrogatories, or transcripts of oral testimony produced pursuant to a demand, or the contents thereof, to members of the legislature and legislative staff shall not require a court order unless the documentary material, answers to written interrogatories, or transcripts of oral testimony are identified at the time they are furnished as containing trade secrets. When seeking a court order allowing disclosure of material containing trade secrets, the attorney general shall give reasonable notice of such proceeding to the party furnishing the material.

NEW SECTION, Sec. 21. To carry out this act, the sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated to the office of attorney general from the motor vehicle fund for the biennium ending June 30, 1987.

NEW SECTION, Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 23. Sections 1 through 19 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION, Sec. 24. (1) Sections 20 and 21 are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect immediately.

(2) Sections 1 through 19, 22 and 23 of this act shall take effect June 30, 1986."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendment to Engrossed Senate Bill No. 4620.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4620, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4620, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson,

Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, Hayner, Pullen - 3.

Excused: Senators Cantu, Kiskaddon, Saling, Stratton - 4.

ENGROSSED SENATE BILL NO. 4620, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed SENATE BILL NO. 4675 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

In order to help publicize and commemorate the state's 1989 anniversary celebration of its admission to the Union, a new centennial design shall be developed by the department for vehicle license plates that uses reflectorized materials necessary to provide adequate visibility and legibility at night.

The centennial plates shall be developed in cooperation with the design selection committee appointed by the director. The committee shall include representation from the Washington centennial commission.

Registration numbers and letters for the centennial plate shall be assigned by the department in accordance with established procedures. Distribution of the centennial license plates shall commence January 1, 1987, to all new vehicle registrations and license plate replacements. In addition, the centennial plate shall be available for purchase by all other vehicle owners at the owner's option.

Revenues generated from the centennial plate shall go in part to support local and state centennial activities as provided in section 2 of this act. In addition to the basic fees for new vehicle registrations provided in RCW 46.16.060, persons purchasing centennial plates shall pay an additional fee of one dollar per plate to be distributed as follows: From January 1, 1987, through June 30, 1989, one-half of the fee shall be deposited in the centennial commission account of the general fund, and the remainder shall be deposited in the motor vehicle fund. Commencing July 1, 1989, the total one dollar per plate fee shall be deposited in the motor vehicle fund.

NEW SECTION, Sec. 2. A fleet shall qualify for centennial plates to be issued in consecutive order if available. A fleet shall be defined for purposes of the RCW as a group of five vehicles or more registered in the same name and whose owner has been assigned a fleet identifier code by the department of licensing.

NEW SECTION, Sec. 3. A new section is added to chapter 27.60 RCW to read as follows:

In support of centennial activities of the centennial commission, and as provided for in section 1 of this act, revenues shall be made available by appropriation to the centennial commission. One-half of the moneys so provided shall be distributed to counties in the state for use by their respective county centennial commissions or committees. Distribution of such moneys shall be made by the 1989 Washington centennial commission according to rules adopted by the commission. The rules shall provide for distribution to the respective counties on the basis of the number of centennial plates issued to residents in those counties, with minimum amounts established to be distributed to those counties with small populations, regardless of the number of centennial plates issued.

The remaining one-half of the moneys shall be used for funding projects deemed to be of state-wide significance by the centennial commission in accordance with rules adopted by the commission.

This section shall expire on December 31, 1993. Any funds remaining in the centennial commission account on that date shall revert to the general fund.

Sec. 4. Section 46.16.270, chapter 12, Laws of 1961 as last amended by section 7, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.16.270 are each amended to read as follows:

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, or upon the owner's option, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director, upon which form it shall be required that the owner, if appropriate and in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original plate or plates, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vehicle license applications. Such application shall be filed with the director or ~~((his))~~ the director's authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of ~~((four))~~ three dollars per plate, whereupon the director, or ~~((his))~~ the director's authorized agent, shall issue new vehicle license number plates to

the applicant. It shall be accompanied by a fee of two dollars (~~for a new vehicle license number plate where only one was originally issued and one dollar~~) for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement, or destruction of (~~said~~) the tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs or a windshield emblem to replace those lost, defaced, or destroyed (~~PROVIDED, That~~). For those vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, 46.16.061, 46.16.237, and 46.01.140 (~~PROVIDED FURTHER, That~~). For those vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required.

NEW SECTION, Sec. 5. Section 1, chapter 72, Laws of 1983, section 1, chapter 62, Laws of 1984 and RCW 46.16.275 are each repealed."

In line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 46.16.270; adding a new section to chapter 27.60 RCW; adding a new section to chapter 46.16 RCW; and repealing RCW 46.16.275."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Peterson moved that the Senate do concur in the House amendments to Senate Bill No. 4675.

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Peterson, does this mandate that everybody who has a car licensed in the state of Washington has to buy new license plates?"

Senator Peterson: "No, it doesn't. The bill originally started out as a repealer of the mandatory five-year replacement law which is still in the bill. This bill is optional. You can purchase the centennial license plates when they're ready, but it's not mandatory that you do."

The President declared the question before the Senate to be the motion by Senator Peterson that the Senate do concur in the House amendments to Senate Bill No. 4675.

The motion by Senator Peterson carried and the Senate concurred in the House amendments to Senate Bill No. 4675.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4675, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Rasmussen - 1.

Excused: Senators Cantu, Kiskaddon, Saling, Stratton - 4.

SENATE BILL NO. 4675, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed SENATE BILL NO. 4681 with the following amendment:

On page 1, line 24, after "his" insert "or her".

and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Wojahn, the Senate concurred in the House amendment to Senate Bill No. 4681.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4681, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4681, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Cantu, Kiskaddon, Saling, Stratton - 4.

SENATE BILL NO. 4681, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed SENATE BILL NO. 4693 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 95, Laws of 1895 as last amended by section 1, chapter 44, Laws of 1973 and RCW 4.92.010 are each amended to read as follows:

Any person or corporation having any claim against the state of Washington shall have a right of action against the state in the superior court. ~~((The plaintiff in such action shall, at the time of filing his complaint, file a surety bond executed by the plaintiff and a surety company authorized to do business in the state of Washington to the effect that such plaintiff will indemnify the state against all costs that may accrue in such action, and will pay to the clerk of said court all costs in case the plaintiff shall fail to prosecute his action or to obtain a judgment against the state: PROVIDED, That in actions for the enforcement or foreclosure of any lien upon, or to determine or quiet title to, any real property in which the state of Washington is a necessary or proper party defendant no surety bond as above provided for shall be required.))~~

The venue for such actions shall be as follows:

(1) The county of the residence or principal place of business of one or more of the plaintiffs;

(2) The county where the cause of action arose;

(3) The county in which the real property that is the subject of the action is situated;

(4) The county where the action may be properly commenced by reason of the joinder of an additional defendant; or

(5) Thurston county.

Actions shall be subject to change of venue in accordance with statute, rules of court, and the common law as the same now exist or may hereafter be amended, adopted, or altered.

Actions shall be tried in the county in which they have been commenced in the absence of a reasonable motion by or in behalf of the state to change the venue of the action.

Sec. 2. Section 2, chapter 95, Laws of 1895 as amended by section 2, chapter 216, Laws of 1972 and RCW 4.92.020 are each amended to read as follows:

Service of summons and complaint in such actions shall be served in the manner prescribed by law upon the attorney general, or by leaving the ~~((same))~~ summons and complaint in ~~((his))~~ the office of the attorney general with an assistant attorney general.

Sec. 3. Section 3, chapter 95, Laws of 1895 as amended by section 24, chapter 81, Laws of 1971 and RCW 4.92.030 are each amended to read as follows:

The attorney general or ~~((his))~~ an assistant attorney general shall appear and act as counsel for the state. The action shall proceed in all respects as other actions. Appeals may be taken to the supreme court or court of appeals of the state as in other actions or proceedings, but in case an appeal shall be taken on behalf of the state, no bond shall be required of the appellant.

Sec. 4. Section 4, chapter 95, Laws of 1895, as last amended by section 28, chapter 161, Laws of 1983 and RCW 4.92.040 are each amended to read as follows:

(1) No execution shall issue against the state on any judgment.

(2) Whenever a final judgment against the state (~~shall have been~~) is obtained in an action on a claim arising out of tortious conduct, the (~~clerk shall make and furnish to the director of financial management a duly certified copy of said judgment and the same~~) claim shall be paid (out of) from the tort claims revolving fund.

(3) Whenever a final judgment against the state shall have been obtained in any other action, the clerk of the court shall make and furnish to the (~~director of financial~~) risk management office a duly certified copy of such judgment; the (~~director of financial~~) risk management office shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid from appropriations specifically provided for such purposes by law.

(4) (~~On and after September 21, 1977;~~) Final judgments for which there are no provisions in state law for payment shall be transmitted by the risk management office to the senate and house of representatives committees on ways and means as follows:

(a) On the first day of each session of the legislature, the risk management office shall transmit judgments received and audited since the adjournment of the previous session of the legislature.

(b) During each session of legislature, the risk management office shall transmit judgments immediately upon completion of audit.

(5) All claims, other than judgments, made to the legislature against the state of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support of the claim and shall be filed with the (~~director of financial~~) risk management (who) office, which shall retain the same as a record. All claims of ((five hundred)) two thousand dollars or less shall be approved or rejected by the ((director of financial)) risk management office, and if approved shall be paid from appropriations specifically provided for such purpose by law. Such decision, if adverse to the claimant in whole or part, shall not preclude the claimant from seeking relief from the legislature (PROVIDED, That). If the claimant accepts any part of his or her claim which is approved for payment by the ((director)) risk management office, such acceptance shall constitute a waiver and release of the state from any further claims relating to the damage or injury asserted in the claim so accepted. The ((director)) risk management office shall submit to the house and senate committees on ways and means ((and to the house committee on appropriations)), at the beginning of each regular session, a comprehensive list of all claims paid pursuant to this subsection during the preceding ((two)) year(s). For all claims ((over five hundred dollars)) not approved by the risk management office, the ((director of financial)) risk management office shall recommend to the legislature whether such claims should be approved or rejected. Recommendations shall be submitted to the senate and house of representatives committees on ways and means not later than the thirtieth day of each regular session of the legislature. Claims which cannot be processed for timely submission of recommendations shall be held for submission during the following regular session of the legislature. The recommendations shall include, but not be limited to:

(a) A summary of the facts alleged in the claim, and a statement as to whether these facts can be verified by the risk management office;

(b) An estimate by the risk management office of the value of the loss or damage which was alleged to have occurred;

(c) An analysis of the legal liability, if any, of the state for the alleged loss or damage; and

(d) A summary of equitable or public policy arguments which might be helpful in resolving the claim.

(5) The legislative committees to whom such claims are referred shall make a transcript, recording, or statement of the substance of the evidence given in support of such a claim. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

(~~(5)~~) (6) Subsections (3) (~~and (4)~~) through (5) of this section do not apply to judgments or claims against the state housing finance commission created under chapter 43.180 RCW.

Sec. 5. Section 1, chapter 79, Laws of 1921 as last amended by section 1, chapter 217, Laws of 1985 and RCW 4.92.060 are each amended to read as follows:

Whenever an action or proceeding for damages shall be instituted against any state officer, including state elected officials, employee, or volunteer, arising from (~~his~~) acts or omissions while performing, or in good faith purporting to perform, (~~his~~) official duties, such officer, employee, or volunteer may request the attorney general to authorize the defense of said action or proceeding at the expense of the state.

Sec. 6. Section 2, chapter 79, Laws of 1921 as last amended by section 2, chapter 217, Laws of 1985 and RCW 4.92.070 are each amended to read as follows:

If the attorney general shall find that said officer, employee, or volunteer's acts or omissions were, or purported to be in good faith, within the scope of (~~his~~) that person's official duties, said request shall be granted, in which event the necessary expenses of the defense of said action or proceeding shall be paid from the appropriations made for the support of the department to which such officer, employee, or volunteer is attached. In such cases the attorney general shall appear and defend such officer, employee, or volunteer, who shall assist and cooperate in the defense of such suit.

Sec. 7. Section 3, chapter 159, Laws of 1963 as last amended by section 3, chapter 151, Laws of 1979 and RCW 4.92.100 are each amended to read as follows:

All claims against the state for damages arising out of tortious conduct shall be presented to and filed with the ~~((director of financial))~~ risk management office. All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing ~~((his))~~ the claim or if the claimant is a minor, or is a nonresident of the state, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing ~~((him))~~ the claimant.

With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 8. Section 4, chapter 159, Laws of 1963 as last amended by section 4, chapter 151, Laws of 1979 and RCW 4.92.110 are each amended to read as follows:

No action shall be commenced against the state for damages arising out of tortious conduct until a claim has first been presented to and filed with the ~~((director of financial))~~ risk management office. The requirements of this section shall not affect the applicable period of limitations within which an action must be commenced, but such period shall begin and shall continue to run as if no claim were required.

Sec. 9. Section 10, chapter 159, Laws of 1963 as last amended by section 3, chapter 144, Laws of 1979 ex. sess. and RCW 4.92.160 are each amended to read as follows:

Payment of claims and judgments arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the ~~((director of financial))~~ risk management office, and ~~((he))~~ that office shall authorize and direct the payment of moneys only from the tort claims revolving fund whenever:

(1) The head or governing body of any agency or department of state or the designee of any such agency certifies to ~~((him))~~ the risk management office that a claim has been settled under authority of RCW 4.92.140 as herein or hereafter amended; or

(2) The clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.

Sec. 10. Section 11, chapter 159, Laws of 1963 as last amended by section 6, chapter 151, Laws of 1979 and RCW 4.92.170 are each amended to read as follows:

Liability for and payment of claims arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. is declared to be a proper charge as part of the normal cost of operating the various agencies and departments of state government whose operations and activities give rise to the liability and a lawful charge against moneys appropriated or available to such agencies and departments.

Within any agency or department the charge shall be apportioned among such appropriated and other available moneys in the same proportion that the moneys finance the activity causing liability. Whenever the operations and activities of more than one agency or department combine to give rise to a single liability, the ~~((director of financial))~~ risk management office shall determine the comparative responsibility of each agency or department for the liability.

State agencies shall make reimbursement to the tort claims revolving fund for any payment made from it for the benefit of such agencies. The director of financial management is authorized and directed to transfer or order the transfer to the tort claims revolving fund, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them. Such amounts may be expended for the purposes for which the tort claims revolving fund was created by RCW 4.92.130 ~~((as herein or hereafter amended))~~ without further or additional appropriation ~~((-- PROVIDED, That))~~. In any case where reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of the state agency, the director of financial management may relieve the agency of all or a portion of the obligation to make reimbursement.

The ~~((director of financial))~~ risk management office shall report on request to the legislature on the status of the tort claims revolving fund, all payments made therefrom, all reimbursements made thereto, and the identity of agencies and departments of state government whose operations and activities give rise to liability ~~((-- including those agencies and departments over which he does not have authority to revise allotments under chapter 43-88 RCW))~~.

The ~~((director of financial))~~ risk management office may authorize agencies, in accordance with chapter 41.05 RCW to the extent that it is applicable, to purchase insurance to protect

and hold personally harmless any officer or employee of the state, or any classes of such officers or employees or for other persons performing services for the state, whether by contract or otherwise, from any action, claim, or proceeding for damages arising out of the performance of duties for, employment with, or the performance of services on behalf of the state and to hold ~~((him)) the officer or employee~~ harmless from any expenses connected with the defense, settlement, or monetary judgment from such actions.

The ~~((director of financial)) risk management office~~ shall adopt rules ~~((and regulations))~~ governing the procedures to be followed in making payment from the tort claims revolving fund~~(:)).~~ The office of financial management shall adopt rules governing the procedures to be followed in reimbursing the tort claims revolving fund and in relieving an agency of its obligation to reimburse the tort claims revolving fund.

Sec. 11. Section 77.12.270, chapter 36, Laws of 1955 as last amended by section 45, chapter 78, Laws of 1980 and RCW 77.12.270 are each amended to read as follows:

The commission may compromise, adjust, settle, and pay claims for damages caused by deer or elk in accordance with RCW 77.12.280 through 77.12.300. Payments for claims shall not exceed ~~((one)) two~~ thousand dollars. The payment of a claim by the commission constitutes final and final payment for the claim.

Sec. 12. Section 77.12.280, chapter 36, Laws of 1955 as last amended by section 46, chapter 78, Laws of 1980 and RCW 77.12.280 are each amended to read as follows:

(1) Claims under RCW 77.12.270 ~~((not exceeding one thousand dollars))~~ may be filed ~~((with the director of financial management))~~ under RCW 4.92.040(5) if within one year of filing with the commission the claim is not settled and paid. ~~((Claims shall conform to the tort claim filing requirements in RCW 4.92.100 as now or hereafter amended.))~~ The ~~((director of financial)) risk management office~~ shall recommend to the legislature whether the claim should be approved. If the legislature approves the claim, the department shall pay it from moneys appropriated for that purpose.

(2) If a claim for damages under RCW 77.12.270 has been refused or has not been settled and paid by the commission within one hundred twenty days of the filing of the claim, either the claimant or the commission may serve upon the other personally or by registered mail a notice of intent to arbitrate. The notice shall contain the name of an arbitrator. Within ten days of receiving the notice, the person served shall serve the name of an arbitrator personally or by registered mail upon the other party. The two arbitrators, within seven days of the naming of the second arbitrator, shall select a third arbitrator who shall not be an employee of the department or member of the commission. If the two arbitrators cannot agree upon a third arbitrator, either party may petition the superior court in the county in which the claim arose to select the third arbitrator. Upon receiving the petition, the court shall appoint a third arbitrator. Filing fees or court costs arising from the petition shall be shared equally by the claimant and the department.

(3) The award of the arbitrators is advisory only and shall be filed with the department within ninety days following the naming of the third arbitrator. Payment shall not be made by the commission until the arbitrators have made their advisory award.

NEW SECTION. Sec. 13. Section 4, chapter 140, Laws of 1969 and RCW 4.92.131 are each repealed.*

On page 1, line 3 of the title, after "4.92.170," insert "77.12.270,"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Senate Bill No. 4693.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4693, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4693, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Goltz - 1.

Excused: Senators Kiskaddon, Stratton - 2.

SENATE BILL NO. 4693, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SENATE BILL NO. 4712 with the following amendment:
On page 3, line 24, after "to the" strike "state archivist" and insert "secretary of state",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Senate Bill No. 4712.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4712, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4712, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Stratton - 2.

SENATE BILL NO. 4712, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Saling was excused.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4783 with the following amendments:

On page 1, after line 3, strike the remainder of the bill and insert:

"NEW SECTION, Sec. 1. A new section is added to chapter 43.17 RCW to read as follows:

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

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

On page 1, line 2, after "act," strike the remainder of the line and insert "and adding a new section to chapter 43.17 RCW."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 4783.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4783, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4783, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Kiskaddon, Saling, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 4783, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4790 with the following amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 70.95 RCW to read as follows:

After January 1, 1988, the department of ecology may prohibit disposal of municipal sewage sludge or septic tank sludge (septage) in landfills for final disposal, except on a temporary, emergency basis, if the jurisdictional health department determines that a potentially unhealthful circumstance exists. Beneficial uses of sludge in landfill reclamation is acceptable utilization and not considered disposal.

The department of ecology shall adopt rules that provide exemptions from this section on a case-by-case basis. Exemptions shall be based on the economic infeasibility of using or disposing of the sludge material other than in a landfill.

The department of ecology, after consulting with representatives from cities, counties, special purpose districts, and operators of septic tank pump-out services, shall adopt rules for the environmentally safe use of municipal sewage sludge and septage in this state.

The department of ecology, after consulting with representatives from the pulp and paper industry and the food processing industry, may adopt rules for the environmentally safe use of appropriate industrial sludges, such as pulp and paper sludges or food processing wastes, used to improve the texture or nutrient content of soils.

The department of ecology, in conjunction with the department of social and health services and the department of agriculture, shall adopt rules establishing labeling and notification requirements for sludge material sold commercially or given away to the public. The department shall specify mandatory wording for labels and notification to warn the public against improper use of the material. The department shall submit a report to the appropriate standing committees of the legislature by January 1, 1987, on its implementation of this chapter."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Kreidler moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 4790.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, are there any prohibitions in this proposal that would keep them from putting heavy metals that are in the sludge in the landfill?"

Senator Kreidler: "Well, most of the heavy metals are going to be certainly still bound up in that sludge, there's no question about it. But at the same time it is just specifying that they should get away from using it as a landfill material but they could still use it as a part of the material that's used to do the surface type work--essentially restoring the soil and so forth on the top of the landfill, but to get away from using it as landfill material."

Senator Rasmussen: "My concern, Senator Kreidler, is all of this that they put on the land will then eventually sometime run down into our streams and into the drainage system and I don't like them doing that with sludge that has heavy metals in it."

Senator Kreidler: "Senator, there are adequate protections built into the bill to make sure that any of those uses where there would be any doubt or question as to how it might contaminate the environment would be taken into account before they would ever be used for any purpose where that might occur."

Senator Rasmussen: "I would hope so. Thank you."

REMARKS BY SENATOR GUESS

Senator Guess: "I would like to tell Senator Rasmussen that experiments that have been done in the Spokane area using the sludge for fertilizer that the barley that has been produced has not shown excessive levels of heavy metals. There are some increases in the heavy metals in the barley, but not beyond that which is allowed by DOE. I think this is a very good approach and then when we get the negotiations completed on the Cesium 137 capsules we will be able to use it even more than we are now."

The President declared the question before the Senate to be the motion by Senator Kreidler that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 4790.

The motion by Senator Kreidler carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4790.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4790, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4790, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Thompson - 1.

Excused: Senators Kiskaddon, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4790, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4814 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 9A.16 RCW to read as follows:

It is the policy of this state to protect children from assault and abuse and to encourage parents, teachers, and their authorized agents to use methods of correction and restraint of children that are not dangerous to the children. However, the physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child. Any use of force on a child by any other person is unlawful unless it is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child.

The following actions are presumed unreasonable when used to correct or restrain a child: (1) Throwing, kicking, burning, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) interfering with a child's breathing; (5) threatening a child with a deadly weapon; or (6) doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks. The age, size, and condition of the child and the location of the injury shall be considered when determining whether the bodily harm is reasonable or moderate. This list is illustrative of unreasonable actions and is not intended to be exclusive.

Sec. 2. Section 9A.16.020, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 7, chapter 244, Laws of 1979 ex. sess. and RCW 9A.16.020 are each amended to read as follows:

The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases:

(1) Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting ~~((him))~~ the officer and acting under ~~((his))~~ the officer's direction;

(2) Whenever necessarily used by a person arresting one who has committed a felony and delivering him or her to a public officer competent to receive him or her into custody;

(3) Whenever used by a party about to be injured, or by another lawfully aiding him or her, in preventing or attempting to prevent an offense against his or her person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his or her possession, in case the force is not more than is necessary;

(4) Whenever reasonably used by a person to detain someone who enters or remains unlawfully in a building or on real property lawfully in the possession of such person, so long as such detention is reasonable in duration and manner to investigate the reason for the detained person's presence on the premises, and so long as the premises in question did not reasonably appear to be intended to be open to members of the public;

(5) ~~((Whenever used in a reasonable and moderate manner by a parent or his authorized agent, a guardian, master, or teacher in the exercise of lawful authority, to restrain or correct his child, ward, apprentice, or scholar;~~

~~((6))~~ Whenever used by a carrier of passengers or ~~((his))~~ the carrier's authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is necessary to expel the offender with reasonable regard to ~~((his))~~ the offender's personal safety;

~~((7))~~ ~~((6))~~ Whenever used by any person to prevent a mentally ill, mentally incompetent, or mentally disabled person from committing an act dangerous to ~~((himself or another))~~ any person, or in enforcing necessary restraint for the protection ~~((of his person.))~~ or ~~((his))~~ restoration to health of the person, during such period only as is necessary to obtain legal authority for the restraint or custody of ~~((his))~~ the person.

Sec. 3. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 40, Laws of 1984 and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(10) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(11) Hear and decide appeals as otherwise provided by law.

The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

Sec. 4. Section 28A.05.010, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 71, Laws of 1969 and RCW 28A.05.010 are each amended to read as follows:

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system, the history of the United States, and such other studies as may be prescribed by rule or regulation of the state board of education. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise, and the worth of kindness to all living creatures. The prevention of child abuse may be offered as part of the curriculum in the common schools."

On page 1, line 1 of the title, after "prevention;" strike the remainder of the title and insert "amending RCW 9A.16.020, 28A.04.120, and 28A.05.010; and adding a new section to chapter 9A.16 RCW."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4814.

POINT OF ORDER

Senator Craswell: "Mr. President, a point of order. I believe this House amendment goes beyond the scope and object of the bill. The bill relates to child abuse education for children and as it passed the Senate it amends the compulsory education curriculum statute. Under the bill schools would be required to provide instruction on child abuse prevention to all grades K thru 12 and there is money appropriated for it.

"The portions of the House striking amendment relating to parental use of force goes well beyond education. The amendment relates to criminal law while the original bill deals only with the educational curriculum. The bill in the amendment adds sections to completely different sections of the RCW. In greater detail, the amendment would add to the section of the criminal code that includes the various defenses that defendants might assert in criminal trials. The amendment sets forth a list of the various uses of force which are presumed to be unreasonable means of correcting or restraining children. Those uses listed would not constitute defenses at trials for assault.

"Since the bill and the proposed amendment deal with such separate and distinct areas of law, it seems clear to me that the child discipline sections of the amendment exceed the scope and object."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 4814 was deferred.

MESSAGE FROM THE HOUSE

Mr. President:

March 5, 1986

The House has passed SUBSTITUTE SENATE BILL NO. 4815 with the following amendment:

On page 1, line 8, after "projects:" insert "PROVIDED, That loans shall not be made for any project located within any political subdivision which after the effective date of this section requires, directly or indirectly, a person engaged in a refuse collection business to absorb the tax imposed on such business under RCW 82.16.020, and monies appropriated for that project shall be held in reserve until the political subdivision no longer requires the tax to be absorbed:".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator McDermott moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 4815.

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator McDermott, that matter of the loans not being made for projects in political subdivisions where public surtax on refuse businesses has not been passed on? I can't quite understand what you're saying here. Is this in regard to a situation we've had because of the public works bill last year when we had the error? I just can't remember the explanation."

Senator McDermott: "We passed the public works bill last year with some taxes which we expected to be passed through and some of the garbage haulers have been forced to take it out of their pockets. That was not the intent, either in the House or the Senate Ways and Means Committee or on the floor and an interpretation by some governmental units has been misinterpreted and we want to make it very clear."

Senator Zimmerman: "And this does make it in conformity with some of the other measures that we've passed dealing with the same issue that have been passed through?"

Senator McDermott: "That's correct."

The President declared the question before the Senate to be the motion by Senator McDermott that the Senate do concur in the House amendment to Substitute Senate Bill No. 4815.

The motion by Senator McDermott carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 4815.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4815, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4815, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Benitz, Guess, Pullen, Sellar - 4.

Excused: Senators Kiskaddon, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4815, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed SENATE BILL NO. 4891 with the following amendment:

On page 1, strike everything after the enacting clause and insert:

"NEW SECTION, Sec. 1. A new section is added to chapter 46.70 RCW to read as follows:

The director may by rule waive any requirements pertaining to a vehicle dealer's established place of business if such waiver both serves the purposes of this chapter and is necessary due to unique circumstances such as a location divided by a public street or a highly specialized type of business."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Senate Bill No. 4891.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4891, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4891, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator von Reichbauer - 1.

Excused: Senators Kiskaddon, Stratton - 2.

SENATE BILL NO. 4891, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4897 with the following amendments:

On page 1, beginning on line 21, strike all material down to and including "felony." on page 2, line 12, and renumber the remaining section accordingly.

On page 1, beginning on line 2 of the title, strike "9A.36.030."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

Senator Talmadge moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4897.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, a process server can be a deputy sheriff, police officer or anybody delegated to do that?"

Senator Talmadge: "Yes."

Senator Rasmussen: "It also can be private firms?"

Senator Talmadge: "Yes."

Senator Rasmussen: "Now my question is, do these private firms wear a uniform that they can be recognized as a process server or are they somebody that you would think was selling you aluminum ware?"

Senator Talmadge: "They do not wear a uniform, Senator Rasmussen."

Senator Rasmussen: "How would an innocent victim determine that this was a legal officer?"

Senator Talmadge: "Senator, this, as I said, provides for a deletion of any crime for assaulting a process server. That is out of this bill. The only thing that this bill does is provide that a person who is legitimately serving process would not themselves be guilty of criminal trespass if they identify themselves and were doing the appropriate things that a process server does."

Further debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, I assume the effect of the House amendment which deletes making assault on a process server a class C felony does not mean that if you assault a process server that you would necessarily be exempt from charges. It simply means that the potential assault or the alleged assault has to be investigated in the way that any assault on any other person would be investigated."

Senator Talmadge: "That's correct, Senator."

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do concur in the House amendments to Substitute Senate Bill No. 4897.

The motion by Senator Talmadge carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 4897.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4897, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4897, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 8; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Boltiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, McCasin, McDonald, McManus, Moore, Newhouse, Owen, Paterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Bluechel, Craswell, Garrett, Guess, Lee, Metcalf, Pullen, Rasmussen - 8.

Absent: Senators Barr, McDermott - 2.

Excused: Senators Kiskaddon, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4897, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act."

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3182.

SENATE BILL NO. 3193.

SENATE BILL NO. 3278.

SUBSTITUTE SENATE BILL NO. 3416.

SUBSTITUTE SENATE BILL NO. 3458.

SECOND SUBSTITUTE SENATE BILL NO. 3487.

SUBSTITUTE SENATE BILL NO. 3847.

SUBSTITUTE SENATE BILL NO. 4305.

SUBSTITUTE SENATE BILL NO. 4418.

SUBSTITUTE SENATE BILL NO. 4465.

SENATE BILL NO. 4481.

SENATE BILL NO. 4506.

SUBSTITUTE SENATE BILL NO. 4525.

SENATE BILL NO. 4535.

SENATE BILL NO. 4538.

SENATE BILL NO. 4540.

SUBSTITUTE SENATE BILL NO. 4544.

SUBSTITUTE SENATE BILL NO. 4571.

SENATE BILL NO. 4582.

SENATE BILL NO. 4584.

SUBSTITUTE SENATE BILL NO. 4596.

SENATE BILL NO. 4601.

SUBSTITUTE SENATE BILL NO. 4658.

SUBSTITUTE SENATE BILL NO. 4659.

SUBSTITUTE SENATE BILL NO. 4661.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 4665,
 SUBSTITUTE SENATE BILL NO. 4676,
 SUBSTITUTE SENATE BILL NO. 4683,
 SENATE BILL NO. 4691,
 SUBSTITUTE SENATE BILL NO. 4717.

MOTION

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4898 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 20, chapter 34, Laws of 1939 as last amended by section 1, chapter 238, Laws of 1984 and RCW 52.12.031 are each amended to read as follows:

Any fire protection district organized under this title may:

(1) Lease, acquire, own, maintain, operate, and provide fire and emergency medical apparatus and all other necessary or proper facilities, machinery, and equipment for the prevention and suppression of fires, the providing of emergency medical services and the protection of life and property;

(2) Lease, acquire, own, maintain, and operate real property, improvements, and fixtures for housing, repairing, and maintaining the apparatus, facilities, machinery, and equipment described in subsection (1) of this section;

(3) Contract with any governmental entity or private person or entity to consolidate, provide, or cooperate for fire prevention protection, fire suppression, and emergency medical purposes. In so contracting, the district or governmental entity is deemed for all purposes to be acting within its governmental capacity. This contracting authority includes the furnishing of fire prevention, fire suppression, emergency medical services, facilities, and equipment to or by the district, governmental entity, or private person or entity;

(4) Encourage uniformity and coordination of fire protection district operations. The fire commissioners of fire protection districts may form an association to secure information of value in suppressing and preventing fires and other district purposes, to hold and attend meetings, and to promote more economical and efficient operation of the associated fire protection districts. The commissioners of fire protection districts in the association shall adopt articles of association or articles of incorporation for a nonprofit corporation, select a chairman, secretary, and other officers as they may determine, and may employ and discharge agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from funds paid into the association by fire protection districts: PROVIDED, That the aggregate contributions made to the association by a district in a calendar year shall not exceed two and one-half cents per thousand dollars of assessed valuation;

(5) Enter into contracts to provide group life insurance for the benefit of the personnel of the fire districts;

(6) Perform building and property inspections that the district deems necessary to provide fire prevention services and pre-fire planning within the district and any area that the district serves by contract in accordance with RCW 19.27.110: PROVIDED, That codes used by the district for building and property inspections shall be limited to the applicable codes adopted by the state, county, city, or town that has jurisdiction over the area in which the property is located. A copy of inspection reports prepared by the district shall be furnished by the district to the appropriate state, county, city, or town that has jurisdiction over the area in which the property is located: PROVIDED, That nothing in this subsection shall be construed to grant code enforcement authority to a district. This subsection shall not be construed as imposing liability on any governmental jurisdiction;

(7) Determine the origin and cause of fires occurring within the district and any area the district serves by contract. In exercising the authority conferred by this subsection, the fire protection district and its authorized representatives shall comply with the provisions of RCW 48.48.060;

(8) Perform acts consistent with this title and not otherwise prohibited by law.

NEW SECTION. Sec. 2. A new section is added to chapter 52.12 RCW to read as follows:

Fire protection districts in proximity to land protected by a state agency are encouraged to enter into mutually beneficial contracts covering reciprocal response arrangements. In the absence of such a contractual agreement, a fire protection district that takes immediate action

on such land outside of its jurisdictional boundaries, if such immediate response could prevent the spread of the fire onto lands protected by the district, shall be reimbursed by the state agency for its reasonable fire suppression costs that are incurred until the responsible agency takes charge, but in no event shall the costs exceed a twenty-four hour period. A fire protection district suppressing a fire on such lands shall as soon as practicable notify the responsible agency. The state agency shall not be responsible to pay such reimbursement if it is not so notified.

Reasonable efforts shall be taken to protect evidence of the fire's origin. The state agency shall not be responsible to pay such reimbursement if reasonable efforts are not taken to protect such evidence.

Requests for reimbursement shall be submitted within thirty days of the complete suppression of the fire. Reasonable costs submitted for reimbursement include all salaries and expenses of personnel, equipment, and supplies and shall take into consideration the amount of compensation, if any, paid by the fire protection district to its fire fighters."

On page 1, line 3 of the title, after "52.12.031" strike the remainder of the title and insert " and adding a new section to chapter 52.12 RCW."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4898.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4898, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4898, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bolliger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator McManus - 1.

Excused: Senators Kiskaddon, Stratton, von Reichbauer - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4898, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act."

MOTION

On motion of Senator Bender, Senator McManus was excused.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4497 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 74, Laws of 1967 ex. sess. as amended by section 1, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.005 are each amended to read as follows:

The legislature finds and declares that the distribution and sale of vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and license vehicle manufacturers, distributors, or wholesalers and factory or distributor representatives, and to regulate and license dealers(~~and salesmen~~) of vehicles doing business in Washington, in order to prevent frauds, impositions, and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state.

Sec. 2. Section 3, chapter 11, Laws of 1979 as last amended by section 2, chapter 305, Laws of 1981 and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn

upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" (~~shall~~) means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles (~~or providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers. PROVIDED, That~~). Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" (~~shall be~~) is a vehicle dealer that deals in new (~~and~~) or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" (~~shall be~~) is a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" (~~shall be~~) is a vehicle dealer that deals in motorcycles (~~and~~) or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term "vehicle dealer" does not include, nor do the provisions of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a used mobile home negotiates the purchase, sale, or exchange of the used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located and the real estate broker is not acting as an agent, subagent, or representative of a vehicle dealer licensed under this chapter; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association and any subsidiaries or holding companies thereof, or credit union authorized to do business in this state under state or federal law.

(5) "Vehicle (~~salesman~~) salesperson" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) (~~The term~~) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of licensing.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and (~~shall~~) further includes the terms:

(a) "Distributor," which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch," which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and (~~shall~~) further includes any sales promotion organization, whether (~~the same be~~) a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative," which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of (~~his, its, or~~) their vehicles or for supervising or contracting with (~~his, its, or~~) their dealers or prospective dealers.

(9) "Established place of business" means a (~~permanent enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including~~

the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A dealer operating a listing service who does not physically maintain any vehicles for display, or a vehicle dealer who merely rents or leases or licenses for use any space on a temporary basis not to exceed two days to private persons to sell their own vehicles, need not operate in a commercial building nor have such a display area)) location meeting the requirements of section 4(1) of this act at which a vehicle dealer conducts business in this state.

(10) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(11) "Subagency" means any place of business of a vehicle dealer within the ((same county as the principal place of business of the firm which)) state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the ((same county as the principal place of business of the firm under)) state, at which ((he)) place the firm does business ((under)) using a name other than the principal name of the firm, or both.

(12) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, auctions, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures.

(13) "Wholesale vehicle dealer" means a vehicle dealer who sells to Washington dealers.

(14) "Retail vehicle dealer" means a vehicle dealer who sells vehicles to the public.

(15) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

Sec. 3, Section 4, chapter 74, Laws of 1967 ex. sess. as amended by section 3, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.021 are each amended to read as follows:

It ((shall be)) is unlawful for any person, firm, or association to act as a vehicle dealer((; vehicle salesman)) or vehicle manufacturer, to engage in business as such, ((act as such;)) serve in the capacity of such, advertise himself, ((thself)) herself, or themselves as such, solicit sales as such, or distribute or transfer vehicles for resale in this state, without first obtaining and holding a current license as provided in this chapter((; PROVIDED, That a vehicle dealer shall not be required to have a vehicle salesman's license; PROVIDED, FURTHER, That)), unless the title of the vehicle is in the name of the seller. It is unlawful for any person other than a licensed vehicle dealer to display a vehicle for sale unless the registered owner or legal owner is the displayer or holds a notarized power of attorney. A person or firm engaged in buying and offering for sale, or buying and selling five or more vehicles in a twelve-month period, or in any other way engaged in dealer activity without holding a vehicle dealer license, is guilty of a gross misdemeanor, and upon conviction is subject to a fine of up to one thousand dollars for each violation and up to one year in jail. A second offense is a class C felony punishable under chapter 9A.20 RCW. A violation of this section is also a per se violation of chapter 19.86 RCW and is considered a deceptive practice. The department of licensing, the Washington state patrol, the attorney general's office, and the department of revenue shall cooperate in the enforcement of this section. A distributor, factory branch, or factory representative shall not be required to have a vehicle manufacturer license so long as the vehicle manufacturer so represented is properly licensed pursuant to this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 46.70 RCW to read as follows:

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or

mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law.

(2) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency; PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed new motor vehicle dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the administrative procedure act.

(3) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(4) A subagency shall comply with all requirements of an established place of business.

(5) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency.

(6) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(7) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(8) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(9) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(10) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(11) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

NEW SECTION, Sec. 5. A new section is added to chapter 46.70 RCW to read as follows:

A vehicle dealer is accountable for the dealer's employees, sales personnel, and managerial personnel while in the performance of their official duties. Any violations of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW committed by any of these employees subjects the dealer to license penalties prescribed under RCW 46.70.101. A retail purchaser who has suffered a loss or damage by reason of a breach of warranty or by any act by a dealer, salesperson, managerial person, or other employee of a dealership, that constitutes a violation of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW may institute an action for recovery against the dealer and the surety bond as set forth in RCW 46.70.070.

NEW SECTION, Sec. 6. A new section is added to chapter 46.70 RCW to read as follows:

Listing dealers shall transact dealer business by obtaining a consignment for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the purchaser shall be placed in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the mobile home from these funds. A complete account of all funds received and disbursed shall be given to the seller or consignor after the sale is completed.

Sec. 7. Section 5, chapter 74, Laws of 1967 ex. sess. as amended by section 4, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.031 are each amended to read as follows:

A vehicle dealer (~~salesman~~) or vehicle manufacturer may apply for a license by filing with the department an application in such form as the department may prescribe.

Sec. 8. Section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 187, chapter 158, Laws of 1979 and RCW 46.70.041 are each amended to read as follows:

(1) Every application for a vehicle dealer ~~((or a vehicle salesman's))~~ license shall contain the following information to the extent ~~((the same is applicable))~~ if applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant~~(s)~~ and ~~((in the case of a vehicle dealer,))~~ any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners;

~~((e))~~ Any other information the department may reasonably require.

~~(2)~~ If the applicant is a vehicle dealer:

~~(a))~~ (f) A business telephone with a listing in the local directory;

~~(g)~~ The name or names of new vehicles the vehicle dealer wishes to sell;

~~((b))~~ (h) The names and addresses of each manufacturer from whom the applicant has received a franchise;

~~((c))~~ (i) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;

~~((d))~~ (j) A certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department, that the ~~((applicant has an established))~~ applicant's principal place of business ~~((at))~~ and each subagency business location in the state of Washington~~((PROVIDED, That))~~ meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of business is established. In no event ((shall such)) may the certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons;

~~((e))~~ (k) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty~~((PROVIDED, That))~~. This requirement ~~((shall))~~ applies only ~~((apply))~~ to applicants seeking to sell, to exchange, to offer, ~~((to broker,))~~ to auction, to solicit, or to advertise new or current-model vehicles with factory or distributor warranties;

~~((f))~~ (l) The class of vehicles the vehicle dealer will be buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising, ~~((or for which the dealer will be providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers,))~~ and which classification or classifications the dealer wishes to be designated as;

~~((g))~~ The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court.

~~(3)~~ If the applicant is a vehicle salesman, such application shall contain, in addition, a certification by the vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character;

~~(4))~~ (m) Any other information the department may reasonably require.

(2) If the applicant is a manufacturer ~~((such))~~ the application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer

requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department:

(g) Any other information the department may reasonably require.

Sec. 9, Section 13, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 251, Laws of 1979 ex. sess. and RCW 46.70.061 are each amended to read as follows:

(1) The ~~annual~~ fees for original licenses issued for ~~((a calendar year or any portion thereof pursuant to))~~ twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((Sixty))~~ Two hundred fifty dollars;

(b) Vehicle dealers, each ~~((and every))~~ subagency: ~~((Ten))~~ Twenty-five dollars; temporary subagency: Twenty-five dollars;

(c) ~~((Vehicle salespersons: Ten~~ dollars;

~~((d))~~ Vehicle manufacturers: ~~((Sixty))~~ Two hundred fifty dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((Fifty))~~ One hundred twenty-five dollars;

(b) Vehicle dealer, each and every subagency: ~~((Ten))~~ Twenty-five dollars;

(c) ~~((Vehicle salespersons: Ten~~ dollars;

~~((d))~~ Vehicle manufacturers: ~~((Fifty))~~ One hundred twenty-five dollars.

~~((PROVIDED, That))~~ If any licensee fails or neglects to apply for such renewal ((prior to February 1st in each year)) within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be:

~~((a) Vehicle dealer, principal place of business of each and every license classification, provided that such change is within the same county: Ten~~ dollars;

~~((b) There shall be no transfer of any vehicle dealer subagency license;~~

~~((c) Vehicle salesperson, provided that no such fee shall be required in a transfer from one location of any one dealer to any other location: Five))~~ twenty-five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be ~~((turned into))~~ deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed ~~((herein shall be))~~ in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

Sec. 10, Section 13, chapter 74, Laws of 1967 ex. sess. as last amended by section 9 of this 1986 act and RCW 46.70.061 are each amended to read as follows:

(1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((Two hundred fifty))~~ Five hundred dollars;

(b) Vehicle dealers, each subagency: ~~((Twenty-five))~~ Fifty dollars; temporary subagency: Twenty-five dollars;

(c) Vehicle manufacturers: ~~((Two hundred fifty))~~ Five hundred dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((One hundred twenty-five))~~ Two hundred fifty dollars;

(b) Vehicle dealer, each and every subagency: Twenty-five dollars;

(c) Vehicle manufacturers: ~~((One hundred twenty-five))~~ Two hundred fifty dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be twenty-five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

Sec. 11, Section 46.70.070, chapter 12, Laws of 1961 as last amended by section 1, chapter 152, Laws of 1981 and RCW 46.70.070 are each amended to read as follows:

(1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

(a) Fifteen thousand dollars for motor vehicle dealers;

(b) Thirty thousand dollars for mobile home and travel trailer dealers: PROVIDED, That if such dealer does not deal in mobile homes such bond shall be fifteen thousand dollars;

(c) Five thousand dollars for miscellaneous dealers,

running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter;

(d) Wholesale dealers shall not be required to file a surety bond with the department.

Any retail purchaser who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

(3) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies.

Sec. 12. Section 10, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 109, Laws of 1985 and RCW 46.70.083 are each amended to read as follows:

The license of a vehicle dealer or a vehicle manufacturer expires on the date assigned by the director, and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application.

~~(Registration of a vehicle salesman expires on the date assigned by the director, and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application:))~~

Before renewal, the dealer's established place of business shall be certified by a representative of the department, the chief of police or his deputy, or a member of the Washington state patrol. The certification shall verify compliance with the requirements of this chapter for an established place of business. Failure by the dealer to comply is grounds for denial of the renewal application.

Sec. 13. Section 11, chapter 74, Laws of 1967 ex. sess. as last amended by section 5, chapter 152, Laws of 1981 and RCW 46.70.101 are each amended to read as follows:

The director may by order deny, suspend, or revoke the license of any vehicle dealer(;;) or vehicle manufacturer(~~or vehicle salesman~~) or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if ~~(he)~~ the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Does not have an established place of business as ~~((defined))~~ required in this chapter;

~~(v) ((Employs an unlicensed salesman or one whose license has been denied, revoked within the last year, or is currently suspended, the terms of which have not been fulfilled;~~

~~(vii))~~ Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

~~((viii))~~ (vi) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid,

written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same;

~~((viii))~~ (vii) Is insolvent, either in the sense that ~~((his))~~ their liabilities exceed ~~((his))~~ their assets, or in the sense that ~~((he))~~ they cannot meet ~~((his))~~ their obligations as they mature;

~~((ix))~~ (viii) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

~~((x))~~ (ix) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(x) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates ~~((and))~~ or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices; ~~((or))~~

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles;

(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means; or

(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds.

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) ~~((in the case of a vehicle salesman:~~

~~(a) Was the holder, or was a partner in a partnership or was an officer, director, or owner involved in the management of a corporation which was the holder, of a license issued pursuant to this chapter which was revoked for cause and never reissued, or was suspended and the terms of the suspension had not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;~~

~~(b) Has been adjudged guilty of a crime which directly relates to the business of a vehicle salesman and the time elapsed since the conviction is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purpose of this section, the term adjudged guilty means, in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended;~~

~~(c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto or in any matter under investigation by the department;~~

~~(d) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;~~

~~(e) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;~~

~~(f) Has forged the signature of the registered or legal owner on a certificate of title;~~

~~(g) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;~~

~~(h) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;~~

~~(i) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;~~

(j) ~~Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;~~

(k) ~~Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of such property or funds;~~

~~(3))~~ In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or used vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or used vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or used vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

Sec. 14. Section 12, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.102 are each amended to read as follows:

Upon the entry of the order under RCW 46.70.101 the director shall promptly notify the applicant or licensee ~~((as well as the employer or prospective employer if the applicant or licensee is a salesman))~~ that the order has been entered and of the reasons therefor and that if requested by the applicant or licensee within fifteen days after the receipt of the director's notification, the matter will be promptly set down for hearing pursuant to chapter 34.04 RCW. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, or his personal representative, after notice of and opportunity for hearing, may modify or vacate the order, or extend it until final determination. No final order may be entered under RCW 46.70.101 denying or revoking a license without appropriate prior notice to the applicant or licensee ~~((as well as the employer or prospective employer if the applicant or licensee is a salesman))~~, opportunity for hearing, and written findings of fact and conclusions of law.

NEW SECTION. Sec. 15. A new section is added to chapter 46.70 RCW to read as follows:

If it appears to the director that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a rule adopted or an order issued under this chapter, the director may issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending a hearing. The temporary order shall remain in effect until ten days after the hearing is held and shall become final if the person to whom the notice is addressed does not request a hearing within fifteen days after receipt of the notice.

Sec. 16. Section 46.70.120, chapter 12, Laws of 1961 as amended by section 15, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.120 are each amended to read as follows:

A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale of all vehicles purchased or sold by him (~~which~~). The records shall consist of:

- (1) The license and title numbers of the state in which the last license was issued;
- (2) A description of the vehicle: (~~and~~)
- (3) The name and address of person from whom purchased: (~~and~~)
- (4) The name of legal owner, if any: (~~and~~)
- (5) The name and address of purchaser: (~~and~~)
- (6) If purchased from a dealer, the name, business address, dealer license number, and resale tax number of the dealer;
- (7) The price paid for the vehicle and the method of payment;
- (8) The odometer statement given by the seller to the dealer, and the odometer statement given by the dealer to the purchaser;
- (9) The written agreement to allow a dealer to sell between the dealer and the consignor, or the listing dealer and the seller;
- (10) Trust account records of receipts, deposits, and withdrawals;
- (11) All sale documents, which shall show the full name of dealer employees involved in the sale;
- (12) Any additional information the department may require.

Such record shall be maintained separate and apart from all other business records of the dealer and shall at all times be available for inspection by the director or his duly authorized agent.

Sec. 17. Section 5, chapter 68, Laws of 1965 and RCW 46.70.170 are each amended to read as follows:

It (~~shall be~~) is a misdemeanor for any person to violate any of the provisions of this chapter, except where expressly provided otherwise, and the rules (~~and regulations promulgated~~) adopted as provided under this chapter.

Sec. 18. Section 16, chapter 74, Laws of 1967 ex. sess. as last amended by section 13, chapter 472, Laws of 1985 and RCW 46.70.180 are each amended to read as follows:

Each of the following acts or practices is (~~hereby declared~~) unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer, or contract document together with any

initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle said "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding said "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his customary total customer deposits for vehicles for future delivery.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) said cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the

vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties.

Sec. 19. Section 21, chapter 74, Laws of 1967 ex. sess. as amended by section 19, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.190 are each amended to read as follows:

Any person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

Any person recovering judgment or whose claim has been dismissed with prejudice against a manufacturer pursuant to RCW ~~((46.70.186(7)(b)))~~ 46.70.180(11)(b) and this section shall, upon full payment of said judgment, or upon the dismissal of such claim, execute a waiver in favor of the judgment debtor or defendant of any claim arising prior to the date of said judgment or dismissal under the Federal Automobile Dealer Franchise Act, 15 United States Code Sections 1221-1225. Any person having recovered full payment for any judgment or whose claim has been dismissed with prejudice under said Federal Automobile Dealer Franchise Act shall have no cause of action under this section for alleged violation of RCW ~~((46.70.186(7)(b)))~~ 46.70.180(11)(b), with respect to matters arising prior to the date of said judgment.

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter.

Sec. 20. Section 17, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.200 are each amended to read as follows:

The director shall revoke or refuse to issue a ~~((motor))~~ vehicle dealer's license for a franchise replacing a canceled or terminated franchise if a civil action pursuant to RCW 46.70.190 is pending and was filed within sixty days following the written notification of the cancellation or nonrenewal of an existing franchise and a certified copy of ~~((said))~~ the complaint alleging the date of said notification is filed with the department within said sixty days by the complaining motor vehicle dealer. The court may, however, in order to maintain adequate and competitive service in the area or upon a showing of good cause by the manufacturer, distributor, or factory branch order the director to issue ~~((said motor))~~ the vehicle dealer's license if the dealer complies with other sections of chapter 46.70 RCW.

Sec. 21. Section 18, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.210 are each amended to read as follows:

Upon the filing of a complaint pursuant to RCW 46.70.190 by a complaining ~~((motor))~~ vehicle dealer within sixty days following the written notification of the cancellation or nonrenewal of the existing franchise, any canceled or nonrenewed franchise of said complaining dealer shall stay in full force and effect until the complaint has been expeditiously disposed of, unless the court, pursuant to RCW 46.70.200, has ordered the director to issue a ~~((motor))~~ vehicle dealer's license to a new franchisee.

If a new franchise is given by a manufacturer, distributor, or factory branch for the sale of the same make of ~~((motor))~~ vehicle in the same area of responsibility in that covered in ~~((said))~~ the canceled or terminated franchise, ~~((such act shall be))~~ that act is prima facie evidence that the new franchise replaced the canceled or terminated franchise.

Sec. 22. Section 24, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.260 are each amended to read as follows:

The provisions of this chapter shall be applicable to all franchises and contracts existing between ~~((motor))~~ vehicle dealers and manufacturers or factory branches and to all future franchises and contracts.

NEW SECTION. Sec. 23. A new section is added to chapter 46.70 RCW to read as follows:

Any violation of this chapter is deemed to affect the public interest and constitutes a violation of chapter 19.86 RCW.

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

(1) Section 8, chapter 74, Laws of 1967 ex. sess., section 10, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.081; and

(2) Section 9, chapter 74, Laws of 1967 ex. sess., section 5, chapter 74, Laws of 1971 ex. sess., section 11, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.082.

NEW SECTION. Sec. 25. The department shall report to the legislature as to the implementation of this act, and make any necessary recommendations for revisions by December 31, 1987.

NEW SECTION. Sec. 26. The department shall develop a specific plan for the full implementation of this act and shall report its findings to the legislative transportation committee by

December 15, 1986. The plan shall include an evaluation of the feasibility of basing the annual license fee schedule on volume, rather than on the flat rates established in RCW 46.70.061, and shall consider the establishment of no fewer than five license fee categories.

NEW SECTION, Sec. 27. To carry out this act, the sum of three hundred seventy-five thousand dollars, or so much thereof as may be necessary, is appropriated to the department of licensing from the motor vehicle fund for the biennium ending June 30, 1987.

NEW SECTION, Sec. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except section 9 of this act shall take effect July 1, 1986, and section 10 of this act shall take effect July 1, 1987."

On page 1, line 1 of the title, after "sales;" strike the remainder of the title and insert "amending RCW 46.70.005, 46.70.011, 46.70.021, 46.70.031, 46.70.041, 46.70.061, 46.70.070, 46.70.083, 46.70.101, 46.70.102, 46.70.120, 46.70.170, 46.70.180, 46.70.190, 46.70.200, 46.70.210, and 46.70.260; adding new sections to chapter 46.70 RCW; creating new sections; repealing RCW 46.70.081 and 46.70.082; prescribing penalties; making an appropriation; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Warnke moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4497.

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, I am concerned about the possibility of requiring dealers to have two bonds if, because of space limitations, they maintain two locations. Is it your understanding that two bonds are required in this situation?"

Senator Bottiger: "Senator Newhouse, the dealers should not be required to have two bonds in the case that you've illustrated. If it's a sub-agency, the exemption that is provided in this bill should result in only one bond being required where space limitations necessitate two locations. With your agreement, Senator Newhouse, I will make sure that the Department of Licensing receives a copy of this colloquy so that they will understand our instructions in this regard."

Senator Newhouse: "Thank you, Senator."

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4497.

The motion by Senator Warnke carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4497.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4497, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4497, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; nays, 14; absent, 2; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, Lee, Moore, Newhouse, Owen, Peterson, Peterson, Rhinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Wojahn - 29.

Voting nay: Senators Barr, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, McCaslin, McDonald, Metcalf, Pullen, Rasmussen, Williams, Zimmerman - 14.

Absent: Senators Conner, McDermott - 2.

Excused: Senators Kiskaddon, McManus, Stratton, von Reichbauer - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4497, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act."

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587, providing for expanded international trade, have had the same under consideration and we recommend that the Senate amendments be adopted to page 2, lines 3, 5 and 32; page 4, lines 9 and 33; and page 9, line 11, and we request the powers of Free Conference in order to further amend the bill as follows:

On page 2, line 14, after "than a" insert "county-wide"

Signed by Senators Warnke, Goltz and Sellar; Representatives McMullen and Kremen.

MOTION

On motion of Senator Warnke, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1587 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1708, modifying liquor control board membership terms, have had the same under consideration and we recommend that the Senate Commerce and Labor Committee amendments not be adopted to page 1, lines 14 and 19, and request the powers of Free Conference in order to amend the bill as follows:

On page 1, line 14, after "qualified," strike everything down to and including "aforesaid" on line 19 and insert "After the effective date of this 1986 act, the term that began on January 15, 1985 will end on January 15, 1989, the term beginning on January 15, 1988 will end on January 15, 1993, and the term beginning on January 15, 1991 will end on January 15, 1997. Thereafter, upon the expiration of the term of any ((of the three members of the board appointed as aforesaid)) member appointed after the effective date of this 1986 act"

Signed by Senators Warnke, Moore and Metcalf; Representatives Belcher, Walk and Fuhrman.

MOTION

On motion of Senator Warnke, the Report of the Conference Committee on House Bill No. 1708 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House has concurred to the Senate amendments to the following listed bills and passed said bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1177.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1986.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 4762 and the Speaker has appointed the following members as conferees: Representatives Grimm, Braddock and B. Williams.

DENNIS L. HECK, Chief Clerk

MOTION

At 6:14 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Monday, March 10, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 10, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Benitz, Cantu, Johnson, McManus, Stratton and Williams. On motion of Senator Vognild, Senators Bender and Stratton were excused. On motion of Senator von Reichbauer, Senators Cantu and Johnson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Copp and Roseanne Carlson, presented the Colors. Reverend Vincent Smith, pastor of the College Street Christian Church of Lacey, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

March 1, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4927 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 51.36 RCW to read as follows:

The legislature finds and declares it to be in the public interest of the residents of the state of Washington that a proper regulatory and inspection program be instituted in connection with the provision of medical, dental, vocational, and other health services to industrially injured workers pursuant to Title 51 RCW. In order to effectively accomplish such purpose and to assure that the industrially injured worker receives such services as are paid for by the state of Washington, the acceptance by the industrially injured worker of such services, and the request by a provider of services for reimbursement for providing such services, shall authorize the director of the department of labor and industries or the director's authorized representative to inspect and audit all records in connection with the provision of such services.

NEW SECTION, Sec. 2. A new section is added to chapter 51.36 RCW to read as follows:

The director of the department of labor and industries or the director's authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical, dental, vocational, and other health services furnished to industrially injured workers pursuant to Title 51 RCW. In the conduct of such audits or investigations, the director or the director's authorized representatives may examine all records, or portions thereof, including patient records, for which services were rendered by a health services provider and reimbursed by the department, notwithstanding the provisions of any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health services provider, and that the disclosure of any records or information obtained under authority of this section by the department of labor and industries is prohibited and constitutes a violation of RCW 42.22.040, unless such disclosure is directly connected to the official duties of the department: AND PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationships between the provider and the patient: AND PROVIDED FURTHER, That the director or the director's authorized representative shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation, or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW; and

(3) Terminate or suspend eligibility to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW.

NEW SECTION, Sec. 3. A new section is added to chapter 51.48 RCW to read as follows:

Any person, firm, corporation, partnership, association, agency, institution, or other legal entity, but not including an industrially injured recipient of health services, that, without intent to violate this chapter, obtains payments under Title 51 RCW to which such person or entity is not entitled, shall be liable for: (1) Any excess payments received; and (2) interest on the

amount of excess payments at the rate of one percent each month for the period from the date upon which payment was made to the date upon which repayment is made to the state.

NEW SECTION. Sec. 4. A new section is added to chapter 51.48 RCW to read as follows:

(1) No person, firm, corporation, partnership, association, agency, institution, or other legal entity, but not including an industrially injured recipient of health service, shall, on behalf of himself or others, obtain or attempt to obtain payments under this chapter in a greater amount than that to which entitled by means of:

(a) A wilful false statement;

(b) Wilful misrepresentation, or by concealment of any material facts; or

(c) Other fraudulent scheme or device, including, but not limited to:

(i) Billing for services, drugs, supplies, or equipment that were not furnished, of lower quality, or a substitution or misrepresentation of items billed; or

(ii) Repeated billing for purportedly covered items, which were not in fact so covered.

(2) Any person, firm, corporation, partnership, association, agency, institution, or other legal entity knowingly violating any of the provisions of subsection (1) of this section shall be liable for repayment of any excess payments received, plus interest on the amount of the excess benefits or payments at the rate of one percent each month for the period from the date upon which payment was made to the date upon which repayment is made to the state. Such person or other entity shall further, in addition to any other penalties provided by law, be subject to civil penalties. The director of the department of labor and industries may assess civil penalties in an amount not to exceed the greater of one thousand dollars or three times the amount of such excess benefits or payments: PROVIDED, That these civil penalties shall not apply to any acts or omissions occurring prior to the effective date of this act.

(3) A criminal action need not be brought against a person, firm, corporation, partnership, association, agency, institution, or other legal entity for that person or entity to be civilly liable under this section.

(4) Civil penalties shall be deposited in the general fund upon their receipt.

NEW SECTION. Sec. 5. A new section is added to chapter 51.48 RCW to read as follows:

Any person, firm, corporation, partnership, association, agency, institution, or other legal entity, that:

(1) Knowingly makes or causes to be made any false statement or representation of a material fact in any application for any payment under this title; or

(2) At any time knowingly makes or causes to be made any false statement or representation of a material fact for use in determining rights to such payment, or knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact in connection with such application or payment; or

(3) Having knowledge of the occurrence of any event affecting (a) the initial or continued right to any payment, or (b) the initial or continued right to any such payment of any other individual in whose behalf he or she has applied for or is receiving such payment, conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount or quantity than is due or when no such payment is authorized;

shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

NEW SECTION. Sec. 6. A new section is added to chapter 51.48 RCW to read as follows:

(1) Any person, firm, corporation, partnership, association, agency, institution, or other legal entity, that solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind:

(a) In return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this chapter; or

(b) In return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any goods, facility, service, or item for which payment may be made in whole or in part under this chapter;

shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

(2) Any person, firm, corporation, partnership, association, agency, institution, or other legal entity, that offers or pays any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person:

(a) To refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made, in whole or in part, under this chapter; or

(b) To purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any goods, facility, service, or item for which payment may be made in whole or in part under this chapter;

shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

(3) Subsections (1) and (2) of this section shall not apply to:

(a) A discount or other reduction in price obtained by a provider of services or other entity under this chapter if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under this chapter; and

(b) Any amount paid by an employer to an employee (who has a bona fide employment relationship with such employer) for employment in the provision of covered items or services.

(4) Subsections (1) and (2) of this section, if applicable to the conduct involved, shall supersede the criminal provisions of chapter 19.68 RCW, but shall not preclude administrative proceedings authorized by chapter 19.68 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 51.48 RCW to read as follows:

The director of the department of labor and industries may by rule require that any application, statement, or form filled out by any health services provider under this title shall contain or be verified by a written statement that it is made under the penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each such paper shall in such event so state. The making or subscribing of any such papers or forms containing any false or misleading information may be prosecuted and punished under chapter 9A.72 RCW.

Sec. 8. Section 1, chapter 14, Laws of 1980 and RCW 51.04.030 are each amended to read as follows:

The director shall, through the division of industrial insurance, supervise the providing of prompt and efficient care and treatment, including care provided by physicians' assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and promulgate and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment; PROVIDED, That the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost effective payment levels or rates are obtained by the department; and PROVIDED FURTHER, That the department may enter into volume based contracts for services including, but not limited to, durable medical equipment so long as statewide access to quality service is maintained for injured workers.

The director shall make and, from time to time, change as may be, and promulgate a fee bill of the maximum charges to be made by any physician, surgeon, hospital, druggist, physicians' assistants as defined in chapters 18.57A and 18.71A RCW, acting under a supervising physician or other agency or person rendering services to injured workers. No service covered under this title shall be charged or paid at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be valid as to the excess.

The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the promulgated rules, regulations, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules and regulations promulgated under it.

Sec. 9. Section 51.04.040, chapter 23, Laws of 1961 as amended by section 1, chapter 323, Laws of 1977 ex. sess. and RCW 51.04.040 are each amended to read as follows:

The director shall have power to issue subpoenas to enforce the attendance and testimony of witnesses and the production and examination of books, papers, photographs, tapes, and records before the department in connection with any claim made to the department, any billing submitted to the department, or the assessment or collection of premiums. The superior court shall have the power to enforce any such subpoena by proper proceedings.

Sec. 10. Section 51.52.050, chapter 23, Laws of 1961 as last amended by section 9, chapter 315, Laws of 1985 and RCW 51.52.050 are each amended to read as follows:

Whenever the department has made any order, decision, or award, it shall promptly serve the worker, beneficiary, employer, or other person affected thereby, with a copy thereof by mail, which shall be addressed to such person at his or her last known address as shown by the records of the department. The copy, in case the same is a final order, decision, or award, shall bear on the same side of the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award shall become final within sixty days from the date the order is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia; PROVIDED, That a department order or decision making demand, whether with or without penalty, for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker, shall state that such order or decision shall become final within twenty days from the date the order or decision is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia.

Whenever the department has taken any action or made any decision relating to any phase of the administration of this title the worker, beneficiary, employer, or other person aggrieved thereby may request reconsideration of the department, or may appeal to the board. In an appeal before the board, the appellant shall have the burden of proceeding with the evidence to establish a prima facie case for the relief sought in such appeal. Any such person aggrieved by the decision and order of the board may thereafter appeal to the superior court, as prescribed in this chapter.

Sec. 11. Section 51.52.060, chapter 23, Laws of 1961 as last amended by section 76, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.060 are each amended to read as follows:

Any worker, beneficiary, employer, or other person aggrieved by an order, decision, or award of the department must, before he or she appeals to the courts, file with the board and the director, by mail or personally, within sixty days from the day on which such copy of such order, decision, or award was communicated to such person, a notice of appeal to the board; PROVIDED, That a health services provider or other person aggrieved by a department order or decision making demand, whether with or without penalty, for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker must, before he or she appeals to the courts, file with the board and the director, by mail or personally, within twenty days from the day on which such copy of such order or decision was communicated to the health services provider upon whom the department order or decision was served, a notice of appeal to the board. Within ten days of the date on which an appeal has been granted by the board, the board shall notify the other interested parties thereto of the receipt thereof and shall forward a copy of said notice of appeal to such other interested parties. Within twenty days of the receipt of such notice of the board, the worker or the employer may file with the board a cross-appeal from the order of the department from which the original appeal was taken: PROVIDED, That nothing contained in this section shall be deemed to change, alter or modify the practice or procedure of the department for the payment of awards pending appeal: AND PROVIDED, That failure to file notice of appeal with both the board and the department shall not be ground for denying the appeal if the notice of appeal is filed with either the board or the department: AND PROVIDED, That, if within the time limited for filing a notice of appeal to the board from an order, decision, or award of the department, the department shall direct the submission of further evidence or the investigation of any further fact, the time for filing such notice of appeal shall not commence to run until such person shall have been advised in writing of the final decision of the department in the matter: PROVIDED, FURTHER, That in the event the department shall direct the submission of further evidence or the investigation of any further fact, as above provided, the department shall render a final order, decision, or award within ninety days from the date such further submission of evidence or investigation of further fact is ordered which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days: PROVIDED, FURTHER, That the department, either within the time limited for appeal, or within thirty days after receiving a notice of appeal, may modify, reverse or change any order, decision, or award, or may hold any such order, decision, or award in abeyance for a period of ninety days which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days pending further investigation in light of the allegations of the notice of appeal, and the board shall thereupon deny the appeal, without prejudice to the appellant's right to appeal from any subsequent determinative order issued by the department.

NEW SECTION, Sec. 12. A new section is added to chapter 51.08 RCW to read as follows:

"Health services provider" or "provider" means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker.

NEW SECTION, Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "51.48 RCW;" insert "adding a new section to chapter 51.08 RCW:".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4927.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4927, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4927, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Absent: Senators Benitz, McManus, Wojahn - 3.

Excused: Senators Bender, Cantu, Johnson, Stratton - 4.

ENGROSSED SENATE BILL NO. 4927, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SUBSTITUTE SENATE BILL NO. 4762 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4762, adopting the supplemental budget, have had the same under consideration and we request the powers of Free Conference in order to amend the bill as recommended by the Conference Committee with the additional addendum as follows:

Addendum to Conference Report on Engrossed Substitute Senate Bill No. 4762:

On page 104, after line 5 of the Conference Report, insert the following:

"NEW SECTION, Sec. 904, Section 3, chapter 50, Laws of 1984 (uncodified) is repealed."

Renumber the remaining sections consecutively.

On page 106 of the Conference Report, on line 12 of the title amendment, after "sections;" insert "repealing section 3, chapter 50, Laws of 1984 (uncodified);"

On page 53, beginning on line 8 of the Conference Report, after "\$150,000" strike all material down to and including "trade," on line 9, and insert "to the centennial commission."

Conference Committee

Strike everything after the enacting clause and insert the following:

"PART I

GENERAL GOVERNMENT

Sec. 101, Section 107, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

	FY 1986	FY 1987
General Fund Appropriation \$	4,436,000	((4,436,000))
		<u>4,651,000</u>
Total Appropriation	\$(8,872,000)	<u>9,087,000</u>

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

(1) \$1,314,000 of the fiscal year 1986 appropriation and \$1,314,000 of the fiscal year 1987 appropriation are provided solely for the indigent appeals program.

(2) \$215,000 of the appropriation is provided solely for the twelve-month project ABLE (Appellate Backlog Elimination). The funds are to be expended during the twelve months of the project in divisions I and II of the court of appeals.

Sec. 102, Section 110, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

FY 1986

FY 1987

General Fund Appropriation	\$	9,552,000	((9,501,000)) 9,752,000
General Fund—Public Safety and Education Account Appropriation	\$	((7,219,000)) 6,998,000	((6,619,000)) 5,733,000
Total Appropriation		\$((32,091,000)) 32,035,000	

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

(1) A maximum of \$5,767,000 of the fiscal year 1986 general fund appropriation and \$5,767,000 of the fiscal year 1987 general fund appropriation may be spent for the superior court judges.

(2) ~~\$(50,000)~~ 123,000 of the general fund appropriation for fiscal year 1987 is provided solely for the additional costs associated with the newly created superior court judges positions in ~~((accordance with Substitute Senate Bill No. 3165. If SB 3165 is not enacted by July 1, 1985, this appropriation shall lapse))~~ chapter 357, Laws of 1985.

(3) \$1,456,000 of the fiscal year 1986 and \$1,456,000 of the fiscal year 1987 general fund—state appropriation are provided solely for the continuation of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane and Yakima counties. All property which has been received by the department of corrections from contractors for these programs shall be delivered to the custody of the administrator for the courts.

(4) \$122,000 of the fiscal year 1986 and \$121,000 of the fiscal year 1987 general fund—state appropriation are provided solely for community diversion programs.

(5) ~~\$(100,000)~~ 278,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

(6) If House Bill No. 1869 is not enacted before April 1, 1986, \$1,384,000 of the public safety and education account appropriation shall revert.

Sec. 103. Section 121, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation	\$	FY 1986 ((7,939,000)) 7,794,000	FY 1987 ((6,061,000)) 6,892,000
Medical Aid Fund Appropriation	\$	50,000	50,000
Total Appropriation		\$(14,900,000)) 14,786,000	

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

(1) \$8,300 of the general fund appropriation is provided solely for payment of claims against the state of \$500 or less, under RCW 4.92.040.

(2) ~~\$(195,000 of the fiscal year 1986 and \$169,000 of the fiscal year 1987 general fund appropriation are provided solely for health care cost containment activities as provided in chapter — (SHB 1077 or SSB 4242), Laws of 1985. If neither bill is enacted by July 1, 1985, the amounts provided in this subsection shall revert.~~

~~(3)) \$69,000 of the fiscal year 1986 and \$38,000 of the fiscal year 1987 general fund appropriation are provided solely for jail population forecast activities as provided in chapter ((— (SB 3596)) 201, Laws of 1985. ((If SB 3596 is not enacted by July 1, 1985, the amounts provided in this subsection shall revert.~~

~~(4)) (3) \$1,000,000 of the fiscal year 1986 general fund—state appropriation is provided solely for grants to cities and counties for adjudication of serious traffic offenses as defined in section 2, chapter 110, Laws of 1984. The funding provided under this subsection is intended to assist cities and counties in becoming able to adjudicate these offenses without financial assistance from the state. These grants shall be distributed using the eligibility and priority standards provided in sections 2 through 5 of chapter 110, Laws of 1984, after adjusting the dates specified in that chapter as appropriate to achieve the purpose of this subsection. These grants shall be limited to adjudication activities conducted on or before February 28, 1986.~~

(4) \$50,000 of the general fund—state appropriation for fiscal year 1986 is provided solely to pay defense costs in State v. Howard, Yakima County superior court no. 84-1-00953-1, that may become a liability of the state under the final decision of the state supreme court upon reconsideration of its decision in State v. Howard, 105 Wn.2d 71. This amount shall be placed in a reserve account, and the director shall pay to the attorney general such sums, if any, from the account as the attorney general from time to time certifies are required to be paid under the final decision. The director may transfer the balance of the reserve account to the appropriation for fiscal year 1987 as necessary to meet the certified payment requirements. Upon certification by the attorney general that the defense costs in the case have been fully paid, the balance remaining in the reserve account shall lapse.

(5) \$200,000 of the fiscal year 1987 general fund appropriation is provided solely for costs related to the governor's advisory council on education funding.

(6) (a) A study to assess the feasibility of establishing an office of state public defender for trial and appellate cases shall be undertaken, to include:

(i) A description of the current system for providing representation to persons accused of crime who would not otherwise be able to afford representation;

(ii) A proposal to establish a state defender program;

(iii) Recommendations for a manner of financing the program;

(iv) Standards and guidelines for determining who should be eligible to receive legal services under the program;

(v) Recommendations for a plan to provide counsel when a conflict of interest would prevent representation by attorneys in the program;

(vi) Standards and guidelines for determining maximum and minimum caseloads for attorneys in the program;

(vii) Recommendations for a plan to train attorneys in the program; and

(viii) Mandatory pro bono publico efforts by attorneys.

(b) The study group shall include the following:

(i) One member appointed by the association of Washington cities;

(ii) One member appointed by the Washington association of counties;

(iii) One member appointed by the Seattle-King county public defender;

(iv) One member appointed by Evergreen legal services;

(v) One member appointed by the Washington appellate defender association;

(vi) Two members appointed by the Washington association of prosecuting attorneys;

(vii) One member appointed by the office of the governor;

(viii) One retired judge designated by the chief justice of the supreme court; and

(ix) One member, appointed by the Washington defender association, who is a public defender in a county of the third class or smaller.

(c) The study shall be presented to the judiciary and ways and means committees of the senate and house of representatives no later than January 15, 1987.

Sec. 104. Section 123, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

	FY 1986	FY 1987
Department of Personnel Service Fund		
Appropriation \$	(5,807,000)	(5,850,000)
	<u>5,842,000</u>	<u>5,900,000</u>
State Employees' Insurance Fund Appropriation \$	885,000	933,000
Total Appropriation \$	\$(13,475,000)	
	<u>13,560,000</u>	

Sec. 105. Section 127, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

	FY 1986	FY 1987
General Fund Appropriation \$	30,552,000	(29,305,000)
		<u>28,994,000</u>
General Fund—Hazardous Waste Control and Elimination Account Appropriation . . . \$	54,000	54,000
General Fund—Timber Tax Distribution Account Appropriation \$	1,469,000	1,469,000
Total Appropriation \$	\$(62,903,000)	
	<u>62,592,000</u>	

The appropriations in this section are subject to the following conditions and limitations: The department, in cooperation with the department of social and health services, shall seek a waiver from the federal department of agriculture to delay implementation of the sales tax exemption on food stamp purchases in accordance with Public Law 99-198.

Sec. 106. Section 129, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	FY 1986	FY 1987
General Fund Appropriation—State \$	3,825,000	(3,869,000)
		<u>3,738,000</u>
General Fund Appropriation—Private/Local \$	30,000	30,000
General Fund—Motor Transport Account Appropriation \$	3,452,000	3,207,000
General Administration Facilities and Services Revolving Fund Appropriation \$	9,897,000	9,048,000
Total Appropriation \$	\$(33,358,000)	
	<u>33,227,000</u>	

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

(1) The community college districts shall transfer to the motor transport account \$8,373 from the general local fund and \$34,469 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) ~~(\$131,000 for fiscal year 1986 and \$175,000 for fiscal year 1987)~~ 115,000 of the general fund—state appropriation ~~(are)~~ is provided solely to continue storage and transportation activities in connection with the surplus commodities distribution program of the federal department of agriculture. If federal funding for this purpose is continued after September 30, ~~(1985)~~ 1986, this appropriation shall lapse.

(3) \$136,411 of the fiscal year 1986 and \$136,411 of the fiscal year 1987 general fund appropriation are provided solely for the operation of the risk management office.

(4) \$109,425 of the fiscal year 1986 and \$109,425 of the fiscal year 1987 general fund appropriation are to fully implement ~~(Senate Bill No. 3569 if SB 3569 is not enacted by July 1, 1985, this appropriation shall lapse)~~ chapter 188, Laws of 1985.

(5) \$150,000 of the fiscal year 1986 and \$150,000 of the fiscal year 1987 general fund—state appropriation are provided solely for energy retrofit studies.

(6) Not later than December 1, 1986, the department shall submit to the legislature an interim plan for the relocation of offices of the department of natural resources now located in the John A. Cherberg building. The interim plan shall not include design or construction of the proposed natural resources building but shall include one or more specific proposals to lease appropriate space within the Olympia area to house the offices now located in the Cherberg building.

Sec. 107. Section 130, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

	FY 1986	FY 1987
General Fund Appropriation—State \$	4,332,000	((4,332,000)) 1,013,000
<u>Insurance Commissioner's Regulatory</u>		
<u>Account \$</u>		4,082,000
Total Appropriation	\$(8,764,000) 9,427,000	

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

(1) If Senate Bill No. 3636 is not enacted prior to June 30, 1986, the appropriation from the insurance commissioner regulatory account shall lapse and the fiscal year 1987 general fund appropriation shall be \$4,332,000.

(2) A portion of the fiscal year 1986 and \$929,000 of the fiscal year 1987 general fund—state appropriations shall be transferred to the department of community development to support activities related to the state fire marshal. The exact amount of the fiscal year 1986 appropriation to be transferred shall be negotiated by the insurance commissioner and the director of community development, with the approval of the director of financial management.

(3) \$100,000 of the insurance commissioner's regulatory account appropriation is provided solely for a legal action task force, including legislative participation, to collect and review data relevant to Washington's experience in tort law and to recommend any changes needed to improve the availability and affordability of liability insurance.

(4) \$84,000 of the fiscal year 1987 general fund appropriation is provided solely to regulate health maintenance organizations.

Sec. 108. Section 134, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIFORM LEGISLATION COMMISSION

	FY 1986	FY 1987
General Fund Appropriation \$	12,000	((2,000)) 17,000
Total Appropriation	\$(14,000) 29,000	

The appropriation in this section is subject to the following conditions and limitations: ~~\$(10,000 is)~~ 9,800 of the fiscal year 1986 appropriation and \$9,800 of the fiscal year 1987 appropriation are provided solely for Washington state's contribution to the national conference of commissioners on uniform state laws.

Sec. 109. Section 143, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT

	FY 1986	FY 1987
General Fund Appropriation—State \$	((510,000)) 529,000	((510,000)) 594,000
General Fund Appropriation—Federal \$	((2,715,000)) 2,423,000	((2,715,000)) 2,304,000

Total Appropriation ~~\$(6,466,000)~~
5,850,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund—state appropriation is provided solely for emergency medical treatment services for protecting the lives and safety of Washington residents as well as visitors to the Mt. St. Helens area.

NEW SECTION, Sec. 110. A new section is added to chapter 6, Laws of 1985 ex. sess to read as follows:

The legislative budget committee shall prepare a comprehensive report on the issuance of state debt. Among other things, such report shall address the following: (1) Given the inflation rates, interests rates, and the costs of issuing debt, when is it prudent for the state to use a "pay as you go" approach, instead of borrowing? (2) To what extent do other states use a "pay as you go" approach? (3) What devices, if any, do other states use to limit their costs of issuing debt, including underwriter, bond counsel, and financial adviser costs? (4) Would it be in the public interest to require that bond counsel costs for state general obligation bonds be paid from the state treasurer's appropriations, as opposed to from the proceeds of bond sales, and to require that bond counsel state their fees in dollars per hour of services provided? (5) To what extent are bond proceeds used to pay operating costs that could be paid from the general fund?

PART II
HUMAN SERVICES

Sec. 201. Section 201, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	FY 1986 ((27,799,000))	FY 1987 ((27,816,000))
		27,349,000	27,366,000
Total Appropriation		\$(55,615,000)	
		54,715,000	

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$15,226,000 is provided for fiscal year 1986 and \$15,243,000 is provided for fiscal year 1987 to provide community supervision services. The department shall develop workload standards for meeting the requirements of chapter 9.94A RCW and shall report to the legislature such workload standards and actual results on June 30, 1986, and annually thereafter.

(b) ~~\$(11,351,000))~~ 10,901,000 is provided for fiscal year 1986 and ~~\$(11,351,000))~~ 10,901,000 is provided for fiscal year 1987 to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(c) \$1,122,000 is provided for fiscal year 1986 and \$1,122,000 is provided for fiscal year 1987 for support of the office of the director of community services. The director of community services shall monitor community corrections services provided and/or contracted for by other governmental jurisdictions in the state. The state director shall document such nonstate community corrections services as of July 1, 1985, for the purpose of establishing a basis upon which to evaluate current services, to assess any local program changes, and to identify emerging program needs.

(d) \$100,000 of the fiscal year 1986 and \$100,000 of the fiscal year 1987 general fund—state appropriation are provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	FY 1986 ((126,625,000))	FY 1987 ((119,240,000))
		127,275,000	121,190,000
Total Appropriation		\$(245,865,000)	
		248,465,000	

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$13,475,000 of the general fund—state appropriation is provided solely for operating the Clallam Bay corrections center, of which \$5,443,000 is provided for fiscal year 1986 and \$8,032,000 is provided for fiscal year 1987.

(b) \$502,000 of the fiscal year 1986 and \$502,000 of the fiscal year 1987 general fund—state appropriation are provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050, for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(c) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their

respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(d) \$620,000 of the fiscal year 1986 and \$620,000 of the fiscal year 1987 general fund—state appropriation are provided solely for contracting with counties for the use of county jail beds for state inmates.

(e) \$200,000 is provided solely for Snohomish county pursuant to Snohomish county v. State of Washington to cover local impact costs of the Twin Rivers corrections center.

(f) A maximum of \$500,000 of the general fund—state appropriation may be spent for the operation of Firlands corrections center.

(3) ADMINISTRATION AND PROGRAM SUPPORT

	FY 1986	FY 1987
General Fund Appropriation	\$ ((9,426,000))	8,527,000
	<u>9,226,000</u>	
General Fund—Institutional		
Impact Account Appropriation	\$ 150,000	150,000
Total Appropriation	\$((10,253,000))	
	<u>18,053,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$400,000 of the general fund appropriation is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(b) The department shall report to the house and senate ways and means committees on January 1, 1986, and January 1, 1987, regarding its progress toward employing more minorities and women in top level management positions.

(4) INSTITUTIONAL INDUSTRIES

	FY 1986	FY 1987
General Fund Appropriation	\$ 2,039,000	((1,766,000))
		<u>766,000</u>
Total Appropriation	\$((3,805,000))	
	<u>2,805,000</u>	

Sec. 202. Section 203, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State	\$ ((64,335,000))	((63,290,000))
	<u>64,545,000</u>	<u>66,425,000</u>
General Fund Appropriation—Federal	\$ 24,343,000	26,095,000
Total Appropriation	\$((170,663,000))	
	<u>181,408,000</u>	

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

(1) Vendor rate adjustments shall average 3% on January 1, 1986.

(2) \$2,423,000 for fiscal year 1986 and \$3,231,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for phased-in increases in child protective services field staff.

(3) \$116,000 for fiscal year 1986 and \$116,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand the homebuilders program beyond current service levels.

(4) \$185,000 for fiscal year 1986 and \$185,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand services in the therapeutic day-care program beyond current levels.

(5) \$516,000 for fiscal year 1986 and \$487,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for field staff increases in day-care screening, licensing, monitoring, and information and referral. The department shall conduct at least one scheduled and one unannounced on-site inspection of each licensed day-care facility during the facility's licensing period. The department shall make available to any parent, guardian, or custodian requesting information about day-care providers, for inspection and copying (with copying fees waivable in cases of hardship), any documents in its possession relating to any licensed day-care facility that are not exempt from public disclosure under chapter 42.17 RCW. The department shall require that every licensed day-care facility display prominently on its premises the address and telephone number of the appropriate local or regional office of the department and the name(s) of any department employee(s) responsible for the licensing and monitoring of the facility.

(6) \$3,654,000 for fiscal year 1986, of which \$3,370,000 is from the general fund—state appropriation, and \$3,654,000 for fiscal year 1987, of which \$3,370,000 is from the general fund—state appropriation, are provided solely to increase the safety and quality of care in children's group homes, including the conversion of at least 75 but not more than 143 beds for

use in intensive residential treatment of severely disturbed youth at a monthly rate of \$2,100 per occupied bed, effective July 1, 1985. The department shall develop and implement written standards as to which children may be placed in residential treatment, clearly distinguishing the residential treatment population from the remaining group care population. As used in this subsection, "residential treatment" includes permanent planning for child placement, counseling of natural parents when appropriate, and recruiting, training, and counseling of adoptive or foster parents when appropriate, for which services the department may develop additional rates. The department shall develop a client outcome monitoring system as part of a specific plan for performance-based contracts whereby a portion of vendor payments for group care and residential treatment is contingent on vendor attainment of client outcome standards to be developed by the department. The plan shall be transmitted to the ways and means committees of the senate and house of representatives and the legislative budget committee by July 1, 1986, and scheduled for implementation on July 1, 1987, pending legislative review.

(7) \$615,000 for fiscal year 1986, of which \$554,000 is from the general fund—state appropriation, and \$615,000 for fiscal year 1987, of which \$554,000 is from the general fund—state appropriation, are provided solely to increase vendor rates for family foster care, effective July 1, 1985.

(8) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase private agency service fees in connection with foster care placements, effective July 1, 1985.

(9) \$17,000 for fiscal year 1986 and \$17,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for group crisis residential centers, effective July 1, 1985.

(10) \$51,000 for fiscal year 1986 and \$51,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for family interim care homes, effective July 1, 1985.

(11) \$139,000 for fiscal year 1986, of which \$132,000 is from the general fund—state appropriation, and \$139,000 for fiscal year 1987, of which \$132,000 is from the general fund—state appropriation, are provided solely to expand the children's hospitalization alternative program by up to 25 additional beds, including expansion into geographical areas not presently served.

(12) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for emergency medical examinations of child protective services clients who are not eligible for federally matched medical assistance.

(13) ~~\$(455,000)~~ 910,000 of the general fund—state appropriation (~~(for fiscal year 1986)~~) is provided solely for contracted services to "street kids." For purposes of this subsection, "street kids" are children between the ages of eight and seventeen who do not receive care, shelter, or supervision from parents or other responsible adults, who are not placed in residential settings by the department, and who are living in a dangerous urban environment. Services may include street outreach, advocacy, counseling, and foster care. Not more than 150 "street kids" may receive services supported under this subsection from any single center at any one time. All programs receiving funds under this subsection shall provide cultural- and language-sensitive services to minority "street kids."

(14) ~~\$(11,241,000)~~ 11,451,000 for fiscal year 1986, of which ~~\$(7,976,000)~~ 8,186,000 is from the general fund—state appropriation, and ~~\$(11,370,000)~~ 13,960,000 for fiscal year 1987, of which ~~\$(6,301,000)~~ 8,971,000 is from the general fund—state appropriation, shall be initially allotted for day-care payments. ~~(The department shall revise program eligibility and/or participation criteria, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year.)~~

(15) \$175,000 for fiscal year 1986 and \$175,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the victims of sexual assault program.

(16) \$90,000 from the general fund—state appropriation for fiscal year 1987 is provided solely for an education and training pilot project for the prevention of child abuse and neglect in inner-city Seattle. The department shall distribute these funds to the department of pediatrics at Harborview medical center. The project shall be evaluated by comparing the group of mothers served to a control group based on objective outcome measures such as episodes of abuse and neglect, evidence of failure to thrive, hospitalizations, anemia, immunization status, and the ratio of scheduled well-child visits to episodic drop-in visits. The department shall report to the legislature by January 1, 1987, on the status of the project.

Sec. 203. Section 205, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	49,275,000	50,057,000
General Fund Appropriation—Federal \$	17,930,000	18,178,000
General Fund Appropriation—Local \$	355,000	355,000
Total Appropriation	\$136,150,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$240,000 for fiscal year 1986 and \$240,000 for fiscal year 1987 from the general fund—state are provided solely for continuation of the community psychiatric training program at the University of Washington.

(b) \$309,000 for fiscal year 1986 and \$309,000 for fiscal year 1987 from the general fund—federal are provided solely for the continuation of the minority mental health program.

(c) \$565,000 for fiscal year 1986 of which \$500,000 is from the general fund—state appropriation and \$65,000 for fiscal year 1987 of which \$500,000 is from the general fund—state appropriation, is provided solely to increase the children's hospitalization alternative program by 25 additional beds to allow for increased service capacity and to extend the program to unserved areas within the state. The department shall not increase the number of beds over 85 in total.

(d) \$452,000 for fiscal year 1986, of which \$405,000 is from the general fund—state appropriation and \$783,000 for fiscal year 1987, of which \$689,000 is from the general fund—state appropriation are provided solely for the Kitsap (~~resources consolidated~~) mental health services residential treatment center's alternative project. Of the \$452,000 for fiscal year 1986, \$61,000 of the general fund—state appropriation is provided solely for initial program costs associated with implementation. The state reimbursement rate shall not exceed \$180 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals will be made to the project. No involuntary treatment referrals of Kitsap county residents will be made to Western State Hospital after (~~December 31, 1985~~) March 31, 1986. The maximum reimbursement rate to Kitsap county private hospitals shall be \$250 per day per patient. Kitsap (~~resources consolidated~~) mental health services shall provide quarterly reports to the senate and house committees on ways and means describing the numbers and characteristics of clients served and resulting diversions from private hospitals and Western State Hospital. In addition, the department shall present an annual report to the same legislative committees beginning January 1, 1987, indicating progress made toward meeting the long-term residential bed needs of Kitsap County.

(e) \$280,000 from the fiscal year 1987 general fund—state appropriation is provided solely for the operation of the El Rey residential treatment facility for homeless mentally ill adults, effective January 1, 1987.

(f) \$350,000 for fiscal year 1987 from the general fund—state appropriation is provided solely for community mental health services for children in Spokane and Pierce counties who have been displaced from services due to impacts on the communities from institutional releases and the low priority assigned to children in the community mental health services act, chapter 71.24 RCW.

(g) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	(66,186,000)	(66,904,000)
	67,607,000	71,085,000
General Fund Appropriation—Federal \$	(3,193,000)	(3,116,000)
	4,003,000	4,316,000
Total Appropriation	\$((139,311,000))	
	147,011,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$814,000 for fiscal year 1986 and \$1,086,000 for fiscal year 1987 from the general fund—federal appropriation are provided solely for compliance with the Medicare survey of eastern state hospital.

(b) \$86,000 for fiscal year 1986 and \$114,000 for fiscal year 1987 from the general fund—federal appropriation are provided solely for continuation of five positions at the child study and treatment center added in the 1983-1985 biennium.

(c) \$1,419,000 for fiscal year 1986 and \$4,181,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for compliance with the Medicare survey of western state hospital.

(d) \$20,000 for fiscal year 1986 and \$20,000 for fiscal year 1987 from the general fund—state appropriation are provided solely to conduct a study to develop alternatives for the long range use of Northern state hospital.

(e) \$15,000 for fiscal year 1986 and \$15,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for a neurologically impaired service center pilot project to be established on the grounds of Northern state hospital.

(3) PROGRAM SUPPORT

	FY 1986	FY 1987
General Fund Appropriation—State \$	1,439,000	1,438,000
General Fund Appropriation—Federal \$	771,000	771,000
Total Appropriation	\$4,419,000	

The appropriations in this section are subject to the following conditions and limitations: \$38,000 for fiscal year 1986 and \$38,000 for fiscal year 1987 from the general fund—state

appropriation are provided solely for an allocation to a nonprofit agency advocating for the mentally ill for the purposes of technical assistance to state agencies, educational programs, outreach and family support, self-help support groups, and patient advocacy.

(4) SPECIAL PROJECTS

	FY 1986	FY 1987
General Fund Appropriation—Federal \$	111,000	111,000
Total Appropriation	\$222,000	

Sec. 204, Section 206, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	30,435,000	((36,969,000)) 31,494,000
General Fund Appropriation—Federal \$	((26,046,000))	((26,252,000))
	<u>26,678,000</u>	<u>27,040,000</u>
Total Appropriation	\$ ((113,702,000))	115,647,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$56,000 for fiscal year 1986 and \$56,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(b) \$1,952,000 for fiscal year 1986 of which \$1,144,000 is from the general fund—state appropriation and \$1,952,000 for fiscal year 1987 of which \$1,144,000 is from the general fund—state appropriation, is provided solely to increase compensation for staff providing treatment and training in division contracted community residential and training programs. Contracts with vendors shall specify the amount of payments to be used solely for this purpose.

(c) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(d) If House Bill No. 1702 or Substitute Senate Bill No. 4719 is enacted, creating 42 new community residential beds and/or placements, by June 30, 1986, \$525,000 for fiscal year 1987, of which \$505,000 is from the general fund—state appropriation, is provided solely for the establishment of 16 additional community residential beds and/or placements for a combined total of 58 new community residential beds and/or placements which will result in the reduction of the average daily population at the Rainier school to not more than 563 by June 30, 1987: PROVIDED, That:

(i) The department shall develop an appropriate, cost-conscious configuration of community residential beds and/or placements within the funds appropriated;

(ii) If the net cost to develop the additional 16 community residential beds and/or placements is less than the amount contained in subsection (1)(d) of this section, the savings shall revert;

(iii) The department shall apply for a federal Title XIX waiver for financial participation for the residents transferred from the Rainier school to community living; and

(iv) If neither House Bill No. 1702 nor Substitute Senate Bill No. 4719 is enacted by June 30, 1986, the funds provided in this subsection (1)(d) shall revert.

(e) \$20,000 for fiscal year 1987 from the general fund—state appropriation is provided solely for continued support of the deaf/blind service center. This amount represents a transfer of moneys from the administration and supporting services program.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	53,405,000	((52,812,000)) 47,562,000
General Fund Appropriation—Federal \$	((37,330,000))	((37,330,000))
	<u>40,620,000</u>	<u>47,921,000</u>
Total Appropriation	\$ ((100,877,000))	189,508,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) If Substitute Senate Bill No. 4658 is enacted by June 30, 1986, the secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce services to existing clients.

(b) If House Bill No. 1702 or Substitute Senate Bill No. 4719 is enacted on or before June 30, 1986:

(i) The department shall reduce the average daily population of the Rainier school to not more than 563 by June 30, 1987;

(ii) The secretary shall have beds in excess of the 563 level decertified in accordance with a plan developed with the federal health care financing administration; and

(iii) If the net cost of community residential beds and/or placements is less than that assumed in the cost estimate contained in subsection (1)(d) of this section for the transfer of Rainier school residents to community living, such savings shall revert.

(c) The department shall apply for a federal Title XIX waiver for financial participation for the residents transferred from the Rainier school to community living.

(d) If neither House Bill No. 1702 nor Substitute Senate Bill No. 4719 is enacted by June 30, 1986, the general fund—state appropriation in this subsection for fiscal year 1987 shall be increased by \$250,000 and the general fund—federal appropriation in this subsection for fiscal year 1987 shall be increased by \$250,000.

(e) Prior to the community placement of a resident of Rainier school pursuant to subsection (2) (b) through (d) of this section, the department shall ensure that the review process established by RCW 72.33.161 is utilized.

(f) The department shall, within existing resources, report to the legislature on factors affecting the placement of institutional clients into community settings. The report shall include a comparison of the characteristics and service requirements of Rainier school residents identified for community placement, to clients residing in community settings. The report shall include a cost comparison of proposed community services for Rainier residents identified for community placement to the costs of their continued institutional care. The report shall include the characteristics and numbers of clients returning to the six institutions from community placements and, to the extent possible, the reasons for their return. The department shall report these findings to the appropriate committees of the senate and house of representatives by December 1, 1986.

(3) PROGRAM SUPPORT

		FY 1986	FY 1987
General Fund Appropriation—State	\$	1,652,000	1,652,000
General Fund Appropriation—Federal	\$	388,000	388,000
Total Appropriation		\$4,080,000	

((4)) SPECIAL PROJECTS

		FY 1986	FY 1987
General Fund Appropriation—State	\$	54,000	54,000
General Fund Appropriation—Federal	\$	606,000	606,000
Total Appropriation		\$1,320,000)	

Sec. 205, Section 207, chapter 6, Laws of 1985 ex. sess. (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

		FY 1986	FY 1987
General Fund Appropriation—State	\$	137,965,000	((+32,964,000))
General Fund Appropriation—Federal	\$	120,741,000	((+26,895,000))
Total Appropriation		\$((518,565,000))	<u>129,895,000</u>

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

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) \$187,048,000 for fiscal year 1986, of which \$94,078,000 is from the general fund—state appropriation, and ~~\$((+88,104,000))~~ 194,104,000 for fiscal year 1987, of which ~~\$((94,610,000))~~ 97,610,000 is from the general fund—state appropriation, are provided for nursing home services.

(a) ~~((If Substitute Senate Bill No. 3390 is not enacted before July 1, 1985, \$2,500,000 in fiscal year 1986 and \$2,500,000 in fiscal year 1987 of the general fund—state appropriation shall be provided solely for full-scope audits under chapter 74.46 RCW as interpreted by the state auditor.~~

~~((b))~~ Rates shall be adjusted for inflation under RCW 74.46.495 by 3% on July 1, 1985, and on July 1, 1986.

~~((c))~~ Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

~~((d))~~ \$65,000 for fiscal year 1986 and \$65,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for prospective rate increases for installation of sprinkler systems in facilities not meeting federal and state fire safety requirements.

(3) \$63,899,000 for fiscal year 1986, of which \$39,543,000 is from the general fund—state appropriation, and \$64,554,000 for fiscal year 1987, of which \$34,555,000 is from the general fund—state appropriation, are provided solely for community-based long-term care services including congregate care, adult family home care, chore services, home health care, nutrition services, transportation services, and case management services.

(a) Vendor rate adjustments shall average 3% on January 1, 1986.

(b) Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

(c) \$80,000 for fiscal year 1986 and \$80,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to purchase insurance coverage for adult family homes in order to promote participation in the program.

(d) \$41,000 for fiscal year 1986 and \$41,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to extend eligibility for adult family home and congregate care services to adult protective services clients.

(e) \$200,000 for fiscal year 1986 and \$200,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for case management services under the senior citizen services act for adult protective services clients.

(f) \$7,558,000 for fiscal year 1986 and \$7,666,000 for fiscal year 1987 from the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(g) \$39,225,000 for fiscal year 1986, of which \$25,611,000 is from the general fund—state appropriation, and \$39,286,000 for fiscal year 1987, of which \$19,762,000 is from the general fund—state appropriation, shall be initially allotted for chore services. The department shall revise eligibility and cost-sharing criteria and/or establish waiting lists for the chore services program, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year, including state general fund moneys used to match federal moneys under the community options programs entry system.

(4) The bureau of nursing home affairs shall increase patient review staff by two full time equivalents not later than October 1, 1985.

(5) ~~\$(545,000 for fiscal year 1986))~~ 1,090,000 of the general fund—state appropriation is provided solely to continue the three respite care demonstration projects as established and defined under chapter 158, Laws of 1984 until June 30, ~~((1986))~~ 1987.

Sec. 206. Section 208, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	((213,137,000))	((224,186,000))
	226,695,000	239,686,000
General Fund Appropriation—Federal \$	((171,118,000))	((178,924,000))
	185,518,000	193,724,000
Total Appropriation	\$(787,355,000))	
	<u>845,623,000</u>	

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

(1) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1987.

(2) Not later than October 1, 1985, the department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(3) Grant payment standards and vendor rates shall be increased by 3% on January 1, 1986, above the standards and rates in effect on March 1, 1985, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.

(4) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$100,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8	or more
Exemption:	\$30	39	46	56	63	72	84	92	

(5) The department shall establish a study committee to examine the general assistance income and medical programs. The committee shall particularly examine the structure of the

general assistance—unemployable program as it relates to treatment programs for alcoholism, mental illness, and substance abuse. The committee shall include representatives of affected department programs, treatment providers, community advocacy groups, legal services, and the legislature. The committee shall examine alternative treatment or assistance methods which would help clients to overcome their illnesses, while providing necessary assistance. The report shall include detailed historical and projected income and medical caseload and cost information by client group. The report shall further identify policy changes, statutory or otherwise, which have affected caseload levels and costs. The department shall report the findings and recommendations of the study committee to the appropriate committees of the senate and house of representatives by January 15, 1987.

(6) The department, in cooperation with the department of revenue, shall seek a waiver to delay implementation of the sales tax exemption on food stamp purchases in accordance with Public Law 99-198.

Sec. 207. Section 211, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	21,765,000	(21,646,000) 22,846,000
General Fund Appropriation—Federal \$	(33,260,000)	(33,375,000)
	<u>34,317,000</u>	<u>35,718,000</u>
General Fund Appropriation—Local \$	4,024,000	3,996,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Appropriation \$	22,444,000	22,444,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Reappropriation \$	28,908,000	
Total Appropriation	\$(191,862,000)	<u>196,462,000</u>

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

(1) No funds shall be expended directly or indirectly for the production or distribution of any materials regarding homosexual sex safety.

(2) Vendor rate adjustments shall average 3% on January 1, 1986.

~~((2))~~ (3) \$1,000,000 for fiscal year 1986 and \$1,000,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to public and private non-profit community health centers serving populations that lack access to affordable health care. Grants awarded under this subsection shall be used by the centers to provide primary health care services to persons who have no health care coverage. The grants shall be in addition to any federal or other funding available to the centers. No center may receive funding under this subsection if it fails or refuses to provide medically necessary care on the basis of any patient's inability to pay or lack of coverage, or if it does not contract with the department to provide care under the medical assistance program. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of community health centers to assure compliance with the purposes of this subsection. In awarding grants, the secretary shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

~~((3))~~ (4) \$43,000 for fiscal year 1986 and \$43,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 187, Laws of 1984, regarding standards for organic chemicals in drinking water.

~~((4))~~ (5) \$34,000 for fiscal year 1986 and \$34,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 156, Laws of 1984, regarding compiling of information on sentinel birth defects.

~~((5))~~ (6) \$90,000 for fiscal year 1986 and \$90,000 for fiscal year 1987 of the general fund—local appropriation are provided solely for monitoring and implementation of health and sanitation standards for agricultural labor camps under chapter 248-63 WAC, as adopted by the state board of health in 1984. In health jurisdictions where there is no agreement with the local health officer for local enforcement of the standards, the department shall enforce the

standards and charge fees under RCW 43.20A.670 in amounts sufficient to cover its enforcement costs.

((††)) (7) \$260,000 for fiscal year 1986 and \$276,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for contracts on a competitive selection basis to public and private nonprofit nationally recognized academic or research organizations engaged in cancer research or in research concerning the effects of smoking on the cardiovascular and respiratory systems.

((††)) (8) \$593,000 for fiscal year 1986 and \$554,000 for fiscal year 1987 of the general fund—local appropriation is provided solely for radiation control activities, including those required under Engrossed Substitute Senate Bill No. 3799 and Engrossed Second Substitute House Bill No. 3.

(9) \$2,800,000 of the general fund—federal appropriation is provided solely to continue prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program. The department shall pay for direct prenatal care, including delivery and postpartum medical services, and including the services of licensed nurse midwives where appropriate, as defined by the department, at rates not exceeding those paid under the medical assistance program and only to the extent of available funds. The department may also provide educational services to low-income women regarding the importance of early prenatal care through the development or acquisition of pamphlets or video tapes to be distributed through county health departments, schools, and other appropriate social and health services agencies and organizations. Not later than January 1, 1987, the department shall submit a report to the social and health services and ways and means committees of the senate and house of representatives on the prenatal program. The report shall include definitions of eligibility, numbers of persons served, an estimate of the number of persons potentially eligible for program services and, if the department has requested funding to continue the program in the 1987-89 biennium, a proposal for legislation establishing the program in statute.

(10) \$600,000 of the general fund—federal appropriation is provided solely for increased vaccine costs.

(11) \$1,000,000 from the general fund—state appropriation is provided solely for adult dental services that are not mandated by Title XIX of the federal social security act. The department shall contract for these services with public and private nonprofit community health centers serving populations that lack access to affordable dental health care. The department shall impose such limitations as may be necessary to provide services throughout fiscal year 1987.

Sec. 208. Section 213, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	31,922,000	((31,049,000)) 31,029,000
General Fund Appropriation—Federal \$	19,555,000	19,477,000
General Fund—Institutional Impact		
Account Appropriation \$	37,000	37,000
Total Appropriation	\$((+32,077,000))	
	102,057,000	

The appropriations in this section are subject to the following conditions and limitations: The department of social and health services shall transfer from its various programs up to \$1,600,000 from the general fund—state appropriations from the operating programs to the administration and support services program for travel, goods and services, and equipment for the biennium ending June 30, 1987, and revise initial allotments accordingly.

Sec. 209. Section 214, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	((61,840,000))	((62,614,000))
	61,870,000	62,734,000
General Fund Appropriation—Federal \$	((72,747,000))	((72,999,000))
	72,777,000	73,099,000
General Fund Appropriation—Local \$	366,000	366,000
Total Appropriation	\$((270,912,000))	
	271,212,000	

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

(1) Department staff shall assist general assistance clients in establishing eligibility for social security and/or supplemental security income benefits. The assistance shall include providing to the client or the appropriate social security office any documentation of the client's disability and, if appropriate, referral to legal counsel with expertise in social security law.

(2) The department shall provide a comprehensive report to the legislature no later than January 15, 1987, on all child day care programs currently being provided, including but not limited to programs related to seasonal and regular employment, child welfare or protection, training, and education. To the extent possible, the report shall provide historical and projected data by program on the number of families and children served, client characteristics, expenditures, eligibility criteria, payment or income disregard levels, and program policy. In addition, the report shall identify programs or services mandated or prioritized by federal or state statutes or rules and identify variations in administrative processes or eligibility determination among programs. The department shall also study and report on the cost effectiveness of current child care programs for employed parents and parents in training. The study shall measure the effectiveness of these programs in reducing or avoiding public assistance costs on both a short- and long-term basis. The report shall include an analysis of existing programs and recommendations regarding continuing, revising, or discontinuing any existing programs.

(3) \$300,000, of which \$150,000 is from the general fund—state appropriation, is provided solely to implement the employment partnership program created in Engrossed Second Substitute House Bill No. 1505. If Engrossed Second Substitute House Bill No. 1505 is not enacted by July 1, 1986, the amounts provided by this subsection shall revert.

Sec. 210. Section 215, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

		FY 1986	FY 1987
General Fund Appropriation—State	\$	7,815,000	8,043,000
General Fund Appropriation—Federal	\$	15,556,000	((16,093,000))
			16,693,000
<u>General Fund Appropriation—Local</u>	<u>\$</u>		<u>200,000</u>
Total Appropriation		\$((47,507,000))	
		<u>48,307,000</u>	

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

(1) \$1,195,000 for fiscal year 1986, of which \$359,000 is from the general fund—state appropriation, and \$1,597,000 for fiscal year 1987, of which \$478,000 is from the general fund—state appropriation, are provided solely to implement the order of the King county superior court in Carter v. Simpson, cause number 82-5-50039-0. If this order is reversed on appeal, the unexpended balance of the amounts provided in this subsection shall revert.

(2) In serving custodial parents not on public assistance who apply for support enforcement services, the department shall, to the maximum extent permitted by federal and state law, give priority to cases in which the custodial parent is at risk of becoming eligible for aid to families with dependent children.

(3) The department shall study and make recommendations to the legislature regarding a comprehensive and equitable plan for determining financial responsibility of clients and relatives of clients who receive department-provided or department-funded services. A committee shall be established to oversee the study, to be composed of representatives of the department, the affected population, the public, and other branches of government, including both caucuses of both houses of the legislature. The secretary of social and health services, or the secretary's designee, shall serve as chairperson of the committee. The study shall consider the legal, ethical, financial, managerial, and pragmatic consequences of the imposition of financial responsibility on utilizers of services provided or funded by the department. The study specifically shall address, but is not limited to:

(a) The level of financial responsibility assessed under existing statutes and policy for utilization of various department services by clients and their responsible relatives;

(b) The effect of financial responsibility on discouraging the utilization of necessary services provided by the department; and

(c) An equitable method of assessing the amount of financial responsibility.

The study findings shall be submitted to the appropriate committees of the house of representatives and the senate no later than November 1, 1986, along with any recommendations for legislative action.

Sec. 211. Section 217, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

		FY 1986	FY 1987
General Fund Appropriation—State	\$	((6,383,000))	((6,146,000))
		6,442,000	9,478,000
General Fund Appropriation—Federal	\$	((70,233,000))	70,406,000
		<u>68,233,000</u>	

General Fund—Building Code Council		
Account Appropriation	\$	84,000
Public Works Assistance Account Appropria-		
tion	\$	204,000
		153,372,000
Total Appropriation		303,000
		155,270,000

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

(1) \$975,000 for fiscal year 1986 and \$975,000 for fiscal year 1987 of the general fund—state appropriation shall be used solely for grants in aid to public or private nonprofit organizations operating shelters for homeless persons. Grants awarded under this subsection shall be used to provide temporary emergency shelter, including either direct shelter services or vouchers to pay for low-cost commercial accommodations, to persons and families who are without housing and lack funds to purchase lodging. Grantee organizations shall give priority in the use of grant funds to shelter for families and children. Grants shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(2) \$475,000 for fiscal year 1986 and \$475,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to public or private nonprofit organizations operating food banks which distribute food without charge to persons unable to purchase enough food for their subsistence, and to public or private nonprofit organizations operating food distribution systems that furnish donated or purchased food to food banks. Grants awarded under this subsection shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Sixty percent of the funds under this subsection shall be provided to food banks and forty percent to food distribution organizations. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(3) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation is provided solely for administration of grants in aid to emergency shelter and food programs under subsections (1) and (2) of this section.

(4) If Second Substitute House Bill No. 738 is not enacted by July 1, 1985, \$250,000 in fiscal year 1986 and \$250,000 in fiscal year 1987 of the general fund—state appropriation shall revert.

(5) \$120,000, of which \$96,000 is from the general fund—state appropriation for fiscal year 1986 and \$24,000 is from the general fund—building code council account appropriation for fiscal year 1986, and \$120,000 from the general fund—building code council account appropriation for fiscal year 1987 is provided solely to implement Engrossed Substitute Senate Bill No. 3261. The general fund—state appropriation shall be paid back to the state general fund from the building code council account by June 30, 1989.

(6) \$60,000 of the general fund—building code council account appropriation for fiscal year 1986 is provided solely to implement Substitute House Bill No. 1114. The funds generated from the surcharge on building permits established by SHB 1114 shall be deposited in the general fund—building code council account. If federal funds are available for the purposes of SHB 1114, a portion of the amount provided in this subsection equal to the amount of available federal funds shall revert.

(7) A maximum of \$100,000 for fiscal year 1986 and \$100,000 for fiscal year 1987 of the general fund—state appropriation may be spent in a study of mitigating the impact of the proposed Navy home port at Everett, Washington.

(8) \$2,970,000 of the general fund—state appropriation for fiscal year 1987 is provided solely to initiate preschool state education and assistance programs at the local level in accordance with chapter 418 (E2SHB 1078), Laws of 1985 (early childhood assistance act).

(9) \$46,000 of the general fund—state appropriation for fiscal year 1986 is provided solely for the reimbursement of government and nonprofit entities for costs incurred in controlling fires on the L.T. Murray Range.

(10) \$200,000 for fiscal year 1986 and \$550,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for the state matching funds for the federal emergency management agency grant for damages caused by heavy rains, flooding, mud slides, and wind which occurred on January 16-25, 1986.

NEW SECTION. Sec. 212. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	108,000
General Fund Appropriation—Federal	\$	1,212,000
Total Appropriation	\$	1,320,000

The appropriations in this section are provided solely for the operation and support of the developmental disabilities planning council. However, moneys expended under this section shall not exceed amounts remaining unexpended from the moneys appropriated by section 206(4), chapter 6, Laws of 1985 ex. sess.

Sec. 213. Section 221, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

		FY 1986	FY 1987
General Fund—Public Safety and Education Account Appropriation	\$	((67,000))	((67,000))
		65,000	58,000
Accident Fund Appropriation	\$	1,893,000	1,848,000
Medical Aid Fund Appropriation	\$	1,893,000	1,848,000
Total Appropriation		\$(7,616,000))	
		7,605,000	

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

(1) \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the accident fund appropriation, and \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the medical aid fund appropriation, are provided solely for a mediation program and the publication and indexing of board decisions, as provided in Substitute Senate Bill No. 4190. If the bill is not enacted by July 1, 1985, the amounts provided shall revert.

(2) If House Bill No. 1869 is not enacted before April 1, 1986, \$13,000 of the public safety and education account appropriation shall revert.

Sec. 214. Section 222, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

		FY 1986	FY 1987
General Fund—Death Investigations Account Appropriation	\$	15,000	15,000
General Fund—Public Safety and Education Account Appropriation	\$	((3,506,000))	((3,506,000))
		3,450,000	3,282,000
Total Appropriation		\$(7,042,000))	
		6,762,000	

The appropriations in this section are subject to the following conditions and limitations: If House Bill No. 1869 is not enacted before April 1, 1986, \$351,000 of the public safety and education account appropriation shall revert.

Sec. 215. Section 223, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

		FY 1986	FY 1987
General Fund Appropriation	\$	4,014,000	3,795,000
General Fund—Public Safety and Education Account Appropriation	\$	3,952,000	3,954,000
Accident Fund Appropriation	\$	35,481,000	34,916,000
Electrical License Fund Appropriation	\$	3,642,000	3,651,000
Medical Aid Fund Appropriation	\$	34,530,000	33,868,000
Plumbing Certificate Fund Appropriation	\$	218,000	((218,000))
			314,000
Pressure Systems Safety Fund Appropriation ..	\$	524,000	531,000
Worker and Community Right to Know Fund Appropriation	\$	540,000	961,000
Farm Worker Revolving Fund Appropriation—Local	\$	78,000	72,000
Total Appropriation		\$(164,945,000))	
		165,041,000	

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

(1) The department shall establish a review committee. The review committee shall monitor on a regular quarterly basis the progress reports and work plans of the agency's information systems, including the medical information and payment system (MIPS), to ensure executive-level oversight and control of the data processing and management information systems within the agency. The review committee shall include representatives of the department of labor and industries, the office of financial management, and other appropriate persons.

(2) \$160,000 of the general fund appropriation is provided solely as a loan for the worker-right-to-know program and shall be repaid to the general fund when sufficient funds are available in the worker and community right to know fund.

(3) The farm worker revolving fund appropriation is provided solely for increased activities in connection with the licensing and regulation of farm labor contractors under ~~((Substitute House Bill No. 199))~~ chapter 280, Laws of 1985. If the bill is not enacted by July 1, 1985, this appropriation shall lapse.

Sec. 216. Section 224, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF PRISON TERMS AND PAROLES

	FY 1986	FY 1987
General Fund Appropriation \$	((1,458,000))	((1,294,000))
	<u>1,506,000</u>	<u>1,342,000</u>
Total Appropriation	S((2,752,000))	
	<u>2,848,000</u>	

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

(1) \$77,000 for fiscal year 1986 and \$77,000 for fiscal year 1987 of the general fund—state appropriation are provided to continue the board membership at seven members through June 30, 1986, under Engrossed Substitute House Bill No. 204. If Engrossed Substitute House Bill No. 204 is not enacted by July 1, 1985, the amounts provided shall revert.

(2) \$36,000 of the general fund—state appropriation is provided solely for one-time overtime costs associated with meeting the requirements of In re Obert Myers, 105 Wn.2d 257 (February 13, 1986).

(3) \$60,000 of the general fund—state appropriation is provided solely for one-time attorney general costs associated with meeting the requirements of In re Obert Myers, 105 Wn.2d 257 (February 13, 1986).

Sec. 217. Section 226, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

	FY 1986	FY 1987
General Fund Appropriation—State \$	2,526,000	((2,526,000))
		<u>2,801,000</u>
General Fund Appropriation—Federal \$	75,144,000	75,144,000
General Fund Appropriation—Local \$	3,866,000	3,866,000
Administrative Contingency Fund		
Appropriation—Federal \$	3,204,000	3,204,000
Unemployment Compensation Administration		
Fund Appropriation \$	52,696,000	52,696,000
Total Appropriation	S((274,872,000))	
	<u>275,147,000</u>	

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

(1) In administering the work incentive program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

(2) \$300,000 for fiscal year 1986 and \$300,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for contracting with other agencies for the Washington conservation corps. None of these funds may be spent by the employment security department for administration.

(3) \$275,000 of the general fund—state appropriation for fiscal year 1987 is provided solely for contracting with community nonprofit groups for comprehensive job-generation community development projects with substantial private sector financial and planning support. None of these funds may be spent by the employment security department for administration.

Sec. 218. Section 228, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE CORRECTIONS STANDARDS BOARD

	FY 1986	FY 1987
General Fund Appropriation—State \$	346,000	346,000
General Fund Appropriation—Federal \$	36,000	36,000
General Fund—Local Jail Improvement and Construction Account Appropriation \$	21,232,000	((1,904,000))
		<u>17,382,000</u>

Total Appropriation \$~~(33,900,000)~~
 39,378,000

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

(1) The corrections standards board shall not make disbursements, accruals, or encumbrances in excess of \$31,614,000 of the local jail improvement and construction account—state appropriation.

(2) A maximum of \$875,000 from moneys that are turned back to the local jail improvement and construction account from existing projects authorized by the board on or before February 7, 1986, and any unobligated interest earned shall be provided for the Kitsap county jail extension project.

PART III
 NATURAL RESOURCES

Sec. 301. Section 301, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 818,000	((777,000))
		792,000
General Fund Appropriation—Federal	\$ 7,281,000	6,697,000
General Fund Appropriation—Geothermal Account/Federal	\$ 42,000	44,000
General Fund—Building Code Council Account Appropriation	\$ 375,000	375,000
Total Appropriation	\$ (16,409,000)	
	16,424,000	

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

(1) \$122,000 in each fiscal year is provided solely for the state building energy management program. The office of financial management shall revert savings in state agency budgets resulting from this program.

(2) The general fund—building code council account appropriation is provided solely for an in situ testing program by the University of Washington college of architecture and department of mechanical engineering, of annual thermal transmittance of individual construction components and conservation measures proposed for new residential construction by the Pacific northwest electric power planning and conservation council. These funds shall be inclusive of administrative costs incurred by the state energy office. The funds generated from the surcharge on building permits established in Substitute House Bill No. 1114 shall be deposited in the general fund—building code council account. This appropriation is limited to the amount of revenues in the building code council account.

(3) \$15,000 of the fiscal year 1987 general fund—state appropriation is provided solely for membership assessments in the western interstate energy board.

Sec. 302. Section 303, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

	FY 1986	FY 1987
General Fund Appropriation—State	((21,250,000))	((21,143,000))
	20,873,000	22,136,000
General Fund Appropriation—Federal	10,122,000	10,128,000
General Fund Appropriation— Private/Local	\$ 64,000	((64,000))
		460,000
General Fund—Hazardous Waste Control and Elimination Account Appropriation ..	\$ 1,154,000	1,158,000
General Fund—Flood Control Account Appropriation	\$ 2,000,000	2,000,000
General Fund—Special Grass Seed Burn- ing Account Appropriation	\$ 35,000	35,000
General Fund—Reclamation Revolving Account Appropriation	\$ 561,000	562,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$ 311,000	335,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.: Reappropriation ...	\$ 3,000,000	3,570,000
Water Project Revolving Account Sub- total	\$ 3,311,000	3,905,000

General Fund—Litter Control Account			
Appropriation	\$	2,356,000	((2,394,000)) <u>2,929,000</u>
((General Fund—Water Quality Account			
 Appropriation	\$	10,000,000	90,000,000))
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	363,000	373,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26): Reappropriation	\$	20,000,000	26,278,000
Referendum 26 Subtotal	\$	20,363,000	26,651,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	39,346,000	39,441,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39): Reappropriation	\$	130,000,000	127,400,000
Referendum 39 Subtotal	\$	169,346,000	166,841,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities	\$	3,354,000	3,412,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation	\$	18,000,000	18,043,000
Water Supply Subtotal	\$	21,354,000	21,455,000
Stream Gaging Basic Data Fund Appropriation	\$	100,000	100,000
Total Appropriation	\$	((608,460,000)) <u>509,999,000</u>	

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

(1) On or before October 1, 1985, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1985-87 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each bond proceed account. The department shall submit updates for the master compilation to the committees on ways and means and the office of financial management at six-month intervals during the 1985-87 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means and the office of financial management thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. If the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed by this subsection.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste

management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) ~~((Contingent on the enactment of House Bill No. 811, House Bill No. 1081, Substitute Senate Bill No. 3763, or Engrossed Second Substitute Senate Bill No. 3827, the appropriation from the water quality account may be expended by the department to pay up to 50% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution or water storage facilities which enhance water quality. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.~~

~~(6) In order to monitor the expenditure of Referendum 38 funds that are to be expended prior to the use of funds provided by Second Substitute Senate Bill No. 4136, the department of ecology shall provide an annual report to the legislature of the funds remaining from Referendum 38 and the projects that are in work and awaiting approval. If SSB 4136 is not enacted by July 1, 1985, the annual reports shall not be required.~~

~~(7)) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.~~

~~((8)) (6) Not more than \$10,545,000 of the general fund—state appropriation for fiscal year 1986 and \$((10,473,000)) 11,302,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the hazardous waste and air quality program. ((This includes funds necessary to implement Engrossed Substitute House Bill No. 975.~~

~~(9)) (7) Not more than \$((4,304,000)) 3,919,000 of the general fund—state appropriation for fiscal year 1986 and \$((4,304,000)) 4,361,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water and land resources program including but not limited to:~~

- ~~(a) Public water supply reservation;~~
- ~~(b) Well drilling enforcement;~~
- ~~(c) Ground/surface water data collection;~~
- ~~(d) State-wide groundwater planning;~~
- ~~(e) Increased shoreline management grants to local governments; and~~
- ~~(f) Shoreline management support.~~

~~((10)) (8) Not more than \$2,155,000 of the general fund—state appropriation for fiscal year 1986 and \$((2,133,000)) 2,178,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water quality program including but not limited to:~~

- ~~(a) Groundwater management and investigation;~~
- ~~(b) Groundwater technical assistance; and~~
- ~~(c) Municipal water management.~~

~~((11)) (9) \$985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.~~

~~((12)) (10) \$200,000 of the general fund—state appropriation is provided solely as a loan for the hazardous substances information and education program. At the close of the 1985-87 biennium, the state treasurer shall transfer \$200,000 from the worker and community right to know fund to the general fund. If House Bill No. 865 is not enacted before July 1, 1985, the general fund amount provided in this subsection shall revert and the transfer from the worker and community right to know fund shall not occur.~~

~~((13)) (11) \$354,000 of the general fund—state appropriation is provided solely for the department to develop a state hazardous waste management plan, including criteria for the siting of hazardous waste management facilities.~~

~~((14)) (12) For the purpose of implementing the requirements of a shellfish protection program, including a pilot program for the prevention of nonpoint source pollution of important shellfish resource areas, the department of ecology shall expend up to a maximum of \$300,000 for:~~

- ~~(a) The development of regulations designating priority shellfish protection resource areas;~~
- ~~(b) Contracts with local governments and conservation districts to develop plans, educational programs, and other activities to clean up and protect shellfish resource areas; and~~
- ~~(c) Washington conservation corps activities and other programs to assist land owners in eliminating animal waste related pollution.~~

~~((15)) (13) The office of financial management is authorized to allow the department to deviate from the annual allocation of moneys provided in this section. This authorization pertains only to moneys appropriated and reappropriated for construction grants and hazardous waste remedial action construction contracts.~~

~~(14) \$470,000 of the general fund—state appropriation and \$396,000 of the general fund—local appropriation are provided solely to implement either Senate Bill No. 4876 or~~

House Bill No. 1655 on low-level radioactive waste. If neither Senate Bill No. 4876 nor House Bill No. 1655 is enacted by July 1, 1986, the amounts provided by this subsection shall lapse.

(15) \$57,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 69 (chapter 426, Laws of 1985), dealing with the development of guidelines and standards for the establishment of solid waste trust funds.

(16) \$52,000 of the general fund—state appropriation is provided solely to implement House Bill No. 974 (chapter 456, Laws of 1985), dealing with acid rain assessment.

(17) \$45,000 of the general fund—state appropriation is provided solely for water quality laboratory analysis.

(18) \$59,000 of the general fund—state appropriation is provided solely for the conduct of civil and criminal investigations of violations of environmental statutes.

(19) Not more than \$15,000 from the general fund—reclamation revolving account appropriation shall be paid to Cowlitz county as reimbursement for prior contributions of the flood control district to the account.

(20) Not more than \$150,000 from the general fund—private/local appropriation may be expended by the department to perform studies, by contract or otherwise, to define site closure and perpetual care and maintenance requirements for the Hanford low-level radioactive waste disposal facility and to assess the adequacy of insurance coverage for general liability, radiological liability, and transportation liability for the facility. The department shall complete the studies and report its findings to the legislature by December 31, 1987. The department shall make a preliminary progress report to the legislature by December 31, 1986.

Sec. 303. Section 310, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

	FY 1986	FY 1987
General Fund Appropriation \$	10,265,000	10,016,000
Motor Vehicle Fund Appropriation \$	((258,000))	((261,000))
	281,000	298,000
Total Appropriation	\$((20,000,000))	
	<u>20,860,000</u>	

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

(1) \$1,951,000 of the general fund—state appropriation shall be expended in each fiscal year solely for the University of Washington for the continuation of the Washington high technology center and the center for international trade in forest products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

(2) The motor vehicle fund appropriation shall be used in conformance with constitutional limitations.

(3) \$175,000 of the general fund appropriation is provided solely for the Washington state economic development board. If House Bill No. 627 is not enacted before July 1, 1985, the amount provided in this subsection shall revert.

(4) Not more than \$251,000 of the general fund—state appropriation shall be expended in fiscal year 1986 for the high-technology coordinating board. A plan shall be submitted to the legislature not later than December 20, 1985, detailing the future activities, structure, and costs of the board.

(5) Funds provided for county economic development councils shall be matched at fifty percent, except that no funds contained in this appropriation nor in-kind contributions shall be used for such matching funds.

(6) The department may contract with the small business development center at Washington State University for services to assist the promotion and expansion of small businesses in the state.

(7) The department is authorized to transfer from the surplus of the state trade fair fund not more than \$150,000 for the Pacific celebration to promote tourism and foreign trade.

(8) \$23,000 for fiscal year 1986 and \$37,000 for fiscal year 1987 from the motor vehicle fund appropriation are provided solely to implement a computer-assisted tourist information network at selected visitor information centers and state highway rest areas. The department shall coordinate with the state department of transportation in establishing the system. All revenue derived from a vendor or vendors associated with the system shall be deposited by the department in the motor vehicle fund.

Sec. 304. Section 312, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

	FY 1986	FY 1987
General Fund—ORV (Off-Road Vehicle)		
Account Appropriation \$	123,000	124,000

General Fund—Aquatic Lands Enhancement Account Appropriation	\$	158,000	158,000
General Fund—Public Safety and Education Account Appropriation	\$	((233,000))	((245,000))
		225,000	214,000
Game Fund Appropriation—State	\$	((20,054,000))	((19,585,000))
		20,116,000	19,917,000
Game Fund Appropriation—Federal	\$	5,664,000	5,803,000
Game Fund Appropriation—Private/Local	\$	647,000	646,000
Game Fund—Special Wildlife Account Appropriation	\$	148,000	148,000
Total Appropriation		\$((53,736,000))	\$((53,736,000))
		54,091,000	

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

- (1) ~~\$57,000 from the game fund—state appropriation is provided solely for legal fees resulting from the Chehalis river contempt hearing.~~
- (2) ~~Not more than \$337,000 from the game fund—state appropriation may be expended for the purposes of chapter 243, Laws of 1985.~~
- (3) ~~If HB 1869 is not enacted before April 1, 1986, \$48,000 of the public safety and education account appropriation shall revert.~~

Sec. 305. Section 314, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

		FY 1986	FY 1987
General Fund Appropriation—State	\$	((15,799,000))	((14,992,000))
		22,416,000	14,923,000
General Fund Appropriation—Federal	\$	129,000	129,000
General Fund—ORV (Off-Road Vehicle) Account Appropriation	\$	1,508,000	1,488,000
General Fund—Geothermal Account Appropriation—Federal	\$	8,000	8,000
General Fund—Forest Development Account Appropriation	\$	((6,606,000))	((6,481,000))
		7,496,000	7,945,000
General Fund—Survey and Maps Account Appropriation	\$	362,000	369,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation	\$	708,000	724,000
General Fund—Resource Management Cost Account Appropriation	\$	((24,595,000))	((24,655,000))
		26,361,000	27,419,000
Total Appropriation		\$((98,561,000))	\$((98,561,000))
		111,993,000	

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

- (1) ~~\$((601,000)) 346,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1986, and \$((501,000)) 245,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1987, associated with court actions brought by the state against timber companies that have defaulted on timber sales contracts. ((Ten percent of all funds recovered by the state in these court actions shall be deposited in the general fund until the total deposited in the general fund equals \$1,182,000.))~~
- (2) ~~\$310,000 of the general fund—state appropriation in each fiscal year is provided solely for costs associated with flood damage litigation in Skagit and Whatcom counties.~~
- (3) ~~\$482,000 of the general fund—state appropriation for fiscal year 1986 shall be used solely for the department of natural resources to move from the public lands building and vacate the house office building.~~

Sec. 306. Section 315, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

		FY 1986	FY 1987
General Fund Appropriation—State	\$	7,482,000	((7,352,000))
			7,409,000
General Fund Appropriation—Federal	\$	387,000	354,000
General Fund—Feed and Fertilizer Account Appropriation	\$	10,000	7,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	214,000	220,000
Commercial Feed Fund Appropriation	\$	246,000	236,000

Seed Fund Appropriation	\$	486,000	498,000
Nursery Inspection Fund Appropriation	\$	315,000	316,000
<u>Livestock Security Interest Fund Appropria-</u>			
<u>tion</u>	\$	21,000	17,000
Total Appropriation		\$(18,123,000))	
		18,218,000	

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

(1) Not more than \$851,000 of the general fund—state appropriation shall be expended in each fiscal year for enhanced export and domestic marketing in the agricultural development program.

(2) Not more than \$549,000 of the general fund—state appropriation in each fiscal year shall be expended for the continuation of the IMPACT center at Washington State University.

(3) \$125,000 for fiscal year 1986 and \$125,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the purchase of materials or biological control agents for controlling or eradicating noxious weeds and shall be available only for distribution by the director of the department to those activated county noxious weed control boards and active weed districts that employ administrative personnel to supervise a weed control program and that have a budget from other than state sources of at least twenty-five thousand dollars annually. The moneys provided under this paragraph shall be allocated to such boards and districts based on the severity of the noxious weed control problems.

(4) \$57,000 of the general fund—state appropriation is provided for the purchase of vaccine for the prevention of brucellosis and for the cost of distributing brucellosis vaccine to veterinarians practicing in the state of Washington, in a manner to be established by the office of state veterinarian.

PART IV
TRANSPORTATION

Sec. 401. Section 401, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

		FY 1986	FY 1987
General Fund Appropriation—State	\$	((6,684,000))	((6,611,000))
		6,881,000	6,778,000
General Fund Appropriation—Federal	\$	70,000	70,000
General Fund Appropriation—			
Private/Local	\$	718,000	539,000
General Fund—Death Investigations			
Account Appropriation	\$	12,000	12,000
Total Appropriation		\$(14,716,000))	
		15,080,000	

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

(1) \$95,000 for fiscal year 1986 and \$63,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to operate a missing children clearinghouse under Substitute House Bill No. 242. ~~((If the bill is not enacted before July 1, 1985, the amounts provided shall revert.))~~

(2) \$197,000 for fiscal year 1986 and \$167,000 for fiscal year 1987 from the general fund—state appropriation are provided to eliminate backlogs and provide mandated services for the state patrol identification and criminal history section.

Sec. 402. Section 402, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

		FY 1986	FY 1987
General Fund Appropriation	\$	6,342,000	((5,697,000))
			6,924,000
General Fund—Architects' License			
Account Appropriation	\$	234,000	234,000
General Fund—Medical Disciplinary			
Account Appropriation	\$	440,000	440,000
General Fund—Health Professions Account			
Appropriation	\$	2,826,000	2,770,000
General Fund—Professional Engineers'			
Account Appropriation	\$	405,000	400,000
General Fund—Real Estate Commission			
Account Appropriation	\$	2,834,000	2,434,000
Total Appropriation		\$(25,056,000))	
		26,283,000	

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

(1) \$900,000 of the fiscal year 1987 general fund—state appropriation is provided solely for redevelopment and expansion of the master license system. This funding is contingent on

interagency transfers of \$200,000 from the department of labor and industries and \$200,000 from the department of employment security, and contingent on services in kind worth \$200,000 from the department of revenue. The department shall begin development and pilot testing of common business identification numbers.

(2) \$44,000 of the fiscal year 1987 general fund—state appropriation is provided solely for regulation of commodity-related activities under Senate Bill No. 4527 or Substitute House Bill No. 1012. If neither Substitute House Bill No. 1012 nor Senate Bill No. 4527 is enacted by July 1, 1986, the amount provided by this subsection shall lapse.

(3) \$151,000 of the fiscal year 1987 general fund—state appropriation is provided solely to establish a small business capital formation program under Substitute House Bill No. 205. If Substitute House Bill No. 205 is not enacted by July 1, 1986, the amount provided by this subsection shall lapse.

(4) \$132,000 of the fiscal year 1987 general fund—state appropriation is provided solely for registration and regulation of vessel dealers under House Bill No. 1613. If House Bill No. 1613 is not enacted by July 1, 1986, the amount provided by this subsection shall lapse.

Sec. 403. Section 10, chapter 460, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account Appropriation	\$	(2,056,000)
		1,892,000
Highway Safety Fund Appropriation	\$	30,005,000
Highway Safety Fund—Motorcycle Safety Education Account		
Appropriation	\$	193,000
Total Appropriation	\$	(32,254,000)
		32,090,000

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

(1) The appropriations in this section provide no moneys for the administrative suspension of drivers' licenses pursuant to chapter 165, Laws of 1983 (SHB 289).

(2) The appropriations in this section provide no moneys for the "predriver education program" operated by the department and no funds may be expended by the department for this purpose.

(3) If House Bill No. 1869 is not enacted before April 1, 1986, \$206,000 of the public safety and education account appropriation shall revert.

PART V
EDUCATION

Sec. 501. Section 501, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	(19,173,000)
		19,448,000
General Fund Appropriation—Federal	\$	7,412,000
General Fund—Public Safety		
and Education Account Appropriation	\$	464,000
Total Appropriation	\$	(27,049,000)
		27,324,000

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

(1) The general fund—public safety and education account appropriation may be expended solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$66,000 of the general fund—state appropriation is provided for compensation of members of the state board of education pursuant to RCW 43.03.240.

(3) The superintendent of public instruction is directed to establish an environmental education task force of natural resource agency representatives, educators, legislators, and concerned citizens to:

(a) Establish a definition of environmental literacy;

(b) Identify existing environmental and conservation education resources in the public and private sectors; and

(c) Conduct a needs assessment to determine how to maximize use of existing environmental education resources and to provide for future needs.

\$5,000 of the general fund—state appropriation is provided solely to establish the environmental education task force. The task force shall report its findings to the committees on education and parks and ecology of the senate and the committees on education and environmental affairs of the house of representatives during the 1986 regular legislative session.

(4) \$58,000 of the general fund—state appropriation is provided solely for teacher exchange activities between the province of Sichuan, China, and the state of Washington. Such

funds may be used to offset living expenses and travel costs for not more than three Chinese and three American exchange teachers per year.

(5) A maximum of \$350,000 of the general fund—state appropriation may be expended for the implementation of Second Substitute House Bill No. 141, achievement test/10th grade.

(6) ~~\$(1,550,000))~~ 1,625,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 174, teacher's assistance program.

(7) \$512,000 of the general fund—state appropriation is provided solely for implementation of House Bill No. 849, teacher evaluation.

(8) \$500,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1056, school based management.

(9) \$1,000,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1065, school inservice program.

(10) \$10,000, or so much thereof as is necessary, of the general fund—state appropriation may be expended for implementation of section 2 of House Bill No. 999, authorizing a data base report on educational clinics.

(11) \$150,000 of the general fund—state appropriation is provided solely for the implementation of Substitute House Bill No. 1829, categorical program study. If the bill is not enacted by June 30, 1986, this amount provided by this subsection shall lapse.

(12) \$50,000 of the general fund—state appropriation is provided solely for community-based pilot projects in remedial assistance.

Sec. 502. Section 503, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ ~~(3,465,393,000))~~
3,436,768,000

The appropriation in this section is subject to the following conditions and limitations:

(1) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of the violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

(2) ~~\$(1,285,000))~~ 314,650,000 is provided solely for the remaining months of the 1984-85 school year.

(3) Allocations for certificated salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education certificated salary allocation defined in section 504 of this act by the district's formula-generated certificated staff units determined as follows:

(a) One certificated staff unit for each twenty average annual full time equivalent kindergarten, elementary, and secondary students, excluding handicapped full time equivalent enrollment as calculated according to the procedures in the allocation model established in section 506 of this act and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations in subsection (3) (b) through ~~((f))~~ (e) of this section: PROVIDED, That those school districts with a minimum enrollment of 250 full time equivalent students and whose full time equivalent student enrollment count in a given enrollment month exceeds the first of the month full time equivalent enrollment count by 5% shall be entitled to an additional state allocation of 110% of the pro rata share that such enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(b) During the 1985-86 school year, one certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction, for the 1986-87 school year one certificated staff unit for each average annual seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction: PROVIDED, That in skills centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education program.

(c) For districts enrolling not more than twenty-five average annual full time equivalent students and for small school plants within any school district, which small plants enroll not more than twenty-five average annual full time equivalent students and have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For the 1985-86 school year, for those enrolling no students in grades seven or eight, three certificated staff units;

(ii) For the 1985-86 school year, for those enrolling students in either grades seven or eight, four certificated staff units;

(iii) For the 1986-87 school year, for those enrolling no students in grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-twentieth of a certificated staff unit for each additional student enrolled; and

(iv) For the 1986-87 school year, for those enrolling students in either grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-tenth of a certificated staff unit for each additional student enrolled.

(d) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants enroll more than twenty-five average annual full time equivalent students and have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollments above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated staff unit;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated unit.

((d)) (e) A district that operates no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students shall be allocated certificated staff units for enrollment in each such high school as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

((e)) (f) In addition to those staffing ratios specified by RCW 28A.41.140, school districts with an enrollment of at least 100 annual average full time equivalent students in grades kindergarten through third grade shall receive during the 1986-87 school year a certificated unit allocation in addition to that provided in subsection (3)(a) of this section, at a rate of one certificated staff unit per 1,000 annual average full time equivalent students enrolled in grades kindergarten through third grade: PROVIDED, That school districts shall use the additional certificated unit allocation to provide during the 1986-87 school year additional personnel whose primary duty is the daily classroom educational instruction of students.

(4) Allocations for classified salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education classified salary allocation as defined in section 504 of this act by the district's formula-generated classified staff units determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (3) (a), (c), ~~((and))~~ (d), and (e) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(5) Fringe benefit allocations shall be calculated at a rate of 20.03 percent in the 1985-86 school year and 20.08 percent in the 1986-87 school year of certificated salary allocations provided pursuant to subsection (3) of this section, and a rate of 16.86 percent in the 1985-86 school year and 16.91 percent in the 1986-87 school year of classified salary allocations provided pursuant to subsection (4) of this section.

(6) Insurance benefit allocations for the 1985-86 and 1986-87 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (3) of this section and for the number of classified staff units determined in subsection (4) of this section multiplied by 1.152.

(7)(a) For nonemployee related costs with each certificated staff unit determined under subsection (3) (a), (c), ~~((and))~~ (d), and (e) of this section, there shall be provided a maximum of

\$5,614 per staff unit in the 1985-86 school year and a maximum of \$5,833 per staff unit in the 1986-87 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (3)(b) of this section, there shall be provided a maximum of \$10,698 per staff unit in the 1985-86 school year and a maximum of \$11,115 per staff unit in the 1986-87 school year.

(8) Allocations for costs of substitutes for classroom teachers shall be provided at a rate of \$268 per full time equivalent basic education classroom teacher during the 1985-86 and 1986-87 school years.

(9) The superintendent shall distribute a maximum of \$3,010,000 outside the basic education formula during fiscal years 1986 and 1987 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$320,000 may be expended in fiscal year 1986 and a maximum of \$342,000 in fiscal year 1987.

(b) For summer vocational programs at skills centers, not more than ~~\$(999,000))~~ 771,000 shall be expended in fiscal year 1986 and not more than \$1,077,000 in fiscal year 1987.

(c) For school district emergencies, a maximum of \$136,000 may be expended in fiscal year 1986 and a maximum of \$136,000 may be expended in fiscal year 1987.

(10) A maximum of \$125,000 shall be distributed to enhance funding provided in subsections (3) through (9) of this section in the 1986-87 school year for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands.

NEW SECTION. Sec. 503. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—RETIREMENT BENEFITS

General Fund—Revenue Accrual Account

Appropriation \$ 11,297,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funds appropriated in this section in proportion to the state-supported classified salary allocation to each district.

(2) Funds appropriated in this section are intended to fully fund employer contributions to the public employees' retirement system.

Sec. 504. Section 504, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE

COMPENSATION

General Fund Appropriation \$ 47,733,000

(1) For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(a) "LEAP Document 7" means the computer tabulation of 1984-85 derived base salaries for basic education certified staff and 1984-85 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 11, 1985, at 10:36 hours.

(b) "Revised LEAP Document 7" means the computer tabulation of certificated and classified derived base salaries as developed by the legislative evaluation and accountability program committee on February 27, 1986, at 9:41 hours.

(c) For the purposes of the appropriation in section 502 of this 1986 act, each district's average basic education certificated salary allocation shall be the district's certificated derived base salary shown on LEAP Document 7, multiplied by the district's prior year staff mix factor calculated using LEAP Document 1.

~~((e))~~ (d) For the purposes of the appropriation in section 502 of this 1986 act, each district's average basic education classified salary allocation for both the 1985-86 and 1986-87 school years shall be the district's classified derived base salary multiplied by the district's prior year classified increment mix factor, as specified in this section. For the 1985-86 school year, the classified derived base salary for each district shall be the average classified salary specified for each district in LEAP Document 7 divided by the 1984-85 classified increment mix factor for each district calculated according to the formula used by the superintendent of public instruction in the 1984-85 school year. By December 1, 1985, the superintendent of public instruction shall provide to the legislative evaluation and accountability program committee the appropriate data with which to modify LEAP Document 7 to reflect the classified derived base salary for use in the 1986-87 school year.

(e) "Incremental fringe benefits" means 19.44 percent for certificated staff and 15.49 percent for classified staff, which percentages shall be the fringe benefit rates applied to all salary increases provided in this section, and is for employer contributions to employee benefits and retirement benefits.

(2) For the purposes of RCW 28A.58.095 and section 503(1) of this act, the following conditions and limitations apply:

(a) Effective September 1, 1986, each school district is authorized to grant salary increases that increase the district's actual basic education certificated derived base salary to no more

than the sum of: (i) The district's certificated derived base salary as shown on revised LEAP Document 7; and (ii) three percent of the state-wide average certificated derived base salary as shown on revised LEAP Document 7.

(b) Effective September 1, 1986, each school district is authorized to grant salary increases that increase the district's actual basic education classified derived base salary to no more than the sum of: (i) The district's classified derived base salary as shown on revised LEAP Document 7; and (ii) three percent of the state-wide average classified derived base salary as shown on revised LEAP Document 7.

(c) The maximum average percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized pursuant to this section for the district's basic education program.

((b)) (d) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1985-86 or 1986-87 school year which would raise the rate per full time equivalent unit to over \$167 per month.

((c)) (e) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

((d)) (f) Seniority increments granted by a school district pursuant to the district's salary schedule for classified employees shall constitute salary increase in the year in which the increments are given to the extent only that the aggregate of the increments granted by the district exceeds the amount of the district's increments calculated using the formula adopted by the superintendent of public instruction for the classified increment mix factor.

(g) Districts may elect an alternate measure of salary compliance for classified staff by comparing base salaries of 1986-87 staff to the imputed base that was or would have been paid the same staff in the same positions during 1985-86 if the districts electing this alternative certify by board resolution that any amount in excess of state-funded salary levels in each year henceforward is solely a district obligation created through local district personnel policies and salary schedule placements, and that the effect shall neither incur nor imply any current or future funding obligation by the state.

(3)(a) A maximum of \$650,000 of the appropriation in this section is provided to fund the conversion from LEAP Document 7 to revised LEAP Document 7, effective September 1, 1986. The superintendent of public instruction shall distribute these moneys to fund increases in salary costs and incremental fringe benefits resulting from using revised LEAP Document 7 to calculate allocations for certificated and classified staff units as in section 502 of this 1986 act.

(b) \$28,582,000 is provided, effective September 1, 1986, to increase funding for each basic education certificated staff unit allocated for the 1986-87 school year in section 502 of this 1986 act by an amount equal to the district's 1985-86 LEAP Document 1 basic education staff mix factor times three percent of the state-wide average certificated derived base salary as shown on revised LEAP Document 7, and for incremental fringe benefits.

(c) \$5,926,000 is provided, effective September 1, 1986, to increase funding for each basic education classified staff unit allocated for the 1986-87 school year in section 502 of this 1986 act by an amount equal to the district's 1985-86 basic education classified increment mix factor times three percent of the state-wide average classified derived base salary as shown on revised LEAP Document 7, and for incremental fringe benefits.

(d) A maximum of \$2,263,000 is provided for salary increases and incremental fringe benefits in the following programs, to be distributed by increasing 1986-87 school year allocation rates as specified:

- (i) Transitional bilingual instruction (section 508), \$11.43 per pupil;
- (ii) Remediation assistance (section 509), \$8.80 per pupil;
- (iii) Education of highly capable students (section 510), \$6.77 per pupil;
- (iv) Vocational-technical institutes (section 512), \$59.94 per FTE pupil;
- (v) Pupil transportation (section 514), \$0.46 per weighted pupil-mile.

(e) A maximum of \$3,968,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 506), and for state-supported staff in educational service districts (section 502) and institutional education programs (section 507). The superintendent of public instruction shall distribute a three percent salary increase for these programs using the pertinent program state-wide average derived base salaries.

(f) \$6,344,000 of the appropriation in this section is provided to enhance salaries for certificated personnel in state-supported programs pursuant to this subsection. Each school district with a certificated derived base salary of less than \$16,500, as shown on revised LEAP Document 7, is authorized to grant salary increases effective September 1, 1986, which both:

(i) Increase the actual full time equivalent salary of each certificated employee of the district to a minimum of \$16,500 for the 1986-87 school year; and

(ii) Increase the district's actual basic education certificated derived base salary, excluding the salary increase provided in subsection (2)(a) of this section, to no more than \$16,500.

For the purposes of allocating basic education funds in the 1986-87 school year, the superintendent of public instruction shall modify revised LEAP Document 7 to reflect a certificated derived base salary of \$16,500 for each district which grants the increases authorized by this subsection. The superintendent of public instruction may distribute a maximum of \$71,000 of the funds provided by this subsection to those districts whose actual cost of granting minimum increases to \$16,500 under (i) of this subsection exceeds the increase in the district's total salary allocation resulting from the modification of revised LEAP Document 7.

In addition to other increases provided by this section, each school district with a certificated derived base salary of at least \$16,500, as shown on revised LEAP Document 7, is authorized to grant such increases effective September 1, 1986, as are necessary to achieve a minimum full time equivalent salary of \$16,500 for any individual certificated employee. \$1,500,000, or so much thereof as may be necessary, shall be distributed by the superintendent of public instruction solely to increase salaries of individual certificated employees in these districts who would otherwise receive a full time equivalent salary of less than \$16,500.

(4) Increases provided by this section shall be included in the programs referenced in RCW 84.52.0531(1) for purposes of calculating the levy lid.

Sec. 505. Section 506, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((355,371,000))
		362,380,000
General Fund Appropriation—Federal	\$	30,153,000
Total Appropriation	\$	((385,524,000))
		392,533,000

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

(1) ~~\$(~~(32,235,000))~~ 32,120,000~~ of the general fund—state appropriation is provided solely for the remaining months of the 1984-85 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1985-86 ~~((and 1986-87))~~ school year(s) in accordance with a district's actual handicapped enrollments and the allocation model established in ~~((new))~~ LEAP Document 8 as developed by the legislative evaluation and accountability program committee on May 28, 1985, at 14:04 hours.

(3) The superintendent of public instruction shall distribute state funds for the 1986-87 school year in accordance with a district's actual handicapped enrollments and the allocation model established in LEAP Document 8 (revised) as developed by the legislative evaluation and accountability program committee on December 10, 1985, at 9:45 hours.

(4) A maximum of \$250,840 may be expended from the general fund—state appropriation to fund three teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through home and hospital allocation and the handicapped program.

Sec. 506. Section 509, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR REMEDIATION ASSISTANCE

General Fund Appropriation	\$	((24,733,000))
		29,580,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,644,000 is provided solely for the remaining months of the 1984-85 school year.

(2) Funding for school district remediation programs serving grades two through nine shall be distributed during the 1985-86 and 1986-87 school years at a maximum rate of \$337 per unit as calculated pursuant to this subsection. The number of units for each school district shall be the sum of: (a) The number of students enrolled in grades two through six in the district multiplied by the percentage of students taking the fourth grade basic skills test ~~((in the previous year))~~ who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages seven through eleven in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades two through six; and (b) the number of students enrolled in grades seven through nine in the district multiplied by the percentage of students taking the eighth grade basic skills test ~~((in the previous year))~~ who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades seven through nine. For the purposes of allocating funds for the 1985-86 school year, the superintendent shall use the prior year's fourth and eighth grade basic skills test scores. For the purposes of allocating funds for the 1986-87 school year, the superintendent

shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior two-year average scores on the eighth grade test.

Sec. 507. Section 510, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation	\$	((4,918,000))
		4,876,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~S((408,000))~~ 400,000 is provided solely for distribution to school districts for the remaining months of the 1984-85 school year.

(2) A maximum of ~~S((2,326,000))~~ 2,308,000 may be expended by school district programs for highly capable students during the 1985-86 school year, distributed at a maximum rate of \$326 per student for up to one percent of each district's 1985-86 full time equivalent enrollment.

(3) A maximum of ~~S((2,391,000))~~ 2,365,000 may be expended in school district programs for highly capable students in the 1986-87 school year, at a maximum rate of \$330 per student for up to one percent of each district's 1986-87 full time equivalent enrollment.

(4) A maximum of \$271,000 is provided to contract for an approved gifted program to be conducted at Fort Worden state park.

Sec. 508. Section 514, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$	((208,894,000))
		204,421,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of ~~S((92,238,000))~~ 90,093,000 may be distributed for pupil transportation operating costs in the 1985-86 school year.

(2) A maximum of \$755,000 may be expended for regional transportation coordinators.

(3) A maximum of \$56,000 may be expended for bus driver training.

Sec. 509. Section 516, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

General Fund—Public Safety and Education Account Appropriation	\$	((15,123,000))
		13,876,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$549,000 may be expended for regional traffic safety education coordinators.

(2) If House Bill No. 1869 is not enacted before April 1, 1986, \$1,559,000 of the public safety and education account appropriation shall revert.

PART VI
HIGHER EDUCATION

Sec. 601. Section 603, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

		FY 1986	FY 1987
General Fund Appropriation	\$	218,702,000	((218,721,000))
			218,852,000
Medical Aid Fund Appropriation	\$	1,059,000	1,059,000
Accident Fund Appropriation	\$	1,059,000	1,059,000
General Fund—Death Investigations Account Appropriation	\$	335,000	379,000
Total Appropriation	\$	((442,373,000))	
		442,504,000	

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

(1) \$126,790,000 from the fiscal year 1986 general fund appropriation and \$126,791,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$4,281 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$1,829,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, a maximum of \$40,000 may be spent on activities related to federated learning centers.

(2) A maximum of \$400,000 may be spent for costs of initiating in underserved urban areas those undergraduate programs that are intended to become substantially self-supporting. Full time equivalent enrollments resulting from expenditures under this subsection are not subject to the conditions of subsection (1) of this section. The university shall make every effort to provide the classes authorized in this subsection on the university campus.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment \$8,318,000
- (b) Plant operations and maintenance \$48,148,000

(4) ~~The salary increases for the faculty of the University of Washington((effective)) which take effect January 1, 1986, may be granted solely to reduce critical market disparities in teaching disciplines.~~ For the purposes of this subsection, "faculty" means only those individuals holding faculty appointments in the instruction, research, public service, primary support, and sponsored research programs, including medical residents. The university shall report to the office of financial management its plans for granting salary increases under this section, including but not limited to data on increases to specific disciplines by professorial rank by October 30, 1985. The office of financial management shall report to the ways and means committees of the senate and house of representatives regarding the specific criteria the university will use to measure market disparities in teaching disciplines and to allocate salary increases to reduce such disparities. The report shall be made no later than December 1, 1985.

(5) A maximum of \$25,000 from the general fund appropriation may be spent for the purpose of developing and/or operating a cardiac transplantation unit. The university shall provide a report to the senate and house ways and means committees on January 1, 1986, and January 1, 1987. The report shall detail total expenditures to date by fiscal year and by each fund source relating to the development and/or operation of the cardiac transplantation unit and shall include expenditures from all fund sources.

(6) A minimum of \$789,000 shall be spent for support of computer grants.

(7) \$131,000 of the general fund appropriation ((is)) for fiscal year 1986 and \$131,000 of the general fund appropriation for fiscal year 1987 are provided solely for the handling of the papers of Senator Magnuson and Senator Jackson.

Sec. 602, Section 604, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation \$	125,353,000	((124,940,000))
Total Appropriation	\$(250,293,000)	<u>125,062,000</u>
	<u>250,415,000</u>	

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

(1) \$55,330,000 from the fiscal year 1986 general fund appropriation and \$55,320,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$3,458 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$1,222,000 shall be spent for enhancement of the instructional equipment budget.

(2) The office of financial management shall initially allot for the following:

- (a) Equipment \$3,743,000
- (b) Plant operations and maintenance (09) \$33,092,000
- (c) Agriculture Research (021) \$23,573,000
- (d) Cooperative Extension (032) \$16,505,000

(3) A maximum of \$170,000 may be spent for continued funding of the endrin replacement project.

(4) The college of agriculture and home economics shall establish a plan for agricultural research projects and programs. The plan shall be developed in consultation with representatives of the state's agricultural industry. The plan shall identify the amount of funds allocated to or proposed to be allocated to the research projects and programs, by subject area, during each of fiscal years 1986 and 1987 and shall establish an order of priority for funding the various types and subject areas of agricultural research. The order of priority and funding shall reflect the current and future needs of Washington state agriculture and the process to coordinate with research of other land grant universities. The dean of the college shall submit the plan to the office of financial management and to the ways and means committees of the house of representatives and senate by January 1, 1986.

(5) ~~The salary increases for the faculty of Washington State University. ((effective)) which take effect January 1, 1986, shall be granted solely to reduce critical market disparities in teaching disciplines.~~ For the purposes of this subsection, "faculty" means only those individuals holding faculty appointments in the instruction, research, public service, primary support, and sponsored research programs, including medical residents. The university shall report to the office of financial management its plans for granting salary increases under this section, including but not limited to data on increases to specific disciplines by professorial rank by October 30, 1985. The office of financial management shall report to the ways and means committees of the senate and house of representatives regarding the specific criteria the university will use to measure market disparities in teaching disciplines and to allocate salary increases to reduce such disparities. The report shall be made no later than December 1, 1985.

~~((7))~~ (6) A maximum of \$1,165,000 may be spent on intercollegiate sports activities.

(7) \$122,000 of the fiscal year 1987 appropriation is provided solely to fund planned degree programs in business administration, education, and computer sciences at the South-west Washington joint center for education on the condition that the programs are reviewed and favorably recommended by the higher education coordinating board.

(8) Nothing in this section prevents expenditure for civic improvements.

Sec. 603. Section 605, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation \$	36,274,000	35,293,000
Total Appropriation	\$71,567,000	

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

(1) ~~\$(16,912,000))~~ 18,435,000 from the fiscal year 1986 general fund appropriation and ~~\$(17,932,000))~~ 17,454,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of ~~\$(2,692))~~ 2,564 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$199,000 shall be spent for enhancement of the instructional equipment budget.

(2) A maximum of \$402,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment \$918,000
- (b) Plant operations and maintenance \$13,072,000

(4) A maximum of \$1,000,000 may be spent on intercollegiate sports activities.

Sec. 604. Section 607, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

	FY 1986	FY 1987
General Fund Appropriation \$	((+6,768,000))	((+6,875,000))
	<u>17,003,000</u>	<u>17,206,000</u>
Total Appropriation	\$(33,643,000))	
	<u>34,209,000</u>	

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

(1) ~~\$(6,813,000))~~ 7,073,000 from the fiscal year 1986 general fund appropriation and ~~\$(7,067,000))~~ 7,273,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of ~~\$(2,831))~~ 2,797 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$132,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, at least \$582,000 shall be spent for enrollments in underserved urban areas.

(2) A maximum of \$130,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) \$20,000 is provided solely for fiscal year 1986 from the general fund appropriation for the Washington state institute for public policy to complete the Washington state minorities incarceration study using the staff of the University of Washington. \$15,000 of this amount is provided solely for increasing the number of sample counties in the study, \$5,000, or the amount equal to the unexpended balance of the 1983-85 appropriation for this purpose, is provided solely for continuation of the original study. The expanded study shall be presented to the legislature by November 1, 1985.

(4) ~~\$(75,000))~~ 50,000 of the fiscal year 1986 and \$45,000 of the fiscal year 1987 general fund appropriations ~~((is))~~ are provided solely for the institute of public policy to conduct a study using the staff of the school of business administration at the University of Washington to update the 1972 Washington input-output study. The study shall be completed and a report made to the senate and house ways and means committees by June 30, ~~((1986))~~ 1987.

(5) A maximum of \$40,000 from the general fund—state appropriation may be spent for matching funds as provided in this subsection. The Washington state center for the improvement of the quality of undergraduate instruction shall include The Evergreen State College, as a participant with other higher education institutions desiring to participate, in instructional program innovation through the establishment of federated learning centers. State funds shall be matched with cash matching funds to the greatest extent possible.

(6) The office of financial management shall initially allot for the following:

- (a) Equipment \$722,000
- (b) Plant operations and maintenance \$6,184,000

(7) A maximum of \$178,000 may be spent on intercollegiate sports activities.

(8) \$20,000 of the fiscal year 1987 appropriation is provided solely to the institute of public policy to conduct a study of social, economic, and demographic trends and their policy implications for the state of Washington.

Sec. 605. Section 608, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation	\$ 38,731,000	(\$37,603,000) <u>37,657,000</u>
Total Appropriation	\$(76,333,000) <u>76,388,000</u>	

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

(1) \$22,582,000 from the fiscal year 1986 general fund appropriation and \$21,442,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$2,668 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$371,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, a maximum of \$40,000 may be spent on activities related to federated learning centers.

(2) A maximum of \$407,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment
- (b) Plant operations and maintenance

\$1,991,000
\$9,752,000

(4) A maximum of \$395,000 may be spent on intercollegiate sports activities.

(5) \$54,000 of the general fund appropriation for fiscal year 1987 is provided solely for the Peoples Republic of China exchange training program: PROVIDED, That at least fifty percent of the expenses of the program shall be provided from nonappropriated and private fund sources.

NEW SECTION. Sec. 606. There is hereby appropriated from the general fund \$881,000 for fiscal year 1987 summer quarter support on the condition that the universities receiving this appropriation implement and collect summer quarter tuition fees at the same rates established for the regular academic quarter. This appropriation shall be disbursed according to the following schedule:

Central Washington University	\$295,000
Eastern Washington University	\$220,000
Western Washington University	\$366,000

Sec. 607. Section 609, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE ~~((COUNCIL FOR POSTSECONDARY EDUCATION))~~ HIGHER EDUCATION COORDINATING BOARD

	FY 1986	FY 1987
General Fund Appropriation—State	(\$17,966,000) <u>17,166,000</u>	(\$17,967,000) <u>18,917,000</u>
General Fund Appropriation—Federal	1,817,000	1,817,000
State Educational Grant Appropriation	20,000	20,000
Total Appropriation	\$(39,607,000) <u>39,757,000</u>	

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

(1) No later than June 30, 1986, the ~~((council's))~~ board's first priority shall be to provide financial assistance to the core of students with extremely high unmet need. The ~~((council))~~ board shall adopt a definition for this group of students and provide financial aid for all such students at a standard to be established by the ~~((council))~~ board. To the greatest extent possible, the ~~((council))~~ board shall emphasize work study and other self-help programs in its financial assistance programs.

(2) The ~~((council))~~ board shall take all necessary management precautions to ensure that financial aid awards to individuals and institutions do not exceed the amounts provided in subsection (1) of this section. Any over-commitment of funds shall be paid directly from the funds provided for the coordination and policy analysis program until those funds are exhausted.

NEW SECTION. Sec. 608. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation	\$ 1,729,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,629,000 of the appropriation shall be expended solely to satisfy judgments and claims incurred from the deferral of faculty salary increases during the 1981-83 fiscal biennium. The appropriation shall be spent for all salary and interest costs incurred in fiscal year 1983. Additional costs related to the salary deferral but incurred after fiscal year 1983 shall be borne by the districts incurring such costs. Acceptance of the proceeds of this appropriation

shall result in complete discharge of all claims of any nature whatsoever of all plaintiffs regarding the 1981-83 salary deferral.

(2) \$100,000 of this appropriation is provided solely to implement a pilot program for volunteer literacy tutorial coordination. The pilot program shall be jointly coordinated by the superintendent of public instruction and the state board for community college education with special emphasis on raising the potential of adult illiterates for permanent employment.

By January 1988, the superintendent of public instruction and the state board of community college education shall provide the appropriate legislative standing committees with a report on the educational history of students in adult literacy programs and in other publicly funded programs designed to provide adults with basic educational skills; the highest grade level attained by students; the states where the students attended school; and the amount of time the students spent in Washington schools.

NEW SECTION. Sec. 609. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

The senate committee on education, the house of representatives committee on higher education, and the committees on ways and means of the senate and house of representatives shall conduct a study of higher education faculty salaries and shall make recommendations to the legislature by December 1, 1986.

PART VII SPECIAL APPROPRIATIONS

Sec. 701. Section 701, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State \$ 1,700,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) \$100,000 of this appropriation may be spent for law enforcement and social service problems arising from Expo '86.

Sec. 702. Section 702, chapter 6, Laws of 1985 ex. sess. as amended by section 1, chapter 1, Laws of 1986 (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPARABLE WORTH IMPLEMENTATION AND LAWSUIT

General Fund Appropriation \$ 26,790,000

Special Fund Salary Increase

Revolving Fund Appropriation \$ 19,120,000

Total Appropriation \$ 45,910,000

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

(1) \$644,500 of the general fund appropriation and \$326,250 of the special fund salary increase revolving fund appropriation are provided solely for a salary increase for those job classifications tied to salary survey benchmarks falling 8 ranges or more below the January 1, 1985, actual average comparable worth line as calculated under the formula of $\$983.72 + (\$3.28 \times \text{points})$ and rounded to the nearest Step G or equivalent step for shortened ranges. However, a job classification shall receive an increase only if its salary range as of January 1, 1985, is also 8 or more ranges less than the salary range of that classification as calculated under the aforementioned formula using the evaluation points of that classification as adopted by the respective personnel board. This adjustment shall take place July 1, 1985, and shall equal \$75 a year for all affected classes and employees and shall terminate on March 30, 1986.

(2) \$350,000 of the general fund—state appropriation shall be used solely by the office of the governor to hire an independent consultant with expertise in developing and evaluating public employee job classification systems and implementing comparable worth. The consultant shall:

(a) Review the Willis methodology;

(b) Update job class specifications for all job classes with incumbents that have not been reviewed for the past five years;

(c) Develop a new benchmark and indexing structure which reflects the evaluated worth of the job classes; and

(d) Evaluate the job class specifications for the implementation of comparable worth.

(3) The department of personnel and the higher education personnel board shall provide any assistance needed by the consultant to perform the activities in subsection (2) of this section. Both the state personnel board and higher education personnel board must submit joint reports to the legislature on the progress to date in implementing the consultant's recommendations no later than January 1, 1986, and July 1, 1986. On January 1, 1987, both boards shall submit a final report to the legislature.

(4) \$150,000 of the general fund—state appropriation and \$100,000 of the special fund salary increase revolving fund appropriation shall be used solely for the office of the governor to allocate to agencies that provide technical assistance to the consultant hired under subsection (2) of this section.

(5) \$25,545,500 of the general fund appropriation and \$((18,793,756)) 18,693,750 of the special fund salary increase revolving fund appropriation, along with all moneys currently included in agencies' budgets for payment of the \$100 per year comparable worth salary increase pursuant to chapter 76, Laws of 1983 1st ex. sess., are provided for the settlement of all claims of all plaintiffs and class members of American Federation of State, County, and Municipal Employees, et al. v. State of Washington, et al., Cause Nos. C82-4657, 84-3569, and 84-3590 and the implementation of comparable worth pursuant to RCW 28B.16.116 and RCW 41.06.155. The settlement shall result in complete discharge of all claims of any nature whatsoever of all plaintiffs and class members. It is the intent of the legislature that salary adjustments for affected class members not exceed the adjustment calculated using the average actual comparable worth salary line as applied to the Willis evaluation points of the affected job classification and adopted by the state personnel board and the higher education personnel board: PROVIDED, That on or before the dates on which comparable worth increases become effective, the higher education personnel board shall review the salaries of all job classifications receiving comparable worth increases which are also receiving special pay to determine whether the requirements of WAC 251-09-090 continue to be met and shall make any reductions in special pay necessary to adjust for the increases in base pay resulting from comparable worth adjustments. The governor as the chief executive officer of the state, with the assistance of the attorney general, is authorized to seek a proposed settlement. However, any such settlement is tentative and subject to legislative ratification. \$100,000 of the general fund appropriation is provided solely for the office of the governor to retain any special consultants or negotiators to work with the attorney general in seeking a settlement of American Federation of State, County, and Municipal Employees, et al. v. State of Washington, et al., within the terms of the appropriation as set out in this subsection. If a tentative settlement is reached within the terms of the appropriation within this subsection, the governor and the attorney general shall jointly present a report on the tentative settlement to the legislature no later than January 1, 1986, for ratification. No funds shall be released before April 1, 1986, or until such time as stipulated final judgment is entered under the terms of the tentative settlement ratified by the legislature, whichever is later. The appropriation provided for settlement in this subsection shall lapse if no proposal is brought before the legislature before January 1, 1986, if the tentative settlement brought before the legislature is not ratified by the legislature during the 1986 legislative session, or if stipulated final judgment is not entered before June 30, 1986.

(6) The department of personnel and the higher education personnel board shall provide monthly reports to the legislative evaluation and accountability program committee regarding the steps each has taken, or proposes to take, to implement the settlement agreement referred to in subsection (5) of this section. The reports will include information on all disputes or potential disputes regarding implementation which have been brought to the attention of the two agencies.

The legislative evaluation and accountability program committee shall report to the legislature regarding the implementation steps taken by, and potential disputes facing, the department of personnel and the higher education personnel board. Such reports shall be provided as often as deemed necessary by the committee, but no later than June 1, 1986, December 1, 1986, and April 1, 1987.

(7) The department of personnel and the higher education personnel board shall report to the legislature by January 1, 1986, with a report identifying those job classifications not covered by the lawsuit that would be entitled to receive adjustments under the average actual comparable worth line. The report shall include recommendations regarding implementation of comparable worth adjustments for these affected job classes.

(8) To facilitate payment of salary increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 703. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE GOVERNOR—COMPENSATION INCREASES

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) There is appropriated for department of personnel classified and exempt employees and higher education personnel board classified employees a 2.5 percent or \$50 per month, whichever is greater, salary increase for all job classes effective September 1, 1986. This increase will be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. Those job classifications which received the 1984 \$100 per year comparable worth salary increase but are not entitled to an adjustment pursuant to the comparable worth agreement shall continue to receive that salary increase, with the increase being credited against what is authorized in this subsection as a general salary increase effective September 1, 1986.

General Fund Appropriation—State \$ 15,952,000

General Fund Appropriation—Federal	\$	3,612,000
Special Fund Salary Increase Revolving Fund Appropriation	\$	7,855,000
Total Appropriation	\$	27,419,000

(2) There is appropriated for higher education graduate assistants a three percent salary increase effective September 1, 1986.

General Fund Appropriation—State	\$	397,000
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(3) There is appropriated for faculty and exempt employees of the four-year institutions of higher education a three percent salary increase effective September 1, 1986: PROVIDED, That no institution may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

General Fund Appropriation	\$	6,267,000
Special Fund Salary Increase Revolving Fund Appropriation	\$	30,000
Total Appropriation	\$	6,297,000

(4) There is appropriated for all faculty and exempt employees of the state board for community colleges, a three percent salary increase effective September 1, 1986: PROVIDED, That no community college district may grant from any fund source whatsoever any salary increase greater than provided in this section, and that the salary increase authorized in this section shall be calculated using the fiscal year 1984-85 salary base.

General Fund Appropriation	\$	3,948,000
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(5) There is appropriated for commissioned officers of the Washington state patrol a five percent salary increase effective July 1, 1986.

General Fund Appropriation	\$	92,000
Motor Vehicle—State Patrol Highway Account Appropriation	\$	1,492,000
Total Appropriation	\$	1,584,000

Sec. 704: Section 706, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT CONTRIBUTIONS

General Fund Appropriation	\$	FY 1986	FY 1987
		143,000,000	((143,000,000))
			133,895,059

<u>General Fund—Revenue Accrual Account Appropriation</u>			9,104,941
Total Appropriation		\$286,000,000	

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall be transferred on a quarterly basis.

(1) \$27,500,000 of the fiscal year 1986 appropriation and \$27,500,000 of the fiscal year 1987 appropriation are provided solely for payment for unfunded liability of the law enforcement officers' and fire fighters' retirement system.

(2) The fiscal year 1986 appropriation for unfunded liability shall be transferred to the department of retirement systems on a quarterly basis. The fiscal year 1987 appropriation for unfunded liability shall be transferred to the department of retirement systems on a quarterly basis.

NEW SECTION, Sec. 705. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Washington Distinguished Professorship Trust Fund pursuant to RCW 28B.10.860 through 28B.10.865	\$	750,000
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NEW SECTION, Sec. 706. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) In settlement of all claims for expenses in State v. Johnson, Superior Court for Chehalis County, Judgment No. 85-1-00020-1, pursuant to RCW 9.01.200, including interest	\$	17,345.16
(2) In settlement of all claims for expenses in State v. Negrin, Superior Court for Island County, Judgment No. 85-1-000308, pursuant to RCW 9.01.200, including interest	\$	42,121.18
(3) In settlement of all claims for expenses in State v. Dowd, Superior Court for Snohomish County, Judgment No. 84-1-00630-1, pursuant to RCW 9.01.200, including interest	\$	8,122.97
(4) In settlement of all claims for expenses in State v. Ford, Superior Court for Snohomish County, Judgment No. 85-1-00105-7, pursuant to RCW 9.01.200, including interest	\$	6,508.84

(5) In settlement of all claims for expenses in Seattle v. Semaan, Municipal Court of Seattle, Judgment No. 85-2180747, pursuant to RCW 9.01.200, including interest	\$	1,348.19
(6) In settlement of all claims for expenses in Garden v. State, Superior Court for King County, Judgment No. 84-2-00837-7, pursuant to RCW 9.01.200, including interest	\$	8,090.33
(7) In settlement of all claims for expenses in Seattle v. Myer, Municipal Court of Seattle, Judgment No. 85-1260767, pursuant to RCW 9.01.200, including interest	\$	1,455.68
(8) In settlement of all claims for expenses in State v. Davis, Superior Court for Mason County, Judgment No. 4146444 and Judgment No. 85-1-90-1, both pursuant to RCW 9.01.200, including interest	\$	14,718.90
(9) In settlement of all claims for expenses in State v. Sloan, Superior Court for Chelan County, Judgment No. 85-1-00147-9, pursuant to RCW 9.01.200, including interest	\$	14,721.81
(10) In settlement of all claims for expenses in State v. Kinyon, Superior Court for Benton County, Judgment No. 85-1-00241-9, pursuant to RCW 9.01.200, including interest	\$	33,859.02
(11) In settlement of all claims for expenses in State v. Brosseau, Superior Court for Clark County, Order of Dismissal No. 84-1-00620-0, pursuant to RCW 9.01.200, including interest	\$	15,835.07
(12) To the department of social and health services, in settlement of all claims in Family Medical Building, Inc. v. State, Superior Court for Okanogan County, Stipulated Judgment No. 23937: PROVIDED, That \$104,000 of this appropriation shall be from federal funds	\$	260,000.00
(13) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
(a) Ted Richert	\$	346.42
(b) Keith Schober	\$	1,700.00

Sec. 707, Section 711, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION		
General Fund Appropriation for fire insurance premiums tax distribution	\$	(4,337,900) 3,599,171
General Fund Appropriation for public utility district excise tax distribution	\$	(21,932,000) 22,129,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,708,071
General Fund Appropriation for motor vehicle excise tax distribution	\$	(43,415,000) 45,955,000
General Fund Appropriation for local mass transit assistance	\$	(136,800,000) 138,500,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	(1,263,292) 1,712,190
General Fund— (Harbor Improvement) Aquatic Lands Enhancement Account Appropriation for (harbor improvement) aquatic lands revenue distribution	\$	(22,073) 56,100
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	(10,770,000) 17,881,633
Motor Vehicle Fund Appropriation for motor vehicle fuel tax (and overload penalties) distribution	\$	(269,336,034) 257,401,676
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	(44,000,000) 41,000,000
General Fund—Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	(37,760,000) 36,890,000
General Fund—Municipal Sales and Use Tax Equalization Account Appropriation	\$	(23,370,000) 24,745,000

General Fund—County Sales and Use Tax Equalization Account		
Appropriation	\$	((7,858,000))
		<u>8,300,000</u>
General Fund—Death Investigations Account Appropriation for distribution to counties for public funded autopsies	\$	((200,000))
		<u>480,000</u>
Total Appropriation	\$	((610,708,376))
		<u>600,357,841</u>

PART VIII
CAPITAL PROJECTS

NEW SECTION, Sec. 801. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To conduct a feasibility study of an economic development project in the city of Tacoma.

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		100,000

The appropriation in this section is subject to the following conditions and limitations: Before expending funds under this section, the department shall secure an option or agreement to purchase project property at a fixed price. This option may be secured directly by the state or by agreement with the city of Tacoma in the event that the city secures a direct option.

NEW SECTION, Sec. 802. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Property acquisition option to be negotiated on behalf of the state for an extension of Ft. Steilacoom Community College.

	Reappropriation	Appropriation
GF, CEP & RI Acct		300,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		300,000

NEW SECTION, Sec. 803. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Provide parking and road improvements for public and constituent use at 16th Avenue and Cherry Street in Olympia to accommodate up to 375 vehicles, to be completed by January 1, 1987: PROVIDED, That the parking area authorized in this section will be used for displacement parking if a natural resources facility is constructed on the east capitol campus: PROVIDED FURTHER, That amounts not needed for the purposes of this section may be spent for purposes provided in section 804 of this 1986 act.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		400,000
GF, Cap Purch & Dev Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,400,000

NEW SECTION, Sec. 804. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Provide road and traffic control and operational improvements at I-5, Exit 105 and Jefferson/Cherry Streets, to be completed by January 1, 1987.

	Reappropriation	Appropriation
Motor Vehicle Fund		600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		600,000

Sec. 805. Section 256, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF CORRECTIONS

State-wide code compliance: Transformers (PCB) (CR-86-1-012)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		100,000
GF, CEP & RI Acct		<u>100,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	((400,000))	500,000
	<u>300,000</u>	

NEW SECTION. Sec. 806. A new section is added to chapter 373, Laws of 1985 to read as follows:

DEPARTMENT OF CORRECTIONS

The department of corrections shall develop a six-year plan for its institutional industries programs. The six-year institutional industries plan shall be separate but compatible with the agency's six-year capital plan as submitted to the governor for inclusion in the governor's state facilities and capital plan. The institutional industry plan shall include but not be limited to the identification of proposed new programs or expansion/reduction of existing programs, the numbers of estimated jobs created or lost, cost estimates of new construction/renovation, and related equipment and related operating cost estimates. The six-year institutional industries plan shall be submitted to the office of financial management in conjunction with its annual capital budget request.

NEW SECTION. Sec. 807. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Construction of a movable tall ships tourist attraction in cooperation with the Grays Harbor tall ships restoration society. This appropriation is contingent on the issuance of general obligation bonds of \$500,000 by Grays Harbor county or any city or municipal entity within Grays Harbor county for the purpose of this tourist attraction.

	Reappropriation	Appropriation
General Fund		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		500,000

NEW SECTION. Sec. 808. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Low-income refugee housing projects

	Reappropriation	Appropriation
General Fund		700,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		700,000

The appropriation in this section is provided solely for matching funds to local governments, nonprofit agencies, or other municipal corporations, except housing authorities, for a housing project to be primarily occupied by low-income refugee families or individuals. The housing project may be located only in a county in which at least ten percent of refugees receiving income assistance from the department of social and health services reside. Local government matching funds for these moneys shall not include federal or other state housing funds or costs for administering funds provided under this section. Expenditure of these funds shall be limited to acquisition, new construction, renovation, or other development costs.

NEW SECTION. Sec. 809. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Nalley Valley Farm earnest money (Skokomish River Delta)

	Reappropriation	Appropriation
General Fund		50,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		50,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall only be expended when the department of community development evaluation of the site use is completed and recommends purchase. The earnest money shall be returned to the general fund if the property purchase is not contained in the 1987 capital budget.

NEW SECTION. Sec. 810. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Adult holding and spawning: Wishkah River

	Reappropriation	Appropriation
GF, Sal Enhmt Constr Acct		300,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/86 and	Costs
1/1/86	Thereafter	
	300,000	300,000

The appropriation in this section shall lapse if substantial progress has not been made in a timely manner as determined by the office of financial management.

NEW SECTION. Sec. 811. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GAME

Migratory Waterfowl Habitat Projects (CI-87-3-034)

	Reappropriation	Appropriation
State Game Fund		330,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		330,000

NEW SECTION. Sec. 812. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GAME

Barnaby Slough steelhead rearing pond

	Reappropriation	Appropriation
General Fund		210,000
Game Fund—Federal		210,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		420,000

The appropriation in this section is subject to the following conditions and limitations: Expenditures of general fund moneys under this section shall not exceed expenditures of game fund—federal moneys under this section. If Initiative 90 is approved by the voters at the 1986 general election, the state treasurer shall transfer from the game fund to the general fund an amount equal to the total general fund expenditure under this section.

Sec. 813. Section 591, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

Washington State Convention and Trade Center (CI-83-R-001)

	Reappropriation	Appropriation
GF, Convention Center Acct	((85,418,000))	
	<u>85,874,334</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
((10,832,000))		96,250,000
10,375,666		

Sec. 814. Section 312, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Design of the heavy equipment building: Grays Harbor (CI-86-3-L04)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		60,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	

((755,000))
695,000

755,000

NEW SECTION. Sec. 815. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Lower Columbia roof repairs

	Reappropriation	Appropriation
GF, St H Ed Constr Acct	9,150	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,246,800

Sec. 816. Section 374, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON

(Fisheries renovation) To provide for occupancy code requirement repairs to the existing Fisheries Building, and to design and construct an addition to the Marine Institute Building or a stand-alone facility (CR-86-1-014)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		6,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		6,000,000

Sec. 817. Section 201, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 37 projects (CI-79-3-R01)

Approve, construct, renovate, and equip facilities for the care, training, and rehabilitation of persons with physical or mental handicaps, involving ((eleven)) four projects (~~of which two are reductions in scope from prior legislative approval~~). Moneys allocated to a project under this section shall revert for reallocation if the final application for the project has not been submitted by December 31, ~~((1985))~~ 1986, and approved by March 31, ~~((1986))~~ 1987.

	Reappropriation	Appropriation
GF, Hndcp Fac Constr Acct	4,242,000	115,126
GF, LIRA, DSHS Fac		90,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
((20,750,000))		25,090,000
20,642,000		

NEW SECTION. Sec. 818. A new section is added to chapter 373, Laws of 1985 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Construct administrative and support space for the close-to-home living unit for mentally ill children, Pearl Street facility, Referendum 29 projects (CR-86-1-R03)

	Reappropriation	Appropriation
GF, LIRA, DSHS Fac		78,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		78,000

Sec. 819. Section 716, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

(1) A maximum of ~~S((21,800,000))~~ 148,400,000 of the appropriations and reappropriations provided in sections 301 through 309 of this act may be disbursed during the 1985-87 biennium.

(2) Reappropriations in sections 301 through 305 of this act are reauthorizations of appropriations from section 887, chapter 57, Laws of 1983 1st ex. sess. Proceeds of the sale of bonds authorized by chapter 266, Laws of 1984 may be used for the support of these projects.

PART IX

MISCELLANEOUS

Sec. 901. Section 4, chapter 39, Laws of 1970 ex. sess. as last amended by section 24, chapter 57, Laws of 1985 and RCW 41.05.040 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "state employees insurance fund", to be used by the trustee as a revolving fund for the deposit of contributions, dividends and refunds, and for payment of premiums for employee insurance benefit contracts entered into in accordance with instructions of the board and payments authorized

by RCW 41.05.030(2). Moneys from the state employees insurance fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the trustee. However, before June 30, 1987, the treasurer shall not disburse moneys from the fund when the disbursement would result in a fund balance of less than \$11,597,000. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the state employees insurance fund shall be credited to this fund.

Sec. 902. Section 12, chapter 167, Laws of 1975 1st ex. sess. as amended by section 28, chapter 57, Laws of 1985 and by section 507, chapter 405, Laws of 1985 and RCW 43.19.610 are each reenacted and amended to read as follows:

There is hereby established in the state treasury an account to be known as the motor transport account into which shall be paid all moneys, funds, proceeds, and receipts as provided in RCW 43.19.615 and as may otherwise be provided by law. Disbursements therefrom shall be made in accordance with the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 as authorized by the director or his duly authorized representative and as may be provided by law. All earnings of investments of balances in the motor transport account shall be credited to the general fund.

The ~~((office of financial management may direct the))~~ state treasurer ~~((to))~~ shall transfer to the general fund ~~((an amount not to exceed \$1,500,000))~~ two million dollars from the motor transport account ~~((for the 1983-85 fiscal biennium))~~ on or before June 30, 1987.

NEW SECTION. Sec. 903. The state treasurer shall transfer to the general fund \$1,500,000 from the public facilities construction loan and grant revolving account on or before June 30, 1987.

NEW SECTION. Sec. 904. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 905. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "fiscal matters;" strike the remainder of the title and insert *amending RCW 41.05.040; amending section 110, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 121, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 123, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 127, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 129, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 134, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 130, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 143, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 201, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 203, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 205, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 206, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 207, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 208, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 211, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 213, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 214, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 215, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 217, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 221, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 222, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 223, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 224, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 226, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 228, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 301, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 303, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 310, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 312, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 314, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 315, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 401, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 402, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 10, chapter 460, Laws of 1985 ex. sess. (uncodified); amending section 501, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 503, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 504, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 506, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 509, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 510, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 514, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 516, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 603, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 604, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 605, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 607, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 608, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 609, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 701, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 702, chapter 6, Laws of 1985 ex. sess. as amended by section 1, chapter 1, Laws of 1986 (uncodified); amending section 706, chapter 6, Laws of 1985 ex. sess. (uncodified);

amending section 711, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 201, chapter 373, Laws of 1985 (uncodified); amending section 256, chapter 373, Laws of 1985 (uncodified); amending section 312, chapter 373, Laws of 1985 (uncodified); amending section 591, chapter 373, Laws of 1985 (uncodified); amending section 374, chapter 373, Laws of 1985 (uncodified); amending section 716, chapter 373, Laws of 1985 (uncodified); reenacting and amending RCW 43.19.610; adding new sections to chapter 373, Laws of 1985; adding new sections to chapter 6, Laws of 1985 ex. sess.; creating new sections; making appropriations; and declaring an emergency."

Signed by Senators McDermott and Gaspard; Representatives Grimm and Braddock.

POINT OF ORDER

Senator Lee: "Mr. President, last evening the request for free conference and so on was on our desks at 5:05 and along with it, of course, the large report. However, it seems that most of the members do not have another page that amends--in other words, an addendum to that report. I was just wondering if that was distributed to the members at the same time?"

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President and Senator Lee, on the report of the Free Conference Committee, you will notice the two amendments--New Section 904 and then on page 106--I personally laid this on everyone's desk. The one that I gave you originally was just the amendments. It did not have the Free Conference Report so they didn't get the same thing. You actually had a special piece of paper."

Senator Lee: "Mr. President, then the record will show that it's not only the Conference Report piece with 5:05 on it, but also the material that is labeled S-5101/86, second draft. It constitutes the request for Free Conference. Is that correct?"

REPLY BY THE PRESIDENT

President Cherberg: "That is correct."

MOTION

On motion of Senator McDermott, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4762 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1722, requiring an air contaminant source operating permit, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. In the interest of the public health and welfare, and in keeping with the objectives of RCW 70.94.011, the legislature declares it to be the public policy of the state to control, reduce, and prevent air pollution caused by woodstove emissions and emissions from other indoor and outdoor air pollution sources. The legislature further declares it to be the public policy of the state to reduce woodstove and other emissions by encouraging the department of ecology to continue efforts to educate the public.

NEW SECTION, Sec. 2. Unless the context clearly requires to the contrary, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Woodstove" means a solid fuel burning device other than a fireplace, including any fireplace insert, woodstove, wood burning heater, wood stick boiler, coal-fired furnace, coal stove, or similar device burning any solid fuel used for aesthetic, cooking, or space-heating purposes and designed to be installed or used in a private residence or commercial establishment, which has a heat input less than one million btu's per hour.

NEW SECTION, Sec. 3. Before March 31, 1988, the department shall establish by rule consistent with rules adopted by the environmental protection agency:

(1) Emission performance standards for new woodstoves;

(2) A program to determine (a) whether a woodstove complies with the emission performance standards established in subsection (1) of this section, and (b) to approve the sale of stoves that comply;

(3) Application fees to be assessed by the department on wholesalers, retailers, or manufacturers of woodstoves. These fees will be set to reflect the direct and indirect cost of administering the program described in subsection (2) of this section less any general fund or federal grant moneys appropriated to cover the start-up costs of the program, and shall not be assessed for testing previously performed in accordance with federal woodstove emission performance standards;

(4) Procedures for administering the program and for collecting fees for the approval of new woodstoves; and

(5) The form and content of an emission performance and heating efficiency label to be attached to a new woodstove meeting the emission performance standards.

In developing the rules, the department shall review regulations adopted by the federal government or other states and develop regulations compatible with the federal rules, remaining consistent with the purposes of this chapter. Local governments may adopt more stringent emission performance standards than those adopted by the United States environmental protection agency, as long as performance testing procedures are consistent with federal rules.

NEW SECTION, Sec. 4. By March 1, 1988, the department shall provide the appropriate standing committees of the legislature with a copy of the rules proposed in accordance with section 3 of this act.

NEW SECTION, Sec. 5. The department shall establish a program to educate woodstove dealers and the public about:

(1) The effects of woodstove emissions on health and air quality;

(2) How to achieve better woodstove efficiency and emission performance;

(3) Woodstoves that have been approved by the department; and

(4) The benefits of replacing or retrofitting inefficient used woodstoves, as defined in section 2 of this act.

NEW SECTION, Sec. 6. The department shall establish an advisory committee to aid and advise the department in the adoption of emission performance standards and establish means to inform the public. The members of the advisory committee shall include, but shall not be limited to, Washington woodstove manufacturers and retailers, and a certified chimney sweep from a recognized state chimney sweep guild.

NEW SECTION, Sec. 7. On and after January 1, 1989, no person shall advertise to sell, offer to sell, or sell a new woodstove in this state unless:

(1) The woodstove has been approved by the department under the program established under section 3 of this act and the proper application fee has been paid;

(2) An emission performance and heating efficiency label is attached to the woodstove, according to section 3 of this act; and

(3) An extension to January 1, 1990, shall be granted for:

(a) Woodstoves that are part of a retail inventory already existing on or before the official notification of state emission performance standards rules; and

(b) Woodstoves that have been ordered by a retailer from a manufacturer or wholesaler before the official notification of state emission performance standards rules.

NEW SECTION, Sec. 8. If, on or after January 1, 1989, a person advertises to sell, offers to sell, or sells a new woodstove in this state which does not comply with the conditions in section 7 of this act, such person shall be subject to the penalties and enforcement actions under RCW 70.94.430, 70.94.431, and 70.94.435.

NEW SECTION, Sec. 9. The department shall provide assistance to local governments in developing strategies to reduce woodstove air pollution.

NEW SECTION, Sec. 10. (1) This chapter does not apply to a used woodstove.

(2) As used in this section, "used woodstove" means a woodstove that has been sold at retail, bargained, exchanged, given away, or has had its ownership transferred from the person who first acquired the woodstove from the manufacturer, the manufacturer's dealer or agency, or a retailer, and so used to have become what is commonly known as second hand within the ordinary meaning of that term.

NEW SECTION, Sec. 11. Sections 1 through 10 of this act shall be added to chapter 70.94 RCW.

NEW SECTION, Sec. 12. The department of ecology shall establish a study team consisting of representatives of local air authorities, environmental organizations, and business organizations. The department, with the assistance of the study team, shall:

(1) Conduct a comprehensive study on the need for better management systems for controlling air pollution sources and, if determined necessary, methods to improve management;

(2) Thoroughly assess the existing stationary air pollution source regulatory system, its deficiencies, and ways to remedy them;

(3) Define the objectives of an air pollution source operating permit system;

(4) Assess programs in other states using permits or otherwise and compare their progress with the accomplishments achieved in Washington state;

(5) Evaluate the need for an air pollution source operating permit program, including: (a) A comparison with the accomplishments of the existing regulatory system, (b) the sources and emissions included and excluded, (c) government and private resources needed, (d) fees anticipated, (e) schedule for implementation, (f) time involved to establish and maintain the program, (g) its effect on air quality, (h) its impact on sources covered, and (i) its overall cost-effectiveness; and

(6) Identify alternatives to an air pollution source permit program and analyze the advantages and disadvantages of each.

By December 15, 1986, the department of ecology shall report the conclusions of the study to the appropriate standing committees of the legislature.

NEW SECTION, Sec. 13. (1) No person may smoke in any portion of a state owned or leased building that is occupied by state employees, except as provided in sections 13 through 17 of this act.

(2) Sections 13 through 17 of this act apply to all employees of the executive, judicial, and legislative branches of state government.

NEW SECTION, Sec. 14. (1) Because the smoking of tobacco or any other weed or plant is a danger to health and is a cause of material annoyance and discomfort to those who are present in confined places, the legislature declares that the purposes of sections 13 through 17 of this act are (a) to protect the public health and welfare by regulating smoking in state agencies and (b) to minimize the toxic effects of smoking in the workplace by requiring state agencies to adopt a policy that will accommodate, insofar as possible, the preferences of nonsmokers and smokers and, if a satisfactory accommodation cannot be reached, to prohibit smoking in the workplace.

(2) Sections 13 through 17 of this act are not intended to create any right to smoke or to impair or alter a state agency's prerogative to prohibit smoking in the workplace. Rather, if a state agency allows employees to smoke in the workplace, then sections 13 through 17 of this act require (a) that the agency make accommodations for the preferences of both nonsmoking and smoking employees, and (b) if a satisfactory accommodation to all affected nonsmoking employees cannot be reached, that the agency prohibit smoking in the workplace.

NEW SECTION, Sec. 15. Unless the context clearly requires to the contrary, the definitions in this section apply throughout sections 13 through 17 of this act:

(1) "Agency" means any agency or commission of the state government.

(2) "Employee" means any person who is employed by any state agency in consideration for direct or indirect monetary wages or profit.

(3) "Workplace" means any enclosed area of a structure or portion thereof intended for occupancy.

(4) "Smoking" or "to smoke" means and includes inhaling, exhaling, burning, or carrying any lighted smoking equipment for tobacco or any other weed or plant.

(5) "Enclosed" means closed-in by a roof and four walls with appropriate openings for ingress and egress and is not intended to mean areas commonly described as public lobbies.

NEW SECTION, Sec. 16. (1) Each state agency that operates a workplace in this state shall within three months of the effective date of this act adopt, implement, and maintain, pursuant to chapter 34.04 RCW, a written smoking policy that contains, at a minimum, the following provisions and requirements:

(a) Any nonsmoking employee may object to the agency about smoke in the workplace. Using already available means of ventilation or separation or partition of space, the agency shall attempt to reach a reasonable accommodation, insofar as possible, between the preferences of nonsmoking and smoking employees. However, an agency is not required by sections 13 through 17 of this act to make any expenditures or structural changes to accommodate the preferences of nonsmoking or smoking employees.

(b) If an accommodation that is satisfactory to all affected nonsmoking employees cannot be reached in any given workplace, the preferences of nonsmoking employees shall prevail and the agency shall prohibit smoking in that workplace. If the agency prohibits smoking in a workplace, the area in which smoking is prohibited shall be clearly marked with signs.

(2) The smoking policy shall be announced within three weeks of adoption to all employees working in workplaces in the state and posted conspicuously in all workplaces under the agency's jurisdiction.

(3) The director of the department of labor and industries may adopt rules to exempt workplaces from this section if the workplace meets the minimum standards established by the department. The standards shall include a minimum volume of air per occupant, a minimum frequency of air changes in the workplace, and a minimum proximity of smokers to nonsmokers.

NEW SECTION, Sec. 17. (1) It is unlawful for an agency to discharge or in any manner discriminate against any employee who exercises his or her rights under sections 13 through 17 of this act if the dominant intent of the agency is retaliation against the employee for exercising those rights.

(2) In undertaking the enforcement of sections 13 through 17 of this act, the state is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that the breach proximately caused injury.

NEW SECTION. Sec. 18. Sections 13 through 17 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "air act;" strike the remainder of the title and insert "adding new sections to chapter 70.94 RCW; adding a new chapter to Title 70 RCW; and creating a new section."

Signed by Senators Kreidler and Talmadge; Representatives Rust, Lux and Allen.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, this bill that we have before us has a series of other bills attached to it, one of which I intend to raise scope and object, or at least—excuse me—a member intends to raise scope and object. Would it be appropriate to do it at the time of request for Free Conference or would we waive it if we did not raise it here?"

PARLIAMENTARY INQUIRY

Senator Goltz: "I guess I apologize for not having been here when the question was raised, but is the point of order of scope and object appropriate to raise at this time concerning the Free Conference Committee Report?"

REPLY BY THE PRESIDENT

President Cherberg: "The President would like a few minutes to study the situation. If there's no objection, I should like to defer making the judgment until a later time."

Senator Goltz: "Thank you, Mr. President. I may be off the floor for awhile, so if I'm not here I would hope that it would be held until I come back to make the motion."

President Cherberg: "Thank you, we'll honor that."

MOTION

On motion of Senator Vognild, further consideration of the Conference Committee Report on Substitute House Bill No. 1722 was deferred.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447, modifying accounting and reporting requirements for public works contracts, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 183, Laws of 1923 as last amended by section 1, chapter 98, Laws of 1982 and RCW 39.04.010 are each amended to read as follows:

The term state shall include the state of Washington and all departments, supervisors, commissioners and agencies thereof.

The term municipality shall include every city, county, town, district or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

The term public work shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein, but nothing herein shall apply to

the construction, alteration, repair, or improvement of any municipal street railway system. All public works, including maintenance when performed by contract shall comply with the provisions of RCW 39.12.020.

The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid. However, a contract which is awarded from a small works roster under the authority of RCW 39.04.150, 35.22.620, 28B.10.355, and 57.08.050 need not be advertised.

~~((Cost of superintendence, engineering, clerical and accounting service shall include all expenditures specially incurred for such service, and shall include a proportionate charge for the time of all salaried officers, engineers, clerks, accountants and employees of the state or municipality while engaged in such work or in keeping or preparing the estimates, accounts and records thereof.))~~

Sec. 2. Section 2, chapter 183, Laws of 1923 as last amended by section 4, chapter 98, Laws of 1982 and RCW 39.04.020 are each amended to read as follows:

Whenever the state, or any municipality shall determine that any public work is necessary to be done it shall cause plans ~~(and/or)~~, specifications, or both thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board or agency having by law the authority to require such work to be done. The plans, specifications, and estimates of cost shall be approved by the director, supervisor, commissioner, trustee, board, or agency and the original draft or a certified copy filed in such office before further action is taken.

If the state, or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract or by a small works roster process, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of ~~((twenty-five hundred dollars, or twenty-five thousand dollars if such work is let from a small works roster created pursuant to RCW 39.04.150))~~ fifteen thousand dollars, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which such work is to be done: PROVIDED, That when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

Sec. 3. Section 4, chapter 183, Laws of 1923 and RCW 39.04.050 are each amended to read as follows:

Original estimates shall show in detail the estimated cost of the work; the estimated quantities of each class of work; the estimated unit cost for each class; the estimated total cost for each class; the time limit, allowed for the completion of the work and the estimated dates of commencement and completion. ~~((Such estimates shall show in detail the estimated total cost of labor, material, provisions, supplies, equipment rentals, equipment purchases, industrial insurance and medical aid, superintendence, engineering, clerical and accounting service, the value of the use of equipment owned by the state or such municipality and other estimated expenses in the execution of such work.))~~

Sec. 4. Section 6, chapter 183, Laws of 1923 and RCW 39.04.070 are each amended to read as follows:

Whenever the state or any municipality shall execute any public work by any means or method other than by contract or small works roster, it shall cause to be kept and preserved a full, true and accurate account and record of the costs of executing such work in accordance with the budgeting, accounting, and reporting system provisions prescribed by law for the state agency or municipality.

~~((Such account and record shall show in accurately tabulated form and under appropriate headings the totals of all classes and kinds of work performed, the total cost and unit cost of each class, together with the costs of executing such work, including, under separate headings, the costs of labor, material, equipment purchased, provisions and supplies, rental of equipment, industrial insurance and medical aid, superintendence, engineering, clerical and accounting service, the reasonable value, including depreciation, of the use of equipment owned by the state or municipality, and all other expenses incurred therein.))~~

NEW SECTION. Sec. 5. Section 8, chapter 183, Laws of 1923 and RCW 39.04.090 are each repealed.

NEW SECTION. Sec. 6. For purposes of this chapter:

(1) "Refuse collection business" means every person who receives waste for transfer, storage, or disposal including but not limited to all collection services, public or private dumps, transfer stations, and similar operations.

(2) "Person" shall have the meaning given in RCW 82.04.030 or any later, superseding section.

(3) "Waste" means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage.

(4) "Taxpayer" means that person upon whom the refuse collection tax is imposed.

NEW SECTION. Sec. 7. There is imposed on each person using the services of a refuse collection business a refuse collection tax equal to three and six-tenths percent of the consideration charged for the services.

NEW SECTION. Sec. 8. The person collecting the charges made for using the refuse collection business shall collect the tax imposed in section 6 of this act. If any person charged with collecting the tax fails to bill the taxpayer for the tax, or in the alternative has not notified the taxpayer in writing of the imposition of the tax, or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax.

NEW SECTION. Sec. 9. Taxes collected under this chapter shall be held in trust until paid to the state. Taxes so received by the state shall be deposited in the public works assistance account created in RCW 43.155.050. Any person collecting the tax who appropriates or converts the tax collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

The tax shall be due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

The tax shall be due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted shall be applied first to payment of the refuse collection tax and this tax shall have priority over all other claims to the amount remitted.

NEW SECTION. Sec. 10. The refuse collection tax shall not apply to any agency, division, or branch of the federal government or to services rendered under a contract therewith.

NEW SECTION. Sec. 11. To prevent pyramiding and multiple taxation of a single transaction, this tax shall not apply to any refuse collection business using the services of another refuse collection business for the transfer, storage, or disposal of the waste collected during the transaction.

To be eligible for this exemption, a person first must be certified by the department of revenue as a refuse collection business.

NEW SECTION. Sec. 12. Chapter 82.32 RCW applies to the tax imposed under this chapter.

NEW SECTION. Sec. 13. The department of revenue shall have the power to enforce the tax imposed in this chapter through appropriate rules.

Sec. 14. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 10, chapter 471, Laws of 1985 and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, sewerage collection, light and power, and telegraph businesses: Three and six-tenths percent;

(b) Gas distribution business: Three and six-tenths percent;

(c) Urban transportation business: Six-tenths of one percent;

(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(f) Water distribution (~~and refuse collection~~) business(es): Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses (~~(- seventy percent of the moneys collected under subsection (1) of this section on refuse collection businesses;))~~ and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050.

NEW SECTION. Sec. 15. Sections 6 through 13 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 16. The legislature finds that the regulation, management, and disposal of solid waste through waste reduction, recycling, and the use of resource recovery facilities of the kind described in RCW 35.92.022 and 36.58.040 should be conducted in a manner substantially consistent with the priorities and policies of the Solid Waste Management Act, chapter

70.95 RCW. Nothing contained in sections 17 through 20 of this act shall detract from the powers, duties, and functions given to the utilities and transportation commission in chapter 81.77 RCW.

NEW SECTION. Sec. 17. A new section is added to chapter 35.92 RCW to read as follows:

(1) Notwithstanding the charter of any city, the legislative authority of a city or town may contract with one or more private vendors for one or more of the design, construction, or operation function of systems and plants for solid waste handling, as defined in RCW 70.95.030 and in accordance with the procedures set forth in subsections (2) and (3) of this section. Contracts shall be for facilities that are in substantial compliance with the solid waste management plans prepared pursuant to chapter 70.95 RCW. Such systems and plants may be owned, leased, and/or operated in whole or in part by the city or town, or owned, leased, and/or operated in whole or in part by the private vendor.

(2) The legislative authority shall publish notice of its requirements and request submission of qualifications for the design, construction, and operation of solid waste handling systems and plants. The notice shall be published in the official newspaper of the city or town at least once a week for two weeks not less than sixty days before the final date for the submission of qualifications. The notice shall (a) state in summary form, the general scope and nature of the system and plant or work for which the services are required, (b) the name and address of a representative of the city or town who can provide further details, and (c) the final date for the submission of qualifications.

(3) If the legislative authority of the city or town decides to proceed with the construction of a resource recovery facility or one or more of the services to be provided for such a facility, it may designate a representative to evaluate the vendors who submitted qualifications and conduct discussions regarding proposals with one or more vendors. The representative of the legislative authority shall recommend to the legislative authority a vendor, based upon criteria established by the city or town, which shall not be determined solely by price but by all terms of the contract, who is initially determined to be the best qualified to provide one or more of the services required for the proposed project. If two or more vendors submit qualifications, at least two vendors shall be interviewed. One or more vendors may be selected to provide services. The legislative authority or its representative shall attempt to negotiate a contract with the first vendor selected for one or more of the construction, design, or operation portions of the proposed project at a price and on other terms that the legislative authority determines to be fair and reasonable and in the best interest of the city or town. Only the legislative authority may approve and sign the contract: PROVIDED, That where a contract for design is entered into separately from other services permitted under this act, procurement shall be in accord with chapter 39.80 RCW. If the legislative authority or its representative is unable to negotiate such a contract with the first vendor selected on terms that it determines to be fair and reasonable and in the best interest of the city or town, negotiations with that vendor shall be formally terminated and other vendors may be selected in accordance with the procedures set forth in subsections (2) and (3) of this section. If the legislative authority decides to continue the process of selection, negotiations shall continue in accordance with this section at the sole discretion of the legislative authority until an agreement is reached with one or more vendors, or the process is terminated by the legislative authority. The process may be repeated until an agreement is reached.

(4) Prior to entering into such a contract with a vendor, the legislative authority of the city or town must have made written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract and that the contract is financially sound and advantageous compared to other methods.

(5) Each contract shall include project performance bonds or other security by the vendor which in the judgment of the legislative authority of the city or town is sufficient to secure adequate performance by the vendor.

(6) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a contract entered into under this section to the same extent as if the systems and plants were owned by a public body.

Sec. 18. Section 35.21.120, chapter 7, Laws of 1965 and RCW 35.21.120 are each amended to read as follows:

Every city (~~and~~) or town may by ordinance provide for the establishment of a system of garbage collection and disposal for the entire city or town or for portions thereof, and award contracts for garbage collection and disposal or provide for it under the direction of officials and employees of the city or town. Contracts for solid waste handling may provide that a city or town pay a minimum periodic fee in consideration of the operational availability of a solid waste handling system or plant, without regard to the ownership of the system or plant or the amount of solid waste actually handled during all or any part of the contract period. There shall be included in the contract specific allocation of financial responsibility in cases where the amount of solid waste handled during the contract period falls below the minimum level provided in the contract.

NEW SECTION. Sec. 19. A new section is added to chapter 36.58 RCW to read as follows:

(1) Notwithstanding the charter of any county, the legislative authority of a county may contract with one or more private vendors for one or more of the design, construction, or operation function of systems and plants for solid waste handling, as defined in RCW 70.95.030 and in accordance with the procedures set forth in subsections (2) and (3) of this section. Such systems and plants may be owned, leased, and/or operated in whole or in part by the county, or owned, leased, and/or operated in whole or in part by the private vendor.

(2) The legislative authority shall publish notice of its requirements and request submission of qualifications for the design, construction, and operation of solid waste handling systems and plants. The notice shall be published in the official newspaper of the county at least once a week for two weeks not less than sixty days before the final date for the submission of qualifications. The notice shall state in summary form (a) the general scope and nature of the system and plant or work for which the services are required, (b) the name and address of a representative of the county who can provide further details, and (c) the final date for the submission of qualifications.

(3) If the legislative authority of the county decides to proceed with the construction of a resource recovery facility or one or more of the services to be provided for such a facility, it may designate a representative to evaluate the vendors who submitted qualifications and conduct discussions regarding proposals with one or more vendors. The representative of the legislative authority shall recommend to the legislative authority a vendor, based upon criteria established by the county, which shall not be determined solely by price but by all terms of the contract, who is initially determined to be the best qualified to provide one or more of the services required for the proposed project. If two or more vendors submit qualifications, at least two vendors shall be interviewed. One or more vendors may be interviewed and selected to provide services. The legislative authority or its representative shall attempt to negotiate a contract with the first vendor selected for one or more of the construction, design, or operation portions of the proposed project at a price and on other terms that the legislative authority determines to be fair and reasonable and in the best interest of the county. Only the legislative authority may approve and sign the contract: PROVIDED, That where a contract for design is entered into separately from other services permitted under this act, procurement shall be in accord with chapter 39.80 RCW. If the legislative authority or its representative is unable to negotiate such a contract with the first vendor selected on terms that it determines to be fair and reasonable and in the best interest of the county, negotiations with that vendor shall be formally terminated and other vendors may be selected in accordance with the procedures set forth above. If the legislative authority decides to continue the process of selection, negotiations shall continue in accordance with this section at the sole discretion of the legislative authority until an agreement is reached with one or more vendors, or the process is terminated by the legislative authority. The process may be repeated until an agreement is reached.

(4) Prior to entering into such a contract with a vendor, the legislative authority of the county must have made written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract and that the contract is financially sound and advantageous compared to other methods.

(5) Each contract shall include project performance bonds or other security by the vendor which in the judgment of the legislative authority of the county is sufficient to secure adequate performance by the vendor.

(6) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a contract entered into under this section to the same extent as if the systems and plants were owned by a public body.

Sec. 20. Section 2, chapter 58, Laws of 1975-'76 2nd ex. sess. and RCW 36.58.040 are each amended to read as follows:

The legislative authority of each county may by ordinance provide for the establishment of a system of solid waste disposal for all the unincorporated areas of the county or for portions thereof. Each county may designate disposal sites for all solid waste collected in the unincorporated areas pursuant to the provisions of a comprehensive solid waste plan adopted pursuant to chapter 70.95 RCW: PROVIDED, That for any solid waste collected by a private hauler operating pursuant to a certificate granted by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW and which certificate is for collection in a geographic area lying in more than one county, such designation of disposal sites shall be pursuant to an interlocal agreement between the involved counties.

Such systems may also provide for the processing and conversion of solid wastes into other valuable or useful products with full jurisdiction and authority to construct, lease, purchase, acquire, manage, regulate, maintain, operate, and control such system and plants, and to enter into agreements with public or private parties providing for the construction, purchase, acquisition, lease, maintenance, and operation of systems and plants for the processing and conversion of solid wastes and for the sale of said products. Contracts shall be for facilities that are in substantial compliance with the solid waste management plans prepared pursuant to chapter 70.95 RCW.

The legislative authority of a county may award contracts for solid waste handling, and such contracts may provide that a county pay a minimum periodic fee in consideration of the

operational availability of a solid waste handling system or plant, without regard to the ownership of the system or plant or the amount of solid waste actually handled during all or any part of the contractual period. There shall be included in the contract specific allocation of financial responsibility in cases where the amount of solid waste handled during the contract period falls below the minimum level provided in the contract.

Nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties.

NEW SECTION. Sec. 21. Sections 16 through 20 of this act, being necessary for the health and welfare of the state and its inhabitants, shall be liberally construed to effect its purposes. Sections 16 through 20 of this act shall be deemed to provide an alternative method for the performance of those subjects authorized by these sections and shall be regarded as supplemental and additional to powers conferred by the Washington state Constitution, other state laws, and the charter of any city or county.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 39.04.010, 39.04.020, 39.04.050, 39.04.070, 82.16.020, 35.21.120, and 36.58.040; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.58 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 39.04.090; and prescribing penalties."

Signed by Senators Saling, McManus and Goltz; Representatives Haugen and Brough.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1447 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House has concurred in the Senate amendments to the following listed bills and has passed said bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 573,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479,
SUBSTITUTE HOUSE BILL NO. 1972.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1992 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Locke, Wineberry and Sanders. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Vognild, the request of the House for a conference on Engrossed Substitute House Bill No. 1992 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1992 and the Senate amendments thereto: Senators Fleming, McDermott and Zimmerman.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4949 with the following amendment:

On page 3, line 8, strike "the" and insert "a",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Zimmerman, Senator Patterson was excused.

MOTION

On motion of Senator Wojahn, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 4949.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4949, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4949, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; nays, 15; absent, 3; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Boltiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Granlund, Guess, Halsan, Hansen, Johnson, Kreidler, McDermott, Moore, Owen, Peterson, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Benitz, Bluechel, Craswell, Garrett, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, Zimmerman - 15.

Absent: Senators Goltz, McManus, Rinehart - 3.

Excused: Senators Bender, Cantu, Patterson, Stratton - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4949, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1631 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Grimm, Sommers and Tilly. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator McDermott, the request of the House for a conference on House Bill No. 1631 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1631 and the Senate amendments thereto: Senators McDermott, Deccio and Fleming.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House has ruled the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021 beyond the scope and object of the bill, refuses to concur and

requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives J. King, Brekke and Ballard. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Vognild, the request of the House for a conference on Engrossed Substitute House Bill No. 2021 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2021 and the Senate amendments thereto: Senators McDermott, Sellar and Talmadge.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SENATE BILL NO. 4982 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 9A.88.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.44.100 are each amended to read as follows:

(1) A person is guilty of indecent liberties when he knowingly causes another person who is not his spouse to have sexual contact with him or another:

(a) By forcible compulsion; or

(b) When the other person is less than fourteen years of age; or

(c) When the other person is less than sixteen years of age and the perpetrator is more than forty-eight months older than the person and is in a position of authority over the person;
or

(d) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless.

(2) For purposes of this section(:):

(a) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

(b) "Person in a position of authority" means any person who is a parent or acting in the place of a parent and is charged with any of a parent's rights, duties, or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, education, or supervision of a child, either independently or through another, no matter how briefly, at the time of the act.

(3) Indecent liberties is a class B felony."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 4982.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4982, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4982, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Cantu, Stratton - 2.

SENATE BILL NO. 4982, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4814 and the pending motion by Senator Talmadge that the Senate do concur in the House amendments, deferred March 9, 1986.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Craswell, the President finds that Substitute Senate Bill No. 4814 is a measure establishing an education and training program in the common schools to prevent child abuse and neglect.

"The amendments proposed by the House of Representatives provide for the education and training program, makes unlawful any use of force on a child unless the force is reasonable and moderate and defines unreasonable force.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by the House of Representatives on Substitute Senate Bill No. 4814 were ruled out of order.

MOTION

On motion of Senator Talmadge, the motion to concur in the House amendments to Substitute Senate Bill No. 4814 was withdrawn.

MOTION

Senator Talmadge moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 4814 and requests a conference thereon.

MOTION

Senator Pullen moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 4814 and asks the House to recede therefrom.

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "The President believes that the motion by Senator Talmadge is in order to not concur and to request a conference thereon."

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do not concur in the House amendments to Substitute Senate Bill No. 4814 and requests a conference thereon.

The motion by Senator Talmadge carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 4814 and requests a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4814 and the House amendments thereto: Senators Talmadge, Bailey and Gaspard.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5026 with the following amendment:

On page 1, line 9, after "the" insert "appropriate standing committees of the",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendment to Substitute Senate Bill No. 5026.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5026, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5026, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Cantu, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 5026, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4674 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 43.03.010, chapter 8, Laws of 1965 as last amended by section 3, chapter 29, Laws of 1983 1st ex. sess. and RCW 43.03.010 are each amended to read as follows:

(1) ~~(Effective July 1, 1979, the annual salaries of the following named state elected officials shall be: Governor, fifty-eight thousand nine hundred dollars; lieutenant governor, twenty-six thousand eight hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, twenty-eight thousand nine hundred dollars; state treasurer, thirty-four thousand eight hundred dollars; state auditor, thirty-four thousand eight hundred dollars; attorney general, forty-four thousand dollars; superintendent of public instruction, forty thousand dollars; commissioner of public lands, forty thousand dollars; state insurance commissioner, thirty-four thousand eight hundred dollars. Members of the legislature shall receive for their service nine thousand eight hundred dollars per annum, effective January 8, 1979; and in addition, ten cents per mile for travel to and from legislative sessions.~~

~~(2) Effective (July 1, 1986) January 1, 1987, the annual salaries of the following named state elected officials shall be: Governor, ~~(sixty-three)~~ seventy-four thousand nine hundred dollars; lieutenant governor, ~~(twenty-eight)~~ forty-one thousand ~~(six)~~ two hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, ~~(thirty-one)~~ forty-two thousand four hundred dollars; state treasurer, ~~(thirty-seven)~~ forty-six thousand ~~(two)~~ four hundred fifty dollars; state auditor, ~~(thirty-seven)~~ forty-six thousand ~~(two)~~ four hundred fifty dollars; attorney general, ~~(forty-seven)~~ fifty-five thousand ~~(one)~~ four hundred fifty dollars; superintendent of public instruction, ~~(forty-two)~~ fifty-three thousand ~~(eight)~~ three hundred dollars; commissioner of public lands, ~~(forty-two)~~ fifty-three thousand ~~(eight)~~ three hundred dollars; state insurance commissioner, ~~(thirty-seven)~~ forty-six thousand ~~(two)~~ four hundred fifty dollars.~~

~~(2) Effective January 1, 1988, the annual salaries of the following named state elected officials shall be: Governor, eighty-six thousand eight hundred dollars; lieutenant governor, fifty-three thousand eight hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, fifty-three thousand eight hundred dollars; state treasurer, fifty-five thousand seven hundred dollars; state auditor, fifty-five thousand seven hundred dollars; attorney general, sixty-three thousand eight hundred dollars; superintendent of public instruction, sixty-three~~

thousand eight hundred dollars; commissioner of public lands, sixty-three thousand eight hundred dollars; state insurance commissioner, fifty-five thousand seven hundred dollars.

(3) ~~Members of the legislature shall receive for their service ((eleven thousand two hundred dollars per annum, effective January 12, 1981; twelve thousand dollars per annum effective January 1, 1982; twelve thousand eight hundred fifty dollars effective January 10, 1983; and) thirteen thousand seven hundred fifty dollars effective January 1, 1984; fourteen thousand five hundred dollars per annum, effective January 12, 1987; fifteen thousand dollars per annum, effective January 1, 1988; sixteen thousand dollars per annum, effective January 9, 1989; and seventeen thousand dollars per annum, effective January 1, 1990; and in addition, reimbursement for mileage for travel to and from legislative sessions as provided in RCW 43.03.060.~~

NEW SECTION. Sec. 2. The state committee on salaries shall reexamine the duties and compensation of all state-wide elected officials, develop new recommendations for salaries based upon the reexamination, and establish an objective and automatic method to revise future salaries for the elected officials. A report on the committee's findings shall be submitted to the legislature no later than December 31, 1986.

NEW SECTION. Sec. 3. Section 1 of this act shall take effect on January 1, 1987.

Sec. 4. Section 22, chapter 299, Laws of 1961 as last amended by section 302, chapter 258, Laws of 1984 and RCW 3.34.130 are each amended to read as follows:

(1) Each district court shall designate one or more persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a district judge. The qualifications of a judge pro tempore shall be the same as for a district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the state. A judge pro tempore may sit in any district of the county for which he or she is appointed. A judge pro tempore shall be paid ~~((for each day he or she holds a session one two hundred fiftieth of the annual salary of a full-time district judge))~~ the salary authorized by the county legislative authority. For each day that a judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the judge in whose place he or she serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary; PROVIDED, That each full time district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves while a district judge is using sick leave granted in accordance with RCW 3.34.100.

(2) The legislature may appropriate money for the purpose of reimbursing counties for the salaries of judges pro tempore for certain days in excess of thirty worked per year that the judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "RCW 43.03.010" insert "and 3.34.130; creating a new section".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Bender, Senator Granlund was excused.

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4674.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4674, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4674, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; nays, 14; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott,

McDonald, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 31.

Voting nay: Senators Barr, Bauer, Benitz, Craswell, Guess, Hayner, Lee, McCaslin, Newhouse, Patterson, Pullen, Saling, von Reichbauer, Zimmerman - 14.

Absent: Senator Sellar - 1.

Excused: Senators Cantu, Granlund, Stratton - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4674, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Benitz was excused.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 378 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator McDermott moved that the rules be suspended and Substitute House Bill No. 378 be returned to second reading.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McDermott to suspend the rules and return Substitute House Bill No. 378 to second reading.

The motion by Senator McDermott carried and Substitute House Bill No. 378 was returned to second reading and read the second time.

MOTIONS

On motion of Senator McDermott, the Senate reconsidered the vote by which the Committee on Ways and Means amendment was adopted on February 28, 1986.

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment, on reconsideration, was adopted:

On page 4, line 17, of the amendment, after "41.40.740." insert "For persons who served as elected officials and whose accumulated employee contributions and credited interest was less than seven hundred fifty dollars at the time of retirement, the minimum benefit under subsection (1) of this section shall be ten dollars per month for each year of creditable service."

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The Committee on Ways and Means amendment, as amended, was adopted.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 378, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 378, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 378, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Barr, Decchio, McManus - 3.

Excused: Senators Benitz, Cantu, Stratton - 3.

SUBSTITUTE HOUSE BILL NO. 378, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:05 a.m., on motion of Senator Vognild, the Senate recessed until 11:15 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:18 a.m. by President Cherberg.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5033 with the following amendment:

On page 1, line 24 after "." insert "If the state board of education establishes an advisory committee to assist in the development or selection of standards, at least one member of the advisory committee shall represent private preschools."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5033.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5033, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 5033, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; nays, 9; absent, 5; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Johnson, Kreidler, Lee, McDonald, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Craswell, Deccio, Hayner, Kiskaddon, McCaslin, Metcalf, Newhouse, Patterson, Pullen - 9.

Absent: Senators Barr, Halsan, McDermott, McManus, Sellar - 5.

Excused: Senators Benitz, Stratton - 2.

ENGROSSED SENATE BILL NO. 5033, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Wojahn the following resolution was adopted:

SENATE RESOLUTION 1986-137

by Senators Wojahn, Bottiger, Fleming, Goltz, Conner, Rasmussen, Williams, Garrett, Talmadge, Granlund, Bender, Warnke, Thompson, Kiskaddon, Deccio and Johnson

WHEREAS, Gerald E. Thomas can be saluted as "The Administrator's Administrator", and Jerry epitomizes the best in public service; and

WHEREAS, Jerry was a coach, a teacher, a leader, and a friend. As Governor Gardner stated, "It would be difficult to find a better example of dedication and hard work than Jerry has provided over the years"; and

WHEREAS, Jerry Thomas began as a caseworker in the Chelan-Douglas County Public Assistance Office in 1951, served as acting secretary for periods in 1978 and 1981, and retires after over 33 years of service to the Department of Social and Health Services; and

WHEREAS, Jerry had a matchless understanding of the department's programs and a positive approach to its many complex issues. He always acknowledged the contributions of others; and

WHEREAS, Jerry Thomas is highly respected by both his colleagues and clients served by the department; and

WHEREAS, We wish to acknowledge our debt of gratitude to Jerry Thomas and our best wishes for his future;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That Jerry Thomas be deeply and gratefully thanked for his long-time service to the people of this state, and furthermore, that his retirement as assistant secretary of the Department of Social and Health Services be marked with our sincere best wishes for the next chapter of his distinguished career.

INTRODUCTION OF SPECIAL GUEST

The President introduced Mr. Gerald E. Thomas who was seated with him on the rostrum.

There being no objection, the President returned the Senate to the fourth order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1722 and the pending parliamentary inquiry by Senator Bottiger, deferred earlier today.

REPLY BY THE PRESIDENT

President Cherberg: "In reply to the point of inquiry raised by Senator Bottiger with regard to Substitute House Bill No. 1722, the President believes that Joint Rule 8 applies. That rule provides in pertinent part, 'In case of failure of the conferees to agree on matters directly at issue between the two houses, the committee may in addition consider new proposed items within the scope and object of the title of the bill in conference for purpose of requesting the powers of free conference.'

"This language allowing the conferees to consider 'New proposed items within the scope and object of the title of the bill' leads the President to the conclusion that a point of order questioning whether the proposed Free Conference Report is within the scope and object of the title is properly raised either at the time of requesting the powers of free conference or at the time of the adoption of the Free Conference Report. Failure to raise the point of order at the time of requesting the powers of Free Conference does not preclude the members from raising the point at the time of adoption of the Free Conference Report.

"The President takes this opportunity to remind the members that 'New proposed items' in Free Conference Reports need only fit the scope and object of the title of the bill in Free conference. This is a broader rule than used in proceedings prior to Free Conference."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, I take it that means we have no knowledge if the Free Conference Committee might change their minds after we've approved--or it's concerned only in what they tell us in their Free Conference Report they're going to adopt."

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises that the Free Conference Report will be on the desk twenty-four hours prior and that will give you an opportunity to decide what you wish to do."

Senator Rasmussen: "And at the time that we've come to the final adoption of the bill, we can still raise scope and object?"

President Cherberg: "Yes, sir."

Senator Rasmussen: "Thank you, Mr. President."

MOTION

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 1722 was deferred.

MOTION

At 11:41 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

MESSAGES FROM THE HOUSE

March 9, 1986

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 244,

SUBSTITUTE HOUSE BILL NO. 355,

SUBSTITUTE HOUSE BILL NO. 1356,

SUBSTITUTE HOUSE BILL NO. 1382,

HOUSE BILL NO. 1393,

SUBSTITUTE HOUSE BILL NO. 1433,

SUBSTITUTE HOUSE BILL NO. 1545,

HOUSE BILL NO. 1652,

SUBSTITUTE HOUSE BILL NO. 1726,

SUBSTITUTE HOUSE BILL NO. 1762,

HOUSE BILL NO. 1763,

SUBSTITUTE HOUSE BILL NO. 1869,

HOUSE BILL NO. 1954, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 9, 1986

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 136,

SUBSTITUTE HOUSE BILL NO. 205,

HOUSE BILL NO. 507,

SUBSTITUTE HOUSE BILL NO. 1270,

SUBSTITUTE HOUSE BILL NO. 1333,

SUBSTITUTE HOUSE BILL NO. 1349,

SUBSTITUTE HOUSE BILL NO. 1400

HOUSE BILL NO. 1486,

SUBSTITUTE HOUSE BILL NO. 1495,

HOUSE BILL NO. 1725,

SUBSTITUTE HOUSE BILL NO. 1838,

HOUSE BILL NO. 1899,

HOUSE BILL NO. 1962, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 9, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 594,

SUBSTITUTE HOUSE BILL NO. 614,

SUBSTITUTE HOUSE BILL NO. 1177,

SUBSTITUTE HOUSE BILL NO. 1355,

SUBSTITUTE HOUSE BILL NO. 1363,

SUBSTITUTE HOUSE BILL NO. 1388,

SUBSTITUTE HOUSE BILL NO. 1624,

SUBSTITUTE HOUSE BILL NO. 1967, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 9, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3182,
SENATE BILL NO. 3193,
SENATE BILL NO. 3278,
SUBSTITUTE SENATE BILL NO. 3416,
SUBSTITUTE SENATE BILL NO. 3458,
SECOND SUBSTITUTE SENATE BILL NO. 3487,
SUBSTITUTE SENATE BILL NO. 3847,
SUBSTITUTE SENATE BILL NO. 4305,
SUBSTITUTE SENATE BILL NO. 4418,
SUBSTITUTE SENATE BILL NO. 4465,
SENATE BILL NO. 4481,
SENATE BILL NO. 4506,
SUBSTITUTE SENATE BILL NO. 4525,
SENATE BILL NO. 4535,
SENATE BILL NO. 4538,
SENATE BILL NO. 4540,
SUBSTITUTE SENATE BILL NO. 4544,
SUBSTITUTE SENATE BILL NO. 4571,
SENATE BILL NO. 4582,
SENATE BILL NO. 4584,
SUBSTITUTE SENATE BILL NO. 4596,
SENATE BILL NO. 4601,
SUBSTITUTE SENATE BILL NO. 4658,
SUBSTITUTE SENATE BILL NO. 4659,
SUBSTITUTE SENATE BILL NO. 4661, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 594,
SUBSTITUTE HOUSE BILL NO. 614,
SUBSTITUTE HOUSE BILL NO. 1177,
SUBSTITUTE HOUSE BILL NO. 1355,
SUBSTITUTE HOUSE BILL NO. 1363,
SUBSTITUTE HOUSE BILL NO. 1388,
SUBSTITUTE HOUSE BILL NO. 1624,
SUBSTITUTE HOUSE BILL NO. 1967.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 136,
SUBSTITUTE HOUSE BILL NO. 205,
HOUSE BILL NO. 507,
SUBSTITUTE HOUSE BILL NO. 1270,
SUBSTITUTE HOUSE BILL NO. 1333,
SUBSTITUTE HOUSE BILL NO. 1349,
SUBSTITUTE HOUSE BILL NO. 1400,
HOUSE BILL NO. 1486,

SUBSTITUTE HOUSE BILL NO. 1495,
 HOUSE BILL NO. 1725,
 SUBSTITUTE HOUSE BILL NO. 1838,
 HOUSE BILL NO. 1899,
 HOUSE BILL NO. 1962.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 244,
 SUBSTITUTE HOUSE BILL NO. 355,
 SUBSTITUTE HOUSE BILL NO. 1356,
 SUBSTITUTE HOUSE BILL NO. 1382,
 HOUSE BILL NO. 1393,
 SUBSTITUTE HOUSE BILL NO. 1433,
 SUBSTITUTE HOUSE BILL NO. 1545,
 HOUSE BILL NO. 1652,
 SUBSTITUTE HOUSE BILL NO. 1726,
 SUBSTITUTE HOUSE BILL NO. 1762,
 HOUSE BILL NO. 1763,
 SUBSTITUTE HOUSE BILL NO. 1869,
 HOUSE BILL NO. 1954.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 4722,
 SUBSTITUTE SENATE BILL NO. 4724,
 SENATE BILL NO. 4749,
 SUBSTITUTE SENATE BILL NO. 4766,
 SUBSTITUTE SENATE BILL NO. 4769,
 SUBSTITUTE SENATE BILL NO. 4888,
 SUBSTITUTE SENATE BILL NO. 5044.

MESSAGE FROM THE HOUSE

March 7, 1986

Mr. President:

The House has passed SENATE JOINT RESOLUTION NO. 136 with the following amendments:

- On page 1, line 8, strike "judicial qualifications" and insert "(~~judicial qualifications~~)"
- On page 1, line 9, after "commission" insert "on judicial conduct"
- On page 1, line 25, strike "judicial qualifications" and insert "(~~judicial qualifications~~)"
- On page 1, line 26, after "commission" insert "on judicial conduct"
- On page 1, after line 29, insert the following paragraphs:

"Whenever the commission receives a complaint against a judge or justice, it shall first conduct proceedings for the purpose of determining whether sufficient reason exists for conducting a hearing or hearings to deal with the accusations. These initial proceedings shall be confidential, unless confidentiality is waived by the judge or justice, but all subsequent hearings conducted by the commission shall be open to members of the public.

Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Senate Joint Resolution No. 136.

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Talmadge, in the second part--'Whenever a commission adopts a recommendation that a judge be removed, the judge will be suspended immediately until a final decision is made by the court.' In that particular part of it, would you explain the procedure as to just why that is a good idea?"

Senator Talmadge: "Well, the concern is, under present law, Senator Zimmerman, a judge that was subject to a recommendation from the commission that he or she be suspended or fully removed from office would technically be entitled to continue in their role as a judge until such time as the Supreme Court actually made the final decision. Actually the work of the commission is as of an entity making recommendations to the Supreme Court which has the final word, so consequently you could have a time period of some duration during which the judge would be sitting and hearing cases even though a recommendation had been made to remove or suspend that judge."

Senator Zimmerman: "I appreciate that. He would still be paid, however, until he is removed--he would still be paid until such a time--"

Senator Talmadge: "That's right because of the presumption of innocence until such time that that judge is found to be subject to removal."

Senator Zimmerman: "That's fine. Thank you."

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do concur in the House amendments to Senate Joint Resolution No. 136.

The motion by Senator Talmadge carried and the Senate concurred in the House amendments to Senate Joint Resolution No. 136.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Resolution No. 136, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Resolution No. 136, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent, 6; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senator Pullen - 1.

Absent: Senators Bailey, Craswell, McDermott, McDonald, McManus, Warnke - 6.

Excused: Senator Stratton - 1.

SENATE JOINT RESOLUTION NO. 136, as amended by the House, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved to reconsider the vote by which a conference was granted on Substitute House Bill No. 4814 earlier today.

The President declared the question before the Senate to be the motion by Senator Vognild to reconsider the vote by which a conference was granted on Substitute Senate Bill No. 4814.

The motion by Senator Vognild carried and the Senate resumed consideration of Substitute Senate Bill No. 4814, on reconsideration.

MOTIONS

On motion of Senator Talmadge, and there being no objection, the motion to grant a conference on Substitute Senate Bill No. 4814 and the House amendments thereon was withdrawn.

On motion of Senator Talmadge, the Senate refuses to concur in the House amendments to Substitute House Bill No. 4814 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 4917. The Speaker has appointed the following members as conferees: Representatives Zellinsky, Nutley and West.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 4738. The Speaker has appointed the following members as conferees: Representatives Armstrong, K. Wilson and G. Nelson.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 4463. The Speaker has appointed the following members as conferees: Representatives McMullen, Kremen and Lundquist.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 4872. The Speaker has appointed the following members as conferees: Representatives Ebersole, Peery and Taylor.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House has receded from its amendments to SENATE BILL NO. 4628 and has passed the bill without the House amendments, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed SENATE BILL NO. 4906 with the following amendments:

On page 4, after line 7, being page 2, line 62 of the printed bill, insert the following:

*Sec. 6. Section 2, chapter 180, Laws of 1979 ex. sess. and RCW 47.10.791 are each amended to read as follows:

Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.790 in accordance with the provisions of chapter 39.42 RCW. The amount of such bonds issued and sold under the provisions of RCW 47.10.790 through 47.10.798 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the state highway improvements specified in RCW 47.10.790. The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

Sec. 7. Section 3, chapter 180, Laws of 1979 ex. sess. and RCW 47.10.792 are each amended to read as follows:

The proceeds from the sale of the bonds authorized by RCW 47.10.790 shall be deposited in the motor vehicle fund and such proceeds shall be available only for the purposes enumerated in RCW 47.10.790, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of

obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

Sec. 8. Section 1, chapter 360, Laws of 1977 ex. sess. as last amended by section 1, chapter 176, Laws of 1985 and RCW 47.60.560 are each amended to read as follows:

In order to provide funds necessary for vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements for the Washington state ferries, there shall be issued and sold upon the request of the department general obligation bonds of the state of Washington in the sum of one hundred thirty-five million dollars or such amount thereof as may be required (together with other funds available therefor). If the state of Washington is able to obtain matching funds from the urban mass transportation administration or other federal government agencies for the acquisition of passenger-only vessels capable of operating as an integral part of the Washington state ferries on Puget Sound and the Straits of Juan de Fuca, a sufficient amount of the proceeds of the bonds authorized herein shall be used to pay the state's share of the acquisition cost of the passenger-only vessels. Upon request being made by the department, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in accordance with chapter 39.42 RCW. The bonds may be sold from time to time in such amounts as may be necessary for the orderly progress in constructing the ferries. The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

Sec. 9. Section 2, chapter 360, Laws of 1977 ex. sess. and RCW 47.60.570 are each amended to read as follows:

The proceeds from the sale of the bonds shall be deposited in the Puget Sound capital construction account of the motor vehicle fund and such proceeds shall be available only for the purposes enumerated in RCW 47.60.560, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

On page 1, line 2 of the title, strike "and 47.26.423" and insert "47.26.423, 47.10.791, 47.10.792, 47.60.560, and 47.60.570".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Peterson moved that the Senate do concur in the House amendments to Senate Bill No. 4906.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Peterson that the Senate do concur in the House amendments to Senate Bill No. 4906.

The motion by Senator Peterson carried and the Senate concurred in the House amendments to Senate Bill No. 4906.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4906, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4906, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman
- 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Stratton - 1.

SENATE BILL NO. 4906, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1399 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Armstrong, Locke and Padden. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the request of the House for a conference on Substitute House Bill No. 1399 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1399 and the Senate amendments thereto: Senators Talmadge, Newhouse and Halsan.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Armstrong, Valle and Padden. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the request of the House for a conference on Engrossed Substitute House Bill No. 1598 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1598 and the Senate amendments thereto: Senators Halsan, Johnson and Talmadge.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House ruled the Senate amendments to HOUSE BILL NO. 1472 beyond the scope and object of the bill, refuses to concur and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Hansen, the Senate refuses to recede from the Senate amendments to House Bill No. 1472 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1472 and the Senate amendments thereon: Senators Hansen, Bailey and Bauer.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House ruled the Senate amendments to HOUSE BILL NO. 1851 beyond the scope and object of the bill, refuses to concur and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Goltz, the Senate refuses to recede from the Senate amendments to House Bill No. 1851 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1851 and the Senate amendments thereon: Senators Goltz, Barr and McDermott.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4968 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The provisions of RCW 50.16.070 to the contrary notwithstanding, one million five hundred thousand dollars shall be transferred from the federal interest payment fund to the unemployment compensation administration fund.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect March 31, 1986."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Warnke moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 4968.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate do concur in the House amendment to Engrossed Senate Bill No. 4968.

The motion by Senator Warnke carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 4968.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4968, as amended by the House.

POINT OF INQUIRY

Senator Bauer: "Senator Vognild, is the money in here for comparable worth and on-going costs?"

Senator Vognild: "No, Senator. This is a one time cost to the state of Washington and it is caused in part by federal budgeting who normally will pick up the cost of the Employment Security operation."

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4968, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 33.

Voting nay: Senators Bailey, Barr, Benitz, Cantu, Guess, Hayner, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar - 14.

Absent: Senator Wojahn - 1.

Excused: Senator Stratton - 1.

ENGROSSED SENATE BILL NO. 4968, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4128 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Tanner, Brekke and Lewis. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Vognild, the request of the House for a conference on Engrossed Substitute Senate Bill No. 4128 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 4128 and the House amendments thereto: Senators Gaspard, Deccio and Kreidler.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 4486 and requests a conference thereon. The Speaker has

appointed the following members as conferees: Representatives Haugen, Nutley and Brough. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the request of the House for a conference on Substitute Senate Bill No. 4486 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4486 and the House amendments thereto: Senators Thompson, Zimmerman and Garrett.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 4590 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Haugen, Nutley and Brough. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Thompson moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4590 and refuse to grant the request of the House for a conference thereon.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a parliamentary inquiry. The motion placed before us is to accept a conference committee and to accept the House amendments, is that correct?"

REPLY BY THE PRESIDENT

President Cherberg: "The House has requested a conference on Substitute Senate Bill No. 4590, but Senator Thompson's motion is to refuse to grant the conference and concur in the House amendments."

The President declared the question before the Senate to be the motion by Senator Thompson that the Senate do concur in the House amendments to Substitute Senate Bill No. 4590 and to refuse to grant the request of the House for a conference thereon.

The motion by Senator Thompson carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 4590.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4590, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4590, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Absent: Senator Wojahn - 1.

Excused: Senator Stratton - 1.

SUBSTITUTE SENATE BILL NO. 4590, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 4639 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Fisher, Fisch and Walker. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the request of the House for a conference on Substitute Senate Bill No. 4639 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4639 and the House amendments thereto: Senators Thompson, Zimmerman and Granlund.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SENATE BILL NO. 4725 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives O'Brien, Belcher and Chandler. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Bender, the request of the House for a conference on Engrossed Senate Bill No. 4725 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 4725 and the House amendments thereto: Senators Warnke, McDonald and Moore.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 4741 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Haugen, Basich and Thomas. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Owen, the request of the House for a conference on Substitute Senate Bill No. 4741 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4741 and the House amendments thereto: Senators Owen, Metcalf and Halsan.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 4779 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, O'Brien and Bond. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Bender, the request of the House for a conference on Substitute Senate Bill No. 4779 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4779 and the House amendments thereto: Senators Warnke, Barr and Halsan.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendment to SUBSTITUTE SENATE BILL NO. 4990 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rust, Unsoeld and Brough. The bill and the amendment are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Bender, the request of the House for a conference on Substitute Senate Bill No. 4990 and the House amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4990 and the House amendment thereto: Senators Goltz, Bluechel and Kreidler.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendment to SUBSTITUTE SENATE JOINT RESOLUTION NO. 138 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Fisher, Vekich and Barnes. The resolution and the amendment are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the request of the House for a conference on Substitute Senate Joint Resolution No. 138 and the House amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Joint Resolution No. 138 and the House amendment thereto: Senators Thompson, Zimmerman and Granlund.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 4905 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Walk, Sutherland and Schmidt. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Bender, the request of the House for a conference on Substitute Senate Bill No. 4905 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4905 and the House amendments thereto: Senators Peterson, Granlund and Patterson.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

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

MOTION

On motion of Senator McManus, the following resolution was adopted:

SENATE RESOLUTION 1986-169

by Senators McManus, Johnson, Wojahn and Rasmussen

WHEREAS, The Tacoma Grand Prix scheduled to be run on the streets of Tacoma, Washington, August 8th, 9th and 10th, 1986, is a week long event that will be a major sports event for the city of Tacoma; and

WHEREAS, The Tacoma Grand Prix will bring in racing teams, corporate sponsors, media from around the world, and many thousands of spectators; and

WHEREAS, The Tacoma Grand Prix will benefit local charities, thus making the Tacoma Grand Prix a truly community oriented event; and

WHEREAS, The Tacoma Grand Prix will be a united effort from volunteers, corporate sponsors, as well as the city of Tacoma, the county of Pierce, and the state of Washington, benefiting all;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and support the efforts of all those involved in the Tacoma Grand Prix event and urge all citizens of Washington to attend this community oriented event.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4665.

SUBSTITUTE SENATE BILL NO. 4676.

SUBSTITUTE SENATE BILL NO. 4683.

SENATE BILL NO. 4691.

SUBSTITUTE SENATE BILL NO. 4717, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House has concurred in the Senate amendments to the following listed bills and has passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 588,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1950.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House has concurred in the Senate amendment(s) to the following listed bills and has passed said bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182,

ENGROSSED HOUSE BILL NO. 1339,

ENGROSSED HOUSE BILL NO. 1463.

DENNIS L. HECK, Chief Clerk

MOTION

At 2:37 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 4:11 p.m. by President Cherberg.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3352.

SENATE BILL NO. 3527.

SUBSTITUTE SENATE BILL NO. 3990.

SUBSTITUTE SENATE BILL NO. 4710.

SUBSTITUTE SENATE BILL NO. 5037, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3498. The Speaker has appointed the following members as conferees: Representatives Brekke, Day and Lewis.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House has granted the request of the Senate for a conference on HOUSE BILL NO. 1499. The Speaker has appointed the following members as conferees:

Representatives Hargrove, Locke and Tilly. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 3574,
 SUBSTITUTE SENATE BILL NO. 3948,
 SUBSTITUTE SENATE BILL NO. 4497,
 SUBSTITUTE SENATE BILL NO. 4503,
 SUBSTITUTE SENATE BILL NO. 4536,
 SENATE BILL NO. 4537,
 SUBSTITUTE SENATE BILL NO. 4547,
 SUBSTITUTE SENATE BILL NO. 4572,
 SENATE BILL NO. 4620,
 SENATE BILL NO. 4675,
 SENATE BILL NO. 4681,
 SENATE BILL NO. 4693,
 SENATE BILL NO. 4712,
 SUBSTITUTE SENATE BILL NO. 4783,
 SUBSTITUTE SENATE BILL NO. 4790,
 SUBSTITUTE SENATE BILL NO. 4815,
 SENATE BILL NO. 4891,
 SUBSTITUTE SENATE BILL NO. 4897,
 SUBSTITUTE SENATE BILL NO. 4898.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House ruled the Senate amendments to HOUSE BILL NO. 1633 beyond the scope and object of the bill, refuses to concur and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate refuses to recede from the Senate amendments to House Bill No. 1633 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1633 and the Senate amendments thereto: Senators McDermott, Lee and Halsan.

MOTION

On motion of Senator Warnke, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 32 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives D. King, Wang and Vander Stoep. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Warnke moved that the Senate grant the request of the House for a conference on Engrossed Substitute House Bill No. 32.

Debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Warnke that the Senate grant the request of the House for a conference on Engrossed Substitute House Bill No. 32 and the Senate amendments thereto.

ROLL CALL

The Secretary called the roll and the motion by Senator Warnke carried, the President voting 'aye' by the following vote: Yeas, 23; nays, 23; absent, 2; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 23.

Absent: Senators Conner, McDermott - 2.

Excused: Senator Stratton - 1.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 32 and the Senate amendments thereto: Senators Warnke, McDonald and McDermott.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House has ruled the Senate amendments to HOUSE BILL NO. 1337 beyond the scope and object of the bill, refuses to concur and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate refuses to recede from the Senate amendments to House Bill No. 1337 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1337 and the Senate amendments thereto: Senators Warnke, Lee and Halsan.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the rules were suspended and Engrossed Substitute House Joint Resolution No. 49 was returned to second reading and read the second time.

Senator Thompson moved that the rules be suspended and the Senate reconsider the vote by which the Committee on Governmental Operations amendment on page 2, line 8, was adopted March 7, 1986.

The President declared the question before the Senate to be the motion by Senator Thompson to reconsider the vote by which the Committee on Governmental Operations amendment on page 2, line 8, to Engrossed Substitute House Joint Resolution No. 49 was adopted.

The motion by Senator Thompson carried and the Senate commenced consideration of the Committee on Governmental Operations amendment on page 2, line 8, on reconsideration.

MOTION

On motion of Senator Thompson, the following amendment to the Committee on Governmental Operations amendment was adopted:

On page 1, line 7, of the committee amendment to page 2 of the joint resolution, strike "January 1, 1987" and insert "January 12, 1987"

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment on page 2, line 8, as amended.

The Committee on Governmental Operations amendment, as amended, was adopted.

MOTIONS

On motion of Senator Thompson, the following amendment was adopted:

On page 2, line 7, after "appeals," strike "and superior court" and insert "superior courts, and district courts"

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Joint Resolution No. 49, as amended by the Senate, was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Thompson moved that further consideration of Engrossed Substitute House Joint Resolution No. 49, as amended by the Senate, be deferred.

POINT OF ORDER

Senator Rasmussen: "Mr. President, I think the roll call had started and we cannot interrupt the roll call. Did he call the first name?"

REPLY BY THE PRESIDENT

President Cherberg: "That is true, Senator."

Senator Rasmussen: "You know when they get themselves in a box, but you can't interrupt the roll call to do anything but call the roll."

President Cherberg: "The President thought this would expedite business, Senator. If we continued with the roll call, then it would be necessary for Senator Thompson and the body to reconsider the vote and get it back where it will go in the first place."

Senator Rasmussen: "Well, I concur with the President, but the trouble is everybody is asleep out here and they don't know what is going on. I got tired of hearing the amendments all the time and voting 'aye' and I am faithful to my duty."

President Cherberg: "Please tell me about it, Senator."

Senator Rasmussen: "I assure you that you're getting tired too, but the body should wake up and know what's going on and what's the mood. I withdraw my point of order for this time--now that I've made it."

President Cherberg: "Your point of order is well taken. Thank you very much, Senator."

Further consideration of Engrossed Substitute House Joint Resolution No. 49, as amended by the Senate, was deferred.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTIONS

On motion of Senator Thompson, the rules were suspended and Engrossed Substitute House Bill No. 1331 was returned to second reading and read the second time.

Senator Thompson moved that the rules be suspended and the Senate reconsider the vote by which the Committee on Governmental Operations amendment on page 4, line 18, was adopted March 7, 1986.

The President declared the question before the Senate to be the motion by Senator Thompson to reconsider the vote by which the Committee on Governmental Operations amendment on page 4, line 18, to Engrossed Substitute House Bill No. 1331 was adopted.

The motion by Senator Thompson carried and the Senate commenced consideration of the Committee on Governmental Operations amendment on page 4, line 18, on reconsideration.

MOTION

On motion of Senator Thompson, the following amendment to the Committee on Governmental Operations amendment was adopted:

On page 1, line 7 of the committee amendment to page 4, line 18 of the bill, strike "January 1, 1987," and insert "January 12, 1987."

The President declared the question before the Senate to be adoption of the Committee on Governmental Operations amendment on page 4, line 18, as amended.

The Committee on Governmental Operations amendment, as amended, was adopted.

MOTIONS

On motion of Senator Thompson, the following amendment was adopted:

On page 2, line 34 of the bill, after "official," strike "state" and insert "public"

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 1331, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Thompson, further consideration of Engrossed Substitute House Bill No. 1331, as amended by the Senate, was deferred.

MESSAGE FROM THE HOUSE

March 6, 1986

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4630 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 100. PREAMBLE.** Tort law in this state has generally been developed by the courts on a case-by-case basis. While this process has resulted in some significant changes in the law, including amelioration of the harshness of many common law doctrines, the legislature has periodically intervened in order to bring about needed reforms. The purpose of this chapter is to enact further reforms in order to create a more equitable distribution of the cost and risk of injury and increase the availability and affordability of insurance.

The legislature finds that counties, cities, and other governmental entities are faced with increased exposure to lawsuits and awards and dramatic increases in the cost of insurance coverage. These escalating costs ultimately affect the public through higher taxes, loss of essential services, and loss of the protection provided by adequate insurance. In order to improve the availability and affordability of quality governmental services, comprehensive reform is necessary.

The legislature also finds comparable cost increases in professional liability insurance. Escalating malpractice insurance premiums discourage physicians and other health care providers from initiating or continuing their practice or offering needed services to the public and contribute to the rising costs of consumer health care. Other professionals, such as architects and engineers, face similar difficult choices, financial instability, and unlimited risk in providing services to the public.

The legislature also finds that general liability insurance is becoming unavailable or unaffordable to many businesses, individuals, and nonprofit organizations in amounts sufficient

to cover potential losses. High premiums have discouraged socially and economically desirable activities and encourage many to go without adequate insurance coverage.

Therefore, it is the intent of the legislature to reduce costs associated with the tort system, while assuring that adequate and appropriate compensation for persons injured through the fault of others is available.

PART I

ACCELERATED PHYSICIAN-PATIENT PRIVILEGE

Sec. 101. Section 294, page 187, Laws of 1854 as last amended by section 1, chapter 56, Laws of 1982 and RCW 5.60.060 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

(3) A clergyman or priest shall not, without the consent of a person making the confession, be examined as to any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs.

(4) A ((regular)) physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him to prescribe or act for the patient, ~~((but this exception shall not apply in any judicial proceeding regarding a child's injuries, neglect or sexual abuse, or the cause thereof))~~ except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Within ninety days of filing an action for personal injuries or wrongful death, the claimant shall elect whether or not to waive the physician-patient privilege. If the claimant does not waive the physician-patient privilege, the claimant may not put his or her mental or physical condition or that of his or her decedent or beneficiaries in issue and may not waive the privilege later in the proceedings. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

PART II

ATTORNEYS' FEES

NEW SECTION. Sec. 201. A new section is added to chapter 4.24 RCW to read as follows:

The court shall, upon petition by a named party in any tort action, except those provided for in RCW 7.70.070, determine the reasonableness of that party's attorneys' fees. The court shall take into consideration the following:

(1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

(3) The fee customarily charged in the locality for similar legal services;

(4) The amount involved and the results obtained;

(5) The time limitations imposed by the client or by the circumstances;

(6) The nature and length of the professional relationship with the client;

(7) The experience, reputation, and ability of the lawyer or lawyers performing the services;

(8) Whether the fee is fixed or contingent;

(9) Whether the fixed or contingent fee agreement was in writing and whether the client was aware of his or her right to petition the court under this section.

NEW SECTION. Sec. 202. Section 201 of this act applies to agreements for attorney's fees entered into after the effective date of this section.

PART III
LIMITATION ON NONECONOMIC DAMAGES

NEW SECTION. Sec. 301. A new section is added to chapter 4.56 RCW to read as follows:

(1) As used in this section, the following terms have the meanings indicated unless the context clearly requires otherwise.

(a) "Economic damages" means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities.

(b) "Noneconomic damages" means subjective, nonmonetary losses, including, but not limited to pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation, and destruction of the parent-child relationship.

(c) "Bodily injury" means physical injury, sickness, or disease, including death.

(d) "Average annual wage" means the average annual wage in the state of Washington as determined under RCW 50.04.355.

(2) In no action seeking damages for personal injury or death may a claimant recover a judgment for noneconomic damages exceeding an amount determined by multiplying 0.43 by the average annual wage and by the life expectancy of the person incurring noneconomic damages, as the life expectancy is determined by the life expectancy tables adopted by the insurance commissioner. For purposes of determining the maximum amount allowable for noneconomic damages, a claimant's life expectancy shall not be less than fifteen years. The limitation contained in this subsection applies to all claims for noneconomic damages made by a claimant who incurred bodily injury. Claims for loss of consortium, loss of society and companionship, destruction of the parent-child relationship, and all other derivative claims asserted by persons who did not sustain bodily injury are to be included within the limitation on claims for noneconomic damages arising from the same bodily injury.

(3) If a case is tried to a jury, the jury shall not be informed of the limitation contained in subsection (2) of this section.

PART IV
APPORTIONMENT OF DAMAGES

NEW SECTION. Sec. 401. A new section is added to chapter 4.22 RCW to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

Sec. 402. Section 11, chapter 27, Laws of 1981 and RCW 4.22.030 are each amended to read as follows:

Except as otherwise provided in section 401 of this 1986 act, if more than one person is liable to a claimant on an indivisible claim for the same injury, death or harm, the liability of such persons shall be joint and several.

Sec. 403. Section 4, chapter 85, Laws of 1977 ex. sess. as last amended by section 5, chapter 218, Laws of 1984 and RCW 51.24.060 are each amended to read as follows:

(1) If the injured worker or beneficiary elects to seek damages from the third person, any recovery made shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid proportionately by the injured worker or beneficiary and the department and/or self-insurer;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award: PROVIDED, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the balance of the recovery made, but only to the extent necessary to reimburse the department and/or self-insurer for compensation and benefits paid;

(i) The department and/or self-insurer shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the worker or beneficiary to the extent of the benefits paid or payable under this title: PROVIDED, That the department or self-insurer may require court approval of costs and attorneys' fees or may petition a court for determination of the reasonableness of costs and attorneys' fees.

(ii) The sum representing the department's and/or self-insurer's proportionate share shall not be subject to subsection (1) (d) and (e) of this section.

(d) Any remaining balance shall be paid to the injured worker or beneficiary;

(e) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department and/or self-insurer for such injury until the amount of any further compensation and benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person;

(f) If the employer or a co-employee are determined under section 401 of this 1986 act to be at fault, (c) and (e) of this subsection do not apply and benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person.

(2) The recovery made shall be subject to a lien by the department and/or self-insurer for its share under this section.

(3) The department or self-insurer has sole discretion to compromise the amount of its lien. In deciding whether or to what extent to compromise its lien, the department or self-insurer shall consider at least the following:

(a) The likelihood of collection of the award or settlement as may be affected by insurance coverage, solvency, or other factors relating to the third person;

(b) Factual and legal issues of liability as between the injured worker or beneficiary and the third person. Such issues include but are not limited to possible contributory negligence and novel theories of liability; and

(c) Problems of proof faced in obtaining the award or settlement.

(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation and benefits to which the injured worker or beneficiary may be entitled.

(5) In an action under this section, the self-insurer may act on behalf and for the benefit of the department to the extent of any compensation and benefits paid or payable from state funds.

(6) It shall be the duty of the person to whom any recovery is paid before distribution under this section to advise the department or self-insurer of the fact and amount of such recovery, the costs and reasonable attorneys' fees associated with the recovery, and to distribute the recovery in compliance with this section.

(7) The distribution of any recovery made by award or settlement of the third party action shall be confirmed by department order, served by registered or certified mail, and shall be subject to chapter 51.52 RCW. In the event the order of distribution becomes final under chapter 51.52 RCW, the director or the director's designee may file with the clerk of any county within the state a warrant in the amount of the sum representing the unpaid lien plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of such worker or beneficiary mentioned in the warrant, the amount of the unpaid lien plus interest accrued and the date when the warrant was filed. The amount of such warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the injured worker or beneficiary against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department in the manner provided by law in the case of judgment, wholly or

partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the injured worker or beneficiary within three days of filing with the clerk.

(8) The director, or the director's designee, may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice and order to withhold and deliver property of any kind if he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property which is due, owing, or belonging to any worker or beneficiary upon whom a warrant has been served by the department for payments due to the state fund. The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy, or by any authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or the director's authorized representative upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount claimed by the director in the notice together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer to all exemptions provided for by chapter 7.33 RCW which the wage earner may be entitled.

PART V

LIMITATION OF ACTIONS

NEW SECTION. Sec. 501. A new section is added to chapter 4.24 RCW to read as follows:

It is a complete defense to any action for damages for personal injury or wrongful death that the person injured or killed was engaged in the commission of a felony, if the felony was causally related to the injury or death in time, place, or activity. However, nothing in this section shall affect a right of action under 42 U.S.C. Sec. 1983.

Sec. 502. Section 1, chapter 80, Laws of 1971 as amended by section 1, chapter 56, Laws of 1975-76 2nd ex. sess. and RCW 4.16.350 are each amended to read as follows:

Any civil action for damages for injury occurring as a result of health care which is provided after June 25, 1976 against:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

based upon alleged professional negligence shall be commenced within three years of the act or omission alleged to have caused the injury or condition, or one year of the time the patient or his representative discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission; PROVIDED, That the time for commencement of an action is tolled upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic diagnostic purpose or effect.

For purposes of this section, notwithstanding RCW 4.16.190, the knowledge of a custodial parent or guardian shall be imputed to a person under the age or eighteen years. Any action not commenced in accordance with this section shall be barred. (PROVIDED, That the limitations in this section shall not apply to persons under a legal disability as defined in RCW 4.16.190)).

PART VI

INDEMNIFICATION AGREEMENTS

Sec. 601. Section 2, chapter 46, Laws of 1967 ex. sess. and RCW 4.24.115 are each amended to read as follows:

A covenant, promise, agreement or understanding in, or in connection with or collateral to, a contract or agreement relative to the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition in connection therewith, purporting to indemnify against liability for damages arising out of bodily injury to persons or damage to property;

(1) Caused by or resulting from the sole negligence of the indemnitee, his agents or employees is against public policy and is void and unenforceable;

(2) Caused by or resulting from the concurrent negligence of (a) the indemnitee or the indemnitee's agents or employees, and (b) the indemnitor or the indemnitor's agents or employees, is valid and enforceable only to the extent of the indemnitor's negligence and only if the agreement specifically and expressly provides therefor, and may waive the indemnitor's immunity under industrial insurance, Title 51 RCW, only if the agreement specifically and expressly provides therefor and the waiver was mutually negotiated by the parties. This subsection applies to agreements entered into after the effective date of this 1986 section.

PART VII

BUILDER LIMITATION

Sec. 701. Section 2, chapter 43, Laws of 1955 and RCW 4.16.160 are each amended to read as follows:

The limitations prescribed in this chapter shall apply to actions brought in the name or for the benefit of any county or other municipality or quasimunicipality of the state, in the same manner as to actions brought by private parties: PROVIDED, That, except as provided in RCW 4.16.310, there shall be no limitation to actions brought in the name or for the benefit of the state, and no claim of right predicated upon the lapse of time shall ever be asserted against the state: AND FURTHER PROVIDED, That no previously existing statute of limitations shall be interposed as a defense to any action brought in the name or for the benefit of the state, although such statute may have run and become fully operative as a defense prior to February 27, 1903, nor shall any cause of action against the state be predicated upon such a statute.

Sec. 702. Section 2, chapter 75, Laws of 1967 and RCW 4.16.310 are each amended to read as follows:

All claims or causes of action as set forth in RCW 4.16.300 shall accrue, and the applicable statute of limitation shall begin to run only during the period within six years after substantial completion of construction, or during the period within six years after the termination of the services enumerated in RCW 4.16.300, whichever is later. The phrase "substantial completion of construction" shall mean the state of completion reached when an improvement upon real property may be used or occupied for its intended use. Any cause of action which has not accrued within six years after such substantial completion of construction, or within six years after such termination of services, whichever is later, shall be barred: PROVIDED, That this limitation shall not be asserted as a defense by any owner, tenant or other person in possession and control of the improvement at the time such cause of action accrues. The limitations prescribed in this section apply to all claims or causes of action as set forth in RCW 4.16.300 brought in the name or for the benefit of the state which are made or commenced after the effective date of this 1986 section.

Sec. 703. Section 1, chapter 75, Laws of 1967 and RCW 4.16.300 are each amended to read as follows:

RCW 4.16.300 through 4.16.320 shall apply to all claims or causes of action of any kind against any person, arising from such person having constructed, altered or repaired any improvement upon real property, or having performed or furnished any design, planning, surveying, architectural or construction or engineering services, or supervision or observation of construction, or administration of construction contracts for any construction, alteration or repair of any improvement upon real property. This section is intended to benefit only those persons referenced herein and shall not apply to claims or causes of action against manufacturers.

PART VIII

PERIODIC PAYMENTS

NEW SECTION. Sec. 801. A new section is added to chapter 4.56 RCW to read as follows:

(1) In an action based on fault seeking damages for personal injury or property damage in which a verdict or award for future economic damages of at least one hundred thousand dollars is made, the court or arbitrator shall, at the request of a party, enter a judgment which provides for the periodic payment in whole or in part of the future economic damages. With respect to the judgment, the court or arbitrator shall make a specific finding as to the dollar amount of periodic payments intended to compensate the judgment creditor for the future economic damages.

(2) Prior to entry of judgment, the court shall request each party to submit a proposal for periodic payment of future economic damages to compensate the claimant. Proposals shall include provisions for: The name of the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, the number of payments or the

period of time over which the payments shall be made, modification for hardship or unforeseen circumstances, posting of adequate security, and any other factor the court deems relevant under the circumstances. After each party has submitted a proposal, the court shall select the proposal, with any changes the court deems proper, which in the discretion of the court and the interests of justice best provides for the future needs of the claimant and enter judgment accordingly.

(3) If the court enters a judgment for periodic payments and any security required by the judgment is not posted within thirty days, the court shall enter a judgment for the payment of future damages in a lump sum.

(4) If at any time following entry of judgment for periodic payments, a judgment debtor fails for any reason to make a payment in a timely fashion according to the terms of the judgment, the judgment creditor may petition the court for an order requiring payment by the judgment debtor of the outstanding payments in a lump sum. In calculating the amount of the lump sum judgment, the court shall total the remaining periodic payments due and owing to the judgment creditor converted to present value. The court may also require payment of interest on the outstanding judgment.

(5) Upon the death of the judgment creditor, the court which rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages. Money damages awarded for loss of future earnings shall not be reduced or payments terminated by reason of the death of the judgment creditor.

(6) Upon satisfaction of a periodic payment judgment, any obligation of the judgment debtor to make further payments shall cease and any security posted pursuant to this section shall revert to the judgment debtor.

NEW SECTION. Sec. 802. Section 5, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 4.56.240 are each repealed.

PART IX MISCELLANEOUS

NEW SECTION. Sec. 901. A new section is added to chapter 5.40 RCW to read as follows:

A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to electrical fire safety, the use of smoke alarms, or driving while under the influence of intoxicating liquor or any drug, shall be considered negligence per se.

NEW SECTION. Sec. 902. A new section is added to chapter 5.40 RCW to read as follows:

It is a complete defense to an action for damages for personal injury or wrongful death that the person injured or killed was under the influence of intoxicating liquor or any drug and that such condition contributed more than fifty percent to his or her injuries or death. If the amount of alcohol in a person's blood is shown by chemical analysis of his or her blood, breath, or other bodily substance to have been 0.10 percent or more by weight of alcohol in the blood, it is conclusive proof that the person was under the influence of intoxicating liquor.

NEW SECTION. Sec. 903. A new section is added to chapter 4.24 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a member of the board of directors or an officer of any nonprofit corporation is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence.

(2) Nothing in this section shall limit or modify in any manner the duties or liabilities of a director or officer of a corporation to the corporation or the corporation's shareholders.

NEW SECTION. Sec. 904. A new section is added to chapter 4.24 RCW to read as follows:

A member of the board of directors or a superintendent of any school district is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence.

NEW SECTION. Sec. 905. A new section is added to chapter 7.70 RCW to read as follows:

Members of the board of directors or other governing body of a public or private hospital are not individually liable for injuries resulting from health care administered by a health care provider granted privileges to provide health care at the hospital unless the decision to grant the privilege to provide health care at the hospital constitutes gross negligence.

NEW SECTION. Sec. 906. A new section is added to chapter 48.22 RCW to read as follows:

The commissioner shall by regulation require insurers authorized to write casualty insurance in this state to form a market assistance plan to assist persons and other entities unable to purchase casualty insurance in an adequate amount from either the admitted market or non-admitted market.

For the purpose of this section, a market assistance plan means a voluntary mechanism by insurers writing casualty insurance in this state in either the admitted or nonadmitted market to provide casualty insurance for a class of insurance designated in writing to the plan by the commissioner.

The bylaws and method of operation of any market assistance plan shall be approved by the commissioner prior to its operation.

A market assistance plan shall have a minimum of twenty-five insurers willing to insure risks within the class designated by the commissioner. If twenty-five insurers do not voluntarily agree to participate, the commissioner may require casualty insurers to participate in a market assistance plan as a condition of continuing to do business in this state. The commissioner shall make such a requirement to fulfill the quota of at least twenty-five insurers. The commissioner shall make his or her designation on the basis of the insurer's premium volume of casualty insurance in this state.

NEW SECTION. Sec. 907. A new section is added to chapter 48.19 RCW to read as follows:

The commissioner shall, in reviewing a casualty rate filing, determine in accordance with sound and reliable actuarial principles whether this act requires an insurer to grant its policyholders a credit in such casualty rate filing. Upon determining that data in support of such a credit is actuarially credible, the commissioner shall approve or disapprove such casualty rate filing in accordance therewith. The commissioner shall not approve any casualty rate that is inadequate, excessive, or unfairly discriminatory.

NEW SECTION. Sec. 908. The commissioner shall, as chairman of the tort reform study commission, require the task force to study the effectiveness of joint underwriting authorities throughout the United States to specifically determine:

- (1) The price as it relates to a filed Insurance Services Organization rate;
- (2) The solvency of such mechanisms;
- (3) The effect it has on the admitted market;
- (4) The effect it has on the nonadmitted market;
- (5) The effect or availability on the voluntary market; and
- (6) What effect it has on lines or classes of insurance not designated.

NEW SECTION. Sec. 909. The insurance commissioner shall submit a report to the legislature by January 1, 1991, on the effects of this act on insurance rates and the availability of insurance coverage and the impact on the civil justice system.

NEW SECTION. Sec. 910. Except as provided in sections 202 and 601 of this act and except for section 904 of this act, this act applies to all actions filed on or after August 1, 1986.

NEW SECTION. Sec. 911. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 912. Section 904 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "civil actions," strike the remainder of the title and insert "amending RCW 5.60.060, 4.22.030, 51.24.060, 4.16.350, 4.24.115, 4.16.160, 4.16.310, and 4.16.300; adding a new section to chapter 4.22 RCW; adding new sections to chapter 4.24 RCW; adding new sections to chapter 4.56 RCW; adding new sections to chapter 5.40 RCW; adding a new section to chapter 7.70 RCW; adding a new section to chapter 48.19 RCW; adding a new section to chapter 48.22 RCW; creating new sections; repealing RCW 4.56.240; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Talmadge moved that the rules be suspended and Engrossed Substitute Senate Bill No. 4630 be returned to second reading and read the second time.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Talmadge to suspend the rules and return Engrossed Substitute Senate Bill No. 4630 to second reading.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge to suspend the rules and return Engrossed Substitute Senate Bill No. 4630 to second reading failed by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Bender, Bottiger, Conner, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, McDermott, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn - 19.

Voting nay: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Guess, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Thompson, Vognild, von Reichbauer, Zimmerman - 29.

Excused: Senator Stratton - 1.

MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4630.

POINT OF INFORMATION

Senator Talmadge: "Mr. President, a point of information first, if I could. Will the proposed amendment that I offered, had we been able to go back to second reading, be spread upon the journal? If not, I would request that it would be."

REPLY BY THE PRESIDENT

President Cherberg: "Are you referring to the motion or the amendment?"

Senator Talmadge: "The proposed amendment, Mr. President."

President Cherberg: "The Secretary advises that it will not be in the journal."

Senator Talmadge: "I will later submit it for inclusion in the journal, Mr. President."

Senator Newhouse objected to the amendment be included in the journal.

POINT OF ORDER

Senator Talmadge: "Mr. President, I believe the House amendments to Engrossed Substitute Senate Bill No. 4630 expand the scope and object of Senate Bill No. 4630."

REPLY BY THE PRESIDENT

President Cherberg: "There has been an objection, therefore, it will be necessary for you to make a motion in order for you to have it printed in the journal."

Senator Talmadge: "I believe, Mr. President, that the objection by Senator Newhouse--does that stand or has it been withdrawn? I won't make a motion, Mr. President."

President Cherberg: "Senator Talmadge has moved that the proposed amendment be included in the journal."

Senator Talmadge: "Mr. President, I'll withdraw that motion."

President Cherberg: "Senator Talmadge has withdrawn the motion."

Senator Talmadge: "Mr. President, I do have the point of order relating to scope and object, however."

President Cherberg: "Senator Talmadge has raised the point of order that the proposed House amendments change the scope and object of the bill."

Senator Talmadge: "Thank you, Mr. President. To be specific, the original bill as it left the Senate dealt with a number of issues in the tort system and in the civil justice system in the state of Washington. The only provision in the bill, as it left the Senate that related to the issue of insurance was a cap on permitted insurance rate increases in the state of Washington of fifteen percent per annum. That fifteen percent cap was intimately related to the question of whether or not the changes in the tort law and the changes in the civil justice system were enacted.

"The House amendments that come before the Senate include not only changes in the tort system, but include changes in insurance laws. Specifically, there's a proposal made for a market assistance program with a joint underwriting authority provided for in the House amendments.

"Mr. President, this is an act relating to civil actions and civil actions ordinarily in the law connote those actions that can be commenced in court. There's nothing in the proposed title to the bill that would suggest that there would be a market assistance program or anything relating to the issue of insurance unrelated to the issue of civil actions that might be permitted in this bill. For that reason, because of the inclusion of this very major change in the insurance system that has been contained in separate legislation previously, I believe the House amendments to Engrossed Substitute Senate Bill No. 4630 expand the scope and the object of the bill."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Engrossed Substitute Senate Bill No. 4630 is an

omnibus measure limiting exposure in civil actions for tort claims and reducing the amount of potential court awards with the intention of decreasing future insurance premiums.

"The House amendments are also an omnibus measure limiting exposure in civil actions for tort claims and reducing the amount of potential court awards with the intention of decreasing future insurance premiums.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and that the point of order is not well taken."

The amendments proposed by the House of Representatives to Engrossed Substitute Senate Bill No. 4630 were ruled in order.

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, as the maker of the motion to concur, I have a very strange posture in this as the sponsor of the bill that I don't particularly like and as the maker of the motion to concur in the House amendments. But I do have to confess that we are now embarking upon something that would undertake to change literally centuries, in some instances, of law that's been developed in Anglo-American jurisdictions across the world, and something that has been developed over decades of very patient change in this state.

"The changes that we make--the reason that we embarked on this odyssey of sorts originally was to deal with the issue of insurance availability and affordability and I stand before the Senate to suggest in complete earnestness that this bill, with the changes contained in it, will have absolutely no impact whatsoever on the issue of insurance availability nor on the issue of insurance affordability. This is simply a facade for change in the tort law without regard to what might occur in the area of insurance.

"We held hearings in the House of Representatives in the whole chamber on the issue of insurance. Senator Moore and Senator Deccio worked very long and hard in the interim on the Joint Select Committee on Insurance Availability and Affordability and we spent ten hours in the Senate Judiciary Committee hearing testimony on this issue. Notwithstanding what I thought was very pertinent testimony given in all three places about being cautious, about not embarking down roads in this area without consideration of the possible ramifications of the changes that were being suggested, here we have before us the coalition proposal, and a rush to some change without consideration of the ultimate consequences of that change.

"I also stand before the Senate as someone who understands, I think, the legal system from many different perspectives, perhaps differently than many others here on the floor. I've been supported in times past by people in the plaintiffs' trial bar. I, myself, do a lot of insurance defense practice. I get a chance to see, I believe, both sides of the equation and I believe that there are changes that are pertinent in the tort system and changes in the civil justice system that should happen, but these changes are not the kind of changes that we should be attempting to deal with.

"What I suggest to the members of the Senate is that this bill guarantees nothing more than years of uncertainty, years of serious problems and an untold numbers of court challenges to very fundamental doctrines in the law. The members out here don't understand and don't believe the consequences of these changes. Let me suggest to you, first of all, something that I believe will happen when this bill is enacted that members really did not intend and that is a substantial attack on the doctrine of employer immunity under the Industrial Insurance Act. People believe, and I think, support the notion that employers should be immune from suit in cases of work-place injuries, in exchange for employees receiving industrial insurance benefits on a no-fault basis. This change will not impact on the ability of plaintiffs to sue their employer, but what it will impact is the opportunity for the people that I usually represent, the other co-defendant, the insured to bring actions for indemnification against employers, because what you're purporting to do is allocate fault to empty chairs in the lawsuit--the employers who are immune, the parties that have been released and others. As a consequence, you will see what happened in the state of Illinois, the state of New York and a number of others,

where you open up employer immunity by virtue of what you are doing here to actions for indemnification by other persons.

"Additionally, this bill has substantial difficulties in its definition of alternate market-share liability; the problems associated with generic kinds of products, like pharmaceuticals, perhaps like asbestos and a number of others. This is an invitation for great difficulty in the interpretation of that area of the law.

"This bill contains in it more than one subject, as I've mentioned by virtue of my point of order. It's clear that this will be subject to challenge from the two subject issues when you have an act relating to civil action and contained in it is the rather pale insurance proposal relating to a marketing assistance program.

"And lastly, you have the problems that have been present in a number of other states with any caps on damages being an invasion of the province of the court, any effort in the area of joint and several liability being the same.

"What you do, rather than providing certainty and comprehensive change in the area of tort law on a consensual basis is uncertainty, conflict and court challenge that will result in insurance premiums staying right where they are and all of the people you think you're helping--the long-haul truckers, the day-care operators, the doctors and all the rest--being subject to the problems that they see. Now we need some change in the tort system and changes in the civil justice system. Those were changes that would have been possible in the striking amendment that was going to be offered, but people didn't even get a chance to take a look at it and apparently didn't even want to. Unfortunately, those changes would have had some significant impact. If you'd been able to do mandatory arbitration in more cases, if you'd been able to do offers of settlement and mandatory settlement conferences, you'd have gotten rid of a lot of claims quicker and cheaper, but that's not what we're going to attempt to do here.

"What we did go through in dealing with this bill, was a facade of negotiation. You know, we talked long and hard about the issues and, unfortunately, whenever there was any opportunity to really deal with the problems in the tort system or the civil justice system, the insurance industry sat on them and all those changes have been removed from the Bristow/Ballard amendment that was adopted in the House.

"I have to tell you, I guess, that when we try to deal with something as significant as this issue, when the only justification from a policy standpoint and one of the bodies of the Legislature is that an amendment is appropriate or an amendment is inappropriate or the coalition approves, or the coalition disapproves, and there's no discussion of policy, that's a frustration of this process and a frustration of the need for public debate on an issue as significant as this one and as pervasive as this one as it touches upon the lives of the people perhaps least able to respond.

"The thing that concerns me, I guess, most of all is that all of us are going to go back home to our districts and we're going to declare a great victory. We've changed the tort law. We've changed this area of insurance and it's going to be the second coming. We're going to have done all these great things for the people who have these problems. Unfortunately, what I think you're going to see over the months ahead is nothing more than frustration. You're going to see the challenges. You're going to see the problems that failing to address this difficulty in a consensual way provide. What you're going to see is no change in insurance availability or affordability and more frustration from the people who are supposed to be helped. Those day-care operators will be frustrated. The long-haul truckers will be frustrated. The doctors will be frustrated. The lawyers will be frustrated. That's what you will do by way of legacy in this bill.

"You will see the opposition from the victims groups--the Mothers Against Drunk Drivers, other victims groups, and labor--who have a concern about this. Ultimately, what you guarantee when you deal with an issue as complex as this, in a nonconsensual basis, is some concern down on the second floor, and some concern across the street in the Temple of Justice, when this thing lands over in the Temple of Justice, as we know it will.

"The reason that the 1981 Product Liability and Tort Reform Act sustained or stood up to challenges was that it was consensual change. This is not. This is simply a rapacious effort on the part of the people who are proposing this legislation, without consideration of changes that might make it work, to do whatever they

want to do because that's the way they see it and they're not going to admit to any difficulties or differences of opinion on an issue as complex as this.

"Now, I've taken a very long time to tell you that, perhaps, the article that I distributed from The Columbian is correct. The tort reform bill will make a lot of people mad when the impact of it is understood by people across the state. The sad thing is the good intentions, the real strong feelings of people who want to deal with the issue area of torts and civil justice, will be frustrated because this will not do that which you hoped to see done. What you will do is carry back to the people in your home districts nothing more than an empty and hollow promises of fundamental change in their economic situation vis-a-vis insurance companies and you will get nothing for it.

"The last remark I make, members of the Senate, is we have an obligation to one group of people, perhaps more than any other group of people, and that's people least able to come down here and articulate their need or concern about legislation. This is clearly the most comprehensive anti-victim legislation ever passed by the Washington State Legislature. You are telling people who are the victims of wrongful conduct in this state that some people will go free because of that and some people will not be penalized by the financial obligation imposed by the tort system for their wrongful conduct. That's bad public policy and it doesn't meet the needs and concerns of those people least able to respond. I urge you--I implore you--to think about what you're doing in this legislation, to consider the consequences and vote as you will, but remember that a lot of the things that you hope to see in this bill will not happen. A lot of the things that you didn't expect to happen will happen and for some of you, perhaps, when those employers all of a sudden start having to carry insurance for the immunity that no longer exists, you'd better be able to answer their concerns."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. I'm going to dwell on two small items and I'd like to ask you to look at your green sheet on page 2, the second item--Industrial Insurance Actions. You will find it in your green sheet, because apparently nobody knew that this language, that I'm going to discuss, was taken out.

"You will find in your green sheet it says, 'In third party actions where the claimant,'--now I'm going to underscore that--'employer or employee are at fault.' Now, if you go to page 12 on the House amendment, you'll find 'the claimant' isn't in here. 'Claimant' was in every version of what we discussed all the way along the line until the last minute when this draft was prepared and the word 'claimant' was left out. I went to the proponents and I said, 'We sat through all those negotiations, all those discussions and I explained to you the impact of doing away with joint and several on the Industrial Insurance Act if you do not do something about the claims under L&I, and at no time did anybody ever ask me about why I had included claimant because I had explained to them why I had.'

"The truck driver going down the road being involved in a multi-accident--a collision, may sometime also be slightly at fault in that and yet he's covered by L&I under a no-fault system in which the award is greatly reduced to him and, therefore, you have to keep 'claimant' in this if you're going to make it all the way fair.

"Now, I've asked and I ask again, why--or if you even knew--did they take 'claimant' out in the last draft, because what they've done is gutted this section. It's my understanding in that State Patrol officer case that he had an action against General Motors for a mis-design of a gas tank on a car and in which he--at least General Motors claims, was partially at fault. By taking 'claimant' out, you took the state patrolman out.

"Now, I've asked and I ask again, what insurance company lawyer wrote this because only they, Phil Talmadge and I, and maybe Halsan and maybe some of the young lawyers in the House would understand the significance of that, but it got all the way through here without anybody ever bringing it up. It makes a big difference and it's a huge hole on innocent people who will now not be able to accept their L&I claim or they will not be able to bring an action against a product designer or someone like that. I think it's a mistake.

"Now, I've asked to go back and to talk about conference and fix a couple of these things and I'm told, 'We've got the votes, forget it.' I'm going to forget it after I've said my piece. The second thing that I would ask you, why is the amendment that Senator Newhouse and I proposed--I can't say that Irv had his name on it--we proposed it before and I thought we were both proposing it when we drafted it. When I took it to the lobbyists for the contracting association, who are most affected by this--and that is the company that comes into this state from out of state, pays no attention to our safety laws, runs up great big L&I claims for which all of us pay and then leaves. Now under our L&I section, if they stay here they're going to pay an experience rating on those accidents, but they don't stay here, and so they don't care. So, I proposed an amendment that was in the Senate version that said that if you repeatedly violate an instruction from L&I to put safety equipment back on machinery or back in ditches, then you lose your immunity for the workmen that are killed or injured because of your refusal to abide by WISHA or OSHA after you've been warned to do so. Everybody agreed in the Senate that that was a good idea and that we ought to do something to protect those claims that came out. Nobody asked me, you know, 'What do you think? What about this?' Well, I went and asked two of the representatives for the contracting industry and I had Senator Vognild there as a witness. I was told why they told them to take it out. They ran it on their computer and it's cheaper to hurt people than to pay them. I could have told them that. They didn't have to run a computer. Of course, it's cheaper to hurt people under L&I than to pay them, and that's why it's out.

"Now, this bill does nothing in a way of a compromise to fix tort systems except take awards away from people that are hurt. There is no give and take to fix things that are wrong. It's simply, 'I got the votes, why talk about compromise?'

"I do want to compliment the people who worked on this for a few things. They took care of it where I could show them politically they were going to get hurt. The senior citizens complained about that sliding scale when you got to the end of the cap and they did fix that and I compliment them. The old people will at least get a hundred thousand dollars and the senior citizens might not be quite as mad, but the Mothers Against Drunk Driving get nothing. Any of the progress we made at getting at taverns or cocktail loungers for over-serving is gone in this bill. They win. The victims of drunk drivers lose, because there was no effort whatsoever to address that question.

"I get a little emotional about this. I thought very seriously about resigning because this is the worst thing that I have ever seen happen in this Senate."

MOTION

On motion of Senator Rasmussen, transcripts of the remarks by Senator Talmadge and Bottiger will be made available to members of the Senate.

Further debate ensued.

REMARKS BY SENATOR HAYNER

"Senator Hayner: Mr. President and ladies and gentlemen of the Senate, the reason we're considering this bill--and we are about to pass it--is because there's a crisis out there. There is a crisis among day-care people; there's a crisis in cities and counties who cannot obtain insurance. There is a crisis on the part of some doctors who are going out of certain disciplines because they cannot get any coverage and their rates are so high that they're simply saying, 'We cannot afford it.'

"We must do something and I think this is the first step. Nobody expects the rates to go down tomorrow--of course not--but we do think that over a period of time there is going to be a change and together with the study that will be made by the Insurance Commissioner's Office, I think we'll see some results. We cannot stand by and do nothing. There are too many things at stake and when you talk about the insurance companies and their rates going up, what you're really talking about is that all the people out there are paying for these costs--all of the people. And why aren't the insurance companies insuring some? And why are they raising the rates? Well, one of the chief reasons is that they no longer can buy reinsurance. Lloyds of London will not come in here and help them reinsure and no insurance company can do it on their own. They don't have that much in assets. They have to have enormous reserves. This is a high capital intensive business.

They are highly regulated, as you know. They are audited every three years and they have to pay for the audit. The companies are not reinsuring. Why? Because they cannot tell what their costs will be in the future and so they have to raise their rates. The companies who do reinsurance are saying, 'We cannot come into this country any longer.' No other country in the world has these kinds of limitations.

"Let's talk a minute about joint and several liability. It's something we should have dealt with a long time ago. This bill says that if a claimant is not negligent he may still get his deep pocket benefits from one of the defendants who may have very little fault, but still he can get the total amount from that individual.

"What is fair about someone being involved in a lawsuit and being only fifty percent liable, fifty percent negligent in the accident that happened and paying the total cost? What is fair about that? Somehow I fail to see that.

"We have seen all kinds of crazy cases in which a felon runs across a skylight and falls into a school and sues and gets a quarter of a million dollars. Those kinds of cases are what has driven the cost up and we have to do something to change our tort system to bring it in line. In those states where they have done a few things, and there hasn't been enough time to tell what the total effect will be, but still they can see some changes and I would certainly hope that we did not take things away from juries. I do not want us to bury the jury system; it is a fine system, but we have to change some of the rules. It is not the juries that are at fault, it is some of our laws that are at fault. They are being given the instructions from the court and they're doing what is precisely according to the judges recommendations and why? Because our laws tell them to do that, so let's hope we don't put everything into arbitration. I certainly do not want to see that happen.

"The policy which we are setting here has been carefully considered and it seems to be the implication here that no lawyers have looked at this. Well, I assure you there are many lawyers who have looked at this for the coalition and for others. They have looked at it very carefully and just because the trial lawyers seem to think that this is a terrible, disastrous thing to do, I think for every trial lawyer there are three or four defense lawyers who are saying, 'This is the best thing you can do to change the situation.' I think if we fail to deal with the problem, we are putting our head in the sand and even though the Governor may not have listed this among his priorities, it certainly is a priority for the people of this state and I urge you to vote for this bill."

POINT OF INQUIRY

Senator Peterson: "Senator Hayner, at our caucus today we discussed this at length and I asked every caucus member who was present--and I think we were all there--if this bill passed had any member of our caucus been informed by the insurance industry that affordable insurance would be offered to the day-care centers, the doctors, the hospitals, the taverns, the truckers--the list is endless--and the answer was nobody had any assurance that affordable rates would be available or if they would be lowered. Were you given any indication in your caucus that this would lower insurance rates or make insurance affordable?"

Senator Hayner: "I think that we're going to have to see what the results of this are, but I certainly think it is a step in the direction of keeping them from going up and I believe that in the long run, they will settle back because those who are in the business of reinsuring will be back. When that happens and when they can cut off the long tail that we have done in the case of medical doctors here as far as children ailments are concerned and disabilities, then they can cut their rates and I think it will happen."

Further debate ensued.

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, if you please, just a word or two for the people who are unable to get insurance or afford it--the counties, the cities and so forth. Joint and several is still in this bill for the plaintiff who is not at fault--full bore. This is not overturning centuries of judicial tradition. In 1973, we lost contributory negligence in this Legislature and this is just bringing it a little bit back toward where it was--a little bit of equalization.

"Remember that even partially at fault, an injured plaintiff can get up to about three hundred and fifty thousand dollars of general damages, all necessary care, lost wages, all those economic damages in addition. I grant that there is no guarantee of lower insurance rates but the medical association--the company--said that with this bill they would expect their rates to go down twenty-eight percent. Some other companies said fifteen to twenty. The contractor situation mentioned by Senator Bottiger is not quite accurate. The contractors are the only group under Labor and Industries that have a uniform rate among industry and they pay their own. They do not assess the other employers of the state.

"I'm speaking for people who have had trouble getting insurance--counties and cities going bare and it's not because we don't regulate companies. We can't regulate Lloyds of London in this state and that's the big source of excess coverage that we tried to pass off to the foreign insurance companies. I think this is the best answer we could come up with. It may not be perfect. It's certainly a trend in the right direction."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4630.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Talmadge that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4630.

ROLL CALL

The Secretary called the roll and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4630 by the following vote: Yeas, 31; nays, 17; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Thompson, Vognild, von Reichbauer, Zimmerman - 31.

Voting nay: Senators Bender, Bottiger, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, McDermott, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn - 17.

Excused: Senator Stratton - 1.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4630, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4630, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Thompson, Vognild, von Reichbauer, Zimmerman - 31.

Voting nay: Senators Bender, Bottiger, Garrett, Gaspard, Goltz, Granlund, Halsan, McDermott, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Warnke, Williams, Wojahn - 16.

Absent: Senator Fleming - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4630, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3018,

SUBSTITUTE SENATE BILL NO. 3160,

SENATE BILL NO. 3336,

SENATE BILL NO. 4446.

SENATE BILL NO. 4450,
 SUBSTITUTE SENATE BILL NO. 4455,
 SENATE BILL NO. 4470,
 SUBSTITUTE SENATE BILL NO. 4479,
 SENATE BILL NO. 4490,
 SUBSTITUTE SENATE BILL NO. 4491,
 SENATE BILL NO. 4529,
 SENATE BILL NO. 4556,
 SENATE BILL NO. 4569,
 SUBSTITUTE SENATE BILL NO. 4627,
 SENATE BILL NO. 4645,
 SENATE BILL NO. 4647,
 SENATE BILL NO. 4678,
 SUBSTITUTE SENATE BILL NO. 4797,
 SENATE BILL NO. 4894,
 SUBSTITUTE SENATE BILL NO. 4923, and the same are herewith transmitted.
 DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1614, delaying certain new prerequisites for the issuance of vehicle licenses, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 1, line 7, after "January 1," strike "1988" and insert "1990"

On page 1, line 16, after "1985," insert "including data on deaths and injuries caused by unlicensed drivers."

On page 1, line 17, after "January 1," strike the remainder of section 3 and insert "1989."

Signed by Senators Peterson, Patterson and Vognild; Representatives Walk, Fisher and Van Luven.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed House Bill No. 1614 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598, revising the sexual offender treatment program, have had the same under consideration and we recommend that the Senate Judiciary Committee striking amendment be adopted with the following exceptions:

Section 7, on pages 16, 17, and 18, and the corresponding title amendment by Senator Wojahn on line 1 of the title, and that the bill as amended do pass.

Signed by Senators Talmadge, Halsan and Newhouse; Representatives Armstrong, Valle and Padden.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1598 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1829, requiring a study of categorical educational services, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The superintendent of public instruction shall study methods to provide improved instruction to students needing categorical educational services and shall develop recommendations that enhance these students' opportunities for success. The study and recommendations shall include at least the following topics:

- (1) Future service demand in light of changing student demographics, longitudinal trends, eligibility standards for special needs students, and declining federal resources;
- (2) The adequacy of the state's data and information systems as they relate to class size and students requiring categorical educational services;
- (3) The relationship between the current system for the delivery of categorical educational services and the ability of the regular classroom to meet student diversity;
- (4) The relationship between the ratio of certificated staff to students in the classroom and the number of students referred and the type of categorical assistance for which referrals are made;
- (5) The relationship between the ratio of adults to students in the classroom and the number of students referred and the type of categorical assistance for which referrals are made;
- (6) The interrelationship between various state and federal programs designed to serve students requiring categorical educational services, and the effect of targeting under existing state and federal statutes and regulations;
- (7) The relationship between the methods of delivering categorical educational services and research results about educational success;
- (8) The impact of delivering categorical educational services in the regular classroom setting to include: (a) Class size considerations, (b) teaching methods, and (c) coordination of categorical program services;
- (9) The interaction between and effects upon educators, support staff, and parents of students needing categorical educational services in various delivery models; and
- (10) Other topics designated by the advisory committee described in this section.

In conducting this study, the superintendent of public instruction shall include data regarding the categorical education services and students engaged in at least the following programs: Federal chapter 1 disadvantaged and chapter 1 migrant, bilingual, the state remediation assistance program, and the federal and state special education programs.

An advisory committee consisting of legislators and representatives of education organizations concerned with the delivery of categorical instructional services and regular classroom instruction shall be appointed. Representatives of the instructional organizations shall be appointed by the superintendent of public instruction. There shall be four representatives of the legislature. The speaker of the house of representatives shall appoint one member from each caucus to represent the house of representatives on the advisory committee. The president of the senate shall appoint one member from each caucus to represent the senate on the advisory committee. The advisory committee shall review the resulting recommendations of the study and present its position on each to the superintendent of public instruction.

This section shall expire January 30, 1987.

NEW SECTION. Sec. 2. The study shall be completed and results and recommendations for investigation of systems refining categorical education services through data-based pilot projects shall be reported to the legislature no later than January 5, 1987."

On page 1, line 2 of the title, after "needs," strike the remainder of the title and insert "and creating new sections."

Signed by Senators Gaspard, Kiskaddon and Bauer; Representatives Valle and Ebersole.

MOTION

On motion of Senator Vogniid, the Report of the Conference Committee on Substitute House Bill No. 1829 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, encouraging employers to hire recipients of unemployment insurance benefits and public assistance, have had the same under

consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that the essential purpose of state economic development programs is to encourage the hiring of the unemployed. It is of even greater benefit to the state if those hired were drawing unemployment benefits or public assistance and the benefits terminate when employment is secured. A targeted program that encourages employers to make a good faith effort to hire public assistance recipients and the unemployed will provide benefits to the state of Washington.

NEW SECTION. Sec. 2. (1) "Department" means the employment security department.

(2) "First source contract" means an agreement by an employer to screen applicants from a pool of qualified individuals, if any, submitted to the employer by the department and to consider hiring from that pool.

NEW SECTION. Sec. 3. The department shall encourage the use of first source contracts with employers looking to locate or expand in the state. The department shall make every effort to guarantee easy access by employers to qualified workers. The commissioner may delegate duties under this chapter to a local organization.

NEW SECTION. Sec. 4. The department may provide specific financial incentives to employers who sign first source agreements if state funds are appropriated or if federal funds are made available for that purpose. The incentives may include but shall not be limited to providing an employer with up to fifty percent of a trainee's wages during the first ten weeks of employment and on-the-job training.

NEW SECTION. Sec. 5. An employer and a prospective employee to be hired from the pool may agree to a thirty-day training period, at the end of which time the employer shall make a decision whether to hire the individual. The individual may continue to draw unemployment or public assistance, or both during the thirty-day training period.

NEW SECTION. Sec. 6. The funds specified in section 4 of this act shall be available during the thirty-day training period.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall expire December 31, 1989.

Sec. 9. Section 1, chapter 2, Laws of 1985 ex. sess. and RCW 82.61.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Person" has the meaning given in RCW 82.04.030.

(3) "Department" means the department of revenue.

(4) "Eligible investment project" means: (a) Construction of new buildings and the acquisition of related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, ~~((1986))~~ 1988; or (b) acquisition prior to December 31, 1988, of machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure; PROVIDED, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

In addition to the requirements of this section, a project must create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

(6) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(7) "Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(8) "Machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and

all equipment used to control or operate the machinery. For purposes of this definition, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment are eligible for deferral if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

~~((+))~~ (11) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

~~((++))~~ (12) "Operationally complete" means constructed or improved to the point of being functionally useable for the intended purpose.

~~((+2))~~ (13) "Initiation of construction" means that date upon which on-site construction commences.

Sec. 10. Section 8, chapter 2, Laws of 1985 ex. sess. and RCW 82.61.040 are each amended to read as follows:

RCW 82.61.020 and 82.61.030 shall expire July 1, ~~((1986))~~ 1988.

Sec. 11. Section 6, chapter 2, Laws of 1985 ex. sess. and RCW 82.61.070 are each amended to read as follows:

The department and the department of trade and economic development shall jointly report to the legislature about the effects of this chapter on new manufacturing and research and development activities in this state. The report shall contain information concerning the number of deferral certificates granted, the amount of sales tax deferred, the number of jobs created and other information useful in measuring such effects. Reports shall be submitted by January 1, 1986, and by January 1, ~~((1987))~~ of each year through 1989.

Sec. 12. Section 2, chapter 232, Laws of 1985 and RCW 82.60.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means a county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent.

(4)(a) "Eligible investment project" means that portion of an investment project which:

(i) Is directly utilized to create at least one new full-time qualified employment position for each ~~((two))~~ three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement; ~~((and))~~ or

(iii) ~~((Does not exceed twenty million dollars in value))~~ Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure. PROVIDED, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5) or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means new structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 13. Section 4, chapter 232, Laws of 1985 and RCW 82.60.040 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project located in an eligible area.

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium. ~~((The department shall not allow any deferrals which would cause the tabulation for a biennium to exceed twenty million dollars. If all or part of an application for deferral is disallowed under this subsection, the disallowed portion shall be carried over for approval the next biennium. However, the applicant's carryover into the next biennium is only permitted if the tabulation for the next biennium does not exceed twenty million dollars as of the date on which the department has disallowed the application.))~~

NEW SECTION. Sec. 14. A new section is added to chapter 82.60 RCW to read as follows:

Notwithstanding any other provision of this chapter, taxes deferred under this chapter on the sale or use of labor that is directly used in the construction of an investment project for which a deferral has been granted under this chapter after the effective date of this act need not be repaid.

NEW SECTION. Sec. 15. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means a county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility: PROVIDED, That the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

NEW SECTION. Sec. 16. Application for tax credits under this chapter must be made before the actual hiring of qualified employment positions. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain

information regarding the location of the business project, the applicant's average employment, if any, at the facility for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days.

NEW SECTION. Sec. 17. (1) A person shall be allowed a credit against the tax due under chapter 82.04 RCW of an amount equal to one thousand dollars for each qualified employment position directly created in an eligible business project.

(2) The department shall keep a running total of all credits granted under this chapter during each fiscal biennium. The department shall not allow any credits which would cause the tabulation for a biennium to exceed fifteen million dollars. If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next biennium. However, the applicant's carryover into the next biennium is only permitted if the tabulation for the next biennium does not exceed fifteen million dollars as of the date on which the department has disallowed the application.

(3) No recipient is eligible for tax credits in excess of three hundred thousand dollars.

(4) No recipient may use the tax credits to decertify a union or to displace existing jobs in any community in the state.

(5) No recipient may receive a tax credit on taxes which have not been paid during the taxable year.

NEW SECTION. Sec. 18. (1) Each recipient shall submit a report to the department on December 31st of each year. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of taxes for which a credit has been used to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that a business project is not eligible for tax credit under this chapter for reasons other than failure to create the required number of qualified employment positions, the amount of taxes for which a credit has been used for the project shall be immediately due.

(3) If, on the basis of a report under this section or other information, the department finds that a business project has failed to create the specified number of qualified employment positions, the department shall assess interest, but not penalties, on the credited taxes for which a credit has been used for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of the tax credit, and shall accrue until the taxes for which a credit has been used are repaid.

NEW SECTION. Sec. 19. The employment security department shall make, and certify to the department of revenue, all determinations of employment and wages required under this chapter.

NEW SECTION. Sec. 20. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 21. Sections 15 through 20 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 22. Sections 16 and 17 of this act shall expire July 1, 1988.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. Sections 15 through 20 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect April 1, 1986."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 82.61.010, 82.61.040, 82.61.070, 82.60.020, and 82.60.040; adding a new chapter to Title 50 RCW; adding a new section to chapter 82.60 RCW; adding a new chapter to Title 82 RCW; providing expiration dates; providing an effective date; and declaring an emergency."

Signed by Senators Bottiger, Warnke and Hayner; Representatives McMullen and Schoon.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1754 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, creating Washington health care project commission, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. (1) The legislature finds that:

(a) Good health care for indigent persons is of importance to the state;

(b) To ensure the availability of a good level of health care, efforts must be made to encourage cost consciousness on the part of providers and consumers, while maintaining medical assistance recipients within the mainstream of health care delivery;

(c) Managed health care systems have been found to be effective in controlling costs while providing good health care services;

(d) By enrolling medical assistance recipients within managed health care systems, the state's goal is to ensure that medical assistance recipients receive at least the same quality of care they currently receive.

(2) It is the intent of the legislature to develop and implement new strategies that promote the use of managed health care systems for medical assistance recipients by establishing prepaid capitated programs for both in-patient and out-patient services.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) For the purposes of this section, "managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under RCW 74.09.520 and rendered by licensed providers, on a prepaid capitated case management basis.

(2) No later than July 1, 1991, the department of social and health services shall enter into agreements with managed health care systems to provide health care services to recipients of aid to families with dependent children under the following conditions:

(a) Agreements shall be made within one class A county in the eastern part of the state for at least ten thousand recipients; and one class AA county for at least fifteen thousand recipients in the western part of the state; and one first class county of at least five thousand recipients in the western part of the state;

(b) At least one of the agreements shall include enrollment of all recipients of aid to families with dependent children residing in a defined geographical area;

(c) The department shall, to the extent possible, ensure that recipients have a choice of systems in which to enroll and, if necessary and medically appropriate treatment for a recipient is not available from or through a participating managed health care system, the department shall exempt the recipient from any requirement to receive some or all of their medical services from such a system;

(d) To the extent possible, the department shall ensure that participating managed health care systems do not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems;

(e) Prior to negotiating with any managed health care system, the department shall estimate, on an actuarially sound basis, the expected cost of providing the health care services expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems the department shall adopt a uniform procedure that includes at least request for proposals, including standards regarding the quality of services to be provided; and financial integrity of the responding system. The department may negotiate with respondents to the extent necessary to refine any proposals;

(f) The department shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The department shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the department may enter into prepaid capitation contracts that do not include inpatient care;

(h) The department shall define those circumstances under which a managed health care system is responsible for out-of-system services and assure that recipients shall not be charged for such services; and

(i) Nothing in this section prevents the department from entering into similar agreements in additional counties or for other groups of people eligible to receive services under chapter 74.09 RCW.

The department shall seek to obtain a large number of contracts with providers of health services to medicaid recipients. The department shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems are seriously considered as providers in the project.

(3) The department shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate

federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

NEW SECTION. Sec. 3. The department shall report to the legislature not later than January 1, 1987, on progress toward implementation of the requirements of this chapter, but shall not delay implementation on account of this reporting requirement.

The report shall also include an analysis of the possible expansion of the use of managed health care within other medical assistance programs, including making it available to certain recipients of general assistance and supplemental security income.

NEW SECTION. Sec. 4. As used in this chapter:

(1) "Washington basic health project" or "project" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the board through participating managed health care systems, created by this chapter.

(2) "Board" means the Washington basic health project board created under section 6 of this act.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the board and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population by enrollment in the project and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five, who resides in a project area, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the board, and who, at the time of enrollment, does not have access to employer-sponsored health care coverage.

(5) "Subsidy" means the difference between the amount of periodic payment the board makes, from funds appropriated from the basic health project trust account, to a managed health care system on behalf of an enrollee and the amount the board determines to be the enrollee's responsibility under section 10(2) of this act.

(6) "Project area" means one of not more than twelve distinct geographical areas within the state selected by the board as a demonstration site for the Washington basic health project. To the extent possible, the board shall select at least one project area in each congressional district of the state, define project areas coterminously with individual or adjacent cities, counties, or hospital districts, and take into special consideration any formal requests received from local governments or health care providers for selection of particular project areas.

NEW SECTION. Sec. 5. The basic health project trust account is hereby established in the state treasury. All revenue received under RCW 82.08.020(2) shall be deposited in the basic health project trust account. Disbursements from the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health project board. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the project and payment of costs of administering the project. The earnings on any surplus balances in the basic health project trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1987, the legislature shall not appropriate for an ensuing fiscal period amounts exceeding ninety percent of the revenues anticipated to accrue to the account during the fiscal period.

NEW SECTION. Sec. 6. There is created the Washington basic health project board, which shall be a separate and independent board of the state. For efficiencies in operation and consultation, the offices of the board may be colocated with those of the hospital commission. The board shall be composed of five members appointed by the governor. The governor shall select one member to serve as chairman. Not more than one member may have any fiduciary obligation to any health care provider or facility or any material financial interest in the provision of health care services.

Members of the board shall serve for four-year terms. However, of the members initially appointed after the effective date of this act, two shall be appointed to four-year terms, one to a three-year term, one to a two-year term, and one to a one-year term. Appointments shall require senate confirmation. No member of the board may serve for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes.

NEW SECTION. Sec. 7. Meetings of the board shall be held as frequently as its duties require. The board shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions. Three members of the board constitute a quorum, but a vacancy on the board shall not impair its power to act. No action of the board shall be effective unless three members concur therein. The board may, consistent with the procedural

requirements of chapter 42.30 RCW, meet in executive session with representatives of prospective or participating managed health care systems to discuss matters of a proprietary or sensitive nature.

The members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 8. The board shall employ a full-time executive director, who shall be the chief administrative officer of the board and shall be subject to its direction. The executive director, medical director, and up to three other employees shall be exempt from the civil service law, chapter 41.06 RCW.

The board shall employ such other staff as are necessary to fulfill the responsibilities and duties of the board, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the board may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the board. The board may call upon other agencies of the state to provide available information as necessary to assist the board in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

The board may create committees from its membership, and may appoint such technical or other advisory committees as it deems necessary. The board shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, including consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or advisory committee shall serve without compensation for their services as members, but may be reimbursed for their expenses in the same manner as members of the board.

The board may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

NEW SECTION. Sec. 9. The board may promulgate and adopt, under chapter 34.04 RCW, rules consistent with this chapter to carry out the purposes of this chapter.

NEW SECTION. Sec. 10. The board has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health project shall be entitled to receive in return for periodic payments to the board. The schedule of services shall emphasize preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the project only for their dependent children. In designing and revising the schedule of services, the board shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080.

(2) To design and implement a structure of periodic payments due from enrollees. The payment structure shall be based upon enrollee family size and shall include a sliding scale whereby payments vary according to enrollee family income. The structure shall be designed so as to include payment amounts for enrollment of children without requiring enrollment of their parents. In each project area, the board shall not enroll such numbers of enrollees who qualify for subsidies as might reasonably be expected to result in an overexpenditure of appropriations for such purposes in the area. Whenever the board finds that there is danger of such an overexpenditure, the board shall close project enrollment in the area until the board finds the danger no longer exists. Payments to the board by the department of social and health services on behalf of any person eligible for medical coverage under chapter 74.09 RCW, subject to section 18 of this act, shall not be less than the payments the board makes to managed health care systems for coverage of those persons.

(3) To select not more than twelve project areas in the state as sites for the project. In selecting the areas, the board shall take into account the need for geographic, demographic, and economic diversity among project sites, the actual and potential availability of managed health care systems in different parts of the state, levels and rates of unemployment in possible project areas, and the need to assess the financial ability of the project to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks basic health care coverage.

(4) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the project. The board shall endeavor to assure that covered basic health care services are available through the project from among a selection of participating managed health care systems in at least some project

areas. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the board shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the project areas.

(5) To receive periodic payments from enrollees, deposit the payments in the basic health project operating account, keep records of enrollee payments and status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(6) To accept applications from individuals residing in project areas, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health project, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale payments that will be the responsibility of the enrollee. An enrollee who remains current in making periodic sliding-scale payments, as determined by the board under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above two and one-half times the poverty level for twelve consecutive months, by making payment at the maximum rate established in the sliding fee schedule. No subsidy shall be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to section 18 of this act, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW.

(7) To require that prospective enrollees who may be eligible for medical coverage under chapter 74.09 RCW apply for such coverage.

(8) To determine, on a community rating basis, the amount of each periodic per capita or per family payment to a participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the periodic per capita or per family payments to participating managed health care systems may vary among the systems. In negotiating payment levels with participating systems, the board shall consider the characteristics of the populations served by the respective systems, economic circumstances of the project area, and other factors the board finds relevant.

(9) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic reports on health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the board shall endeavor to minimize costs, both to the managed health care systems and to the board. The board shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the hospital commission, to minimize duplication of effort.

(10) To initiate, at the option of the board, a matching grant program, in up to three project areas, to demonstrate the potential that better coordination of all local primary health care resources in the provision of necessary care to low-income residents who are unlikely or unable to enroll in the project can be more cost-effective. The board may award grants to local governments that sponsor consortia of health care providers, including at least one hospital in each area. Any grant proposal must meet minimum standards set by the board, including requirements for coordination of care by local providers and for coordination of local funding sources, which may include in-kind charity care provided by hospitals and physicians as well as public or private funds and sliding-scale payments from individuals served. Any grants awarded under this subsection shall be made from funds appropriated for such purpose from the Washington basic health project trust account, may be extended for up to three years, and shall be on the basis of one dollar from the board for every four dollars of local or private funds expended in the demonstration program.

(11) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as it deems appropriate.

NEW SECTION. Sec. 11. The benefits available under the project shall be subject to RCW 48.21.200 and shall be excess to the benefits payable under the terms of any insurance policy issued to or on the behalf of an enrollee that provides payments toward medical expenses without a determination of liability for the injury.

NEW SECTION. Sec. 12. In each project area, on and after a date set by the board for the area, but in no case before March 31, 1987, enrollees whose payments to the board are current are entitled to receive covered basic health care services as defined by the board from the respective managed health care systems in which they are enrolled. The board shall not at

any time maintain enrollment of more than thirty thousand enrollees who are eligible for subsidies. The board shall closely monitor growth patterns so as not to exceed that consistent with the orderly development of the project as a whole and in each project area.

NEW SECTION. Sec. 13. Any enrollee whose payments to the board are delinquent or who moves his or her residence out of a project area may be dropped from enrollment status. The board shall make reasonable efforts to notify delinquent enrollees of their removal from the project and shall provide for a hearing under chapters 34.04 and 34.12 RCW for any enrollee who contests the board's decision to drop the enrollee from the project. Upon removal of an enrollee from the project, the board shall promptly notify the managed health care system in which the enrollee has been enrolled, and shall not be responsible for payment for health care services provided to the enrollee (including, if applicable, members of the enrollee's family) after the date of notification. A managed health care system may contest the denial of payment for coverage of an enrollee through a hearing under chapters 34.04 and 34.12 RCW.

NEW SECTION. Sec. 14. Managed health care systems participating in the project shall do so by contract with the board and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee as long as payments from the board on behalf of the enrollee are current. Subject to board approval and with full disclosure to enrollees and prospective enrollees, a managed health care system may impose nominal copayments upon enrollees as an incentive for proper utilization of services. A participating managed health care system may offer, but not require acceptance of, additional health care benefits or services not included in the schedule of covered services under the project, that will be the sole responsibility of the enrollee. Any action by or on behalf of any enrollee based on a claim of professional negligence shall, at the option of the enrollee, be submitted for arbitration under chapter 7.04 RCW. The board may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than copayments authorized under this section, for covered services directly from enrollees, but nothing in this chapter empowers the board to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

The project shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective project areas. The board shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care systems the board shall endeavor to establish a uniform period for such opportunity.

Prior to negotiating with any managed health care system, the board shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems for participation in the project, the board shall adopt a uniform procedure that includes at least the following:

(1) The board shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(2) The board shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(3) The board may then select one or more systems to provide the covered services within a project area; and

(4) The board may adopt a policy that gives preference, in one or more project areas, to systems substantially supported by public revenues or involving public agencies.

NEW SECTION. Sec. 15. Enrollees of any participating managed health care system may, if offered, execute an agreement on behalf of themselves and/or any dependents enrolled in the project to arbitrate any dispute, controversy, or issue arising out of health care or treatment rendered by or through the managed health care system. The agreement to arbitrate shall provide that its execution is not a prerequisite to enrollment in the project or the provision of any services and shall provide that the enrollee may revoke the agreement within sixty days after execution by notifying the managed health care system in writing.

The agreement shall contain the following provision in at least nine-point boldface type immediately above the space for signature of the parties:

"This agreement to arbitrate is not a prerequisite to enrollment or the provision of any services and may be revoked by the enrollee within sixty days after execution by notification in writing."

Participating managed health care systems that use arbitration agreements shall furnish to the enrollee at the time of enrollment a copy of an information brochure, prepared and approved by the board, which clearly outlines the arbitration process as an alternative dispute resolution process to that of a court and/or jury trial.

NEW SECTION. Sec. 16. During the life of this project the board shall:

(1) Establish and maintain records on all enrollees that make readily available data on at least the age, sex, family size, place of residence, economic, employment and health status, as well as any utilization of services;

(2) To the extent possible select project areas in those geographic areas where the department of social and health services has existing medical assistance recipients enrolled in managed health care systems;

(3) Give preference, in the selection of project areas and any enrollment procedures, that will ensure that both adequate opportunity for enrollment and the collection of data about enrollees, shall be gathered on those segments of the uninsured population, including but not limited to, the working poor who are uninsured, the recently unemployed uninsured, and the long-term unemployed uninsured; and

(4) Establish liaison and cooperate to the fullest extent with the Washington health care project commission established under this chapter.

NEW SECTION. Sec. 17. The board shall submit to the 1987 session of the legislature the design plan for a schedule of basic health care services as outlined in section 10 of this act, including appropriate co-payments and/or deductibles, and the schedule of periodic payments that will be the responsibility of any enrollee. For this project to remain in effect it must be approved by the legislature by June 30, 1987, and the level of benefits and periodic payments cannot be changed without legislative approval.

NEW SECTION. Sec. 18. The department of social and health services shall make periodic payments to the project on behalf of any enrollee who is a recipient of medical assistance or medical care services under chapter 74.09 RCW, at the maximum rate established in the sliding fee scale, for the services covered by the project, and no premium may be charged to such an enrollee. With respect to enrollees eligible for medical assistance under RCW 74.09.510, the periodic amount payable to the project shall not be greater than the amount with respect to which full federal financial participation is available under Title XIX of the federal social security act. Any enrollee on whose behalf the department of social and health services makes payments to the project under this section and chapter 74.09 RCW may continue as an enrollee, making periodic payments based on the enrollee's own income as determined under the sliding scale, after eligibility for coverage under chapter 74.09 RCW has ended. Nothing in this section affects the right of any person eligible for coverage under chapter 74.09 RCW to receive the services offered to other persons under that chapter but not included in the schedule of basic health care services covered by the project. The board and the department of social and health services shall cooperatively adopt procedures to facilitate the transition of project enrollees and payments on their behalf between the project and the programs established under chapter 74.09 RCW.

NEW SECTION. Sec. 19. In addition to the powers and duties specified in sections 8 and 10 of this act, the board has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the board in its duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems.

(3) With health care service contractors registered under RCW 48.44.015 and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the board, and other administrative functions ordinarily performed by health care service contractors, other than insurance. Any activities of a health care service contractor pursuant to a contract with the board under this section shall be exempt from the provisions and requirements of Title 48 RCW.

(4) With any public hospital district established under chapter 70.44 RCW or with any county or city, to administer the project as the board's agent with respect to enrollees residing and managed health care systems serving a project area within the boundaries of the district, county, or city: PROVIDED, That the district, county, or city shares with the board, on a dollar for dollar matching basis, the cost of payments to participating managed health care systems for coverage of enrollees residing within the boundaries of the district, county, or city less the amounts payable by enrollees to the district, county, or city as agent for the board. However, if the unemployment rate of a participating county exceeds by twenty percent or more the state average as determined by the employment security department, the board may increase the level of its contribution to not more than two dollars for each local dollar.

(5) With any community health center or other public or private nonprofit health care provider participating in a managed health care system under the project and demonstrating financial need, to furnish direct financial assistance in meeting the start-up costs of providing covered basic health care services under the project, for a period not exceeding one year after the managed health care system commences coverage of enrollees.

NEW SECTION. Sec. 20. The activities and operations of the Washington basic health project under this chapter, including those of managed health care systems to the extent of their participation in the project, are exempt from the provisions and requirements of Title 48 RCW.

NEW SECTION. Sec. 21. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION. Sec. 22. A new section is added to chapter 50.20 RCW to read as follows:

The commissioner shall notify in writing any person filing a claim under this chapter who resides in a project area of the availability of basic health care coverage to qualified enrollees in the Washington basic health project under chapter 70.____ RCW (sections 4 through 21 of this act), unless the Washington basic health project board has notified the commissioner of a closure of enrollment in the area. The commissioner shall maintain a supply of Washington basic health project enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate employment service office for the use of persons wishing to apply for enrollment in the Washington basic health project.

NEW SECTION. Sec. 23. A new section is added to chapter 74.08 RCW to read as follows:

The department shall notify in writing any applicant for public assistance who resides in a project area and is under sixty-five years of age of the availability of basic health care coverage to qualified enrollees in the Washington basic health project under chapter 70.____ RCW (sections 4 through 21 of this act), unless the Washington basic health project board has notified the department of a closure of enrollment in the area. The department shall maintain a supply of Washington basic health project enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate community service office for the use of persons wishing to apply for enrollment in the Washington basic health project.

Sec. 24. Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) An additional tax is imposed, effective January 1, 1987, through June 30, 1992, equal to one-twentieth of one percent. The moneys collected under this subsection shall be deposited in the basic health project trust account of the state treasury.

(3) The tax imposed under this chapter shall apply to successive retail sales of the same property.

~~((3))~~ (4) The rates provided in this section (~~(applies)~~) apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

NEW SECTION. Sec. 25. The Washington basic health project board shall be appointed and commence operations as promptly as practicable after the effective date of this act. Not later than December 1, 1986, the board shall submit to the legislature a progress report including:

(1) The schedule of covered basic health care services adopted under section 10 of this act;

(2) A descriptive listing of managed health care systems expected to participate in the Washington basic health project, along with an identification of prospective project areas;

(3) The approximate amount of funds estimated to be on deposit in the basic health project trust account as of March 31 and June 30, 1987;

(4) An estimate of the number of enrollees whose basic health care coverage under this chapter can be expected to be financed during the 1987-88 and 1988-1989 state fiscal years by combining revenue received under RCW 82.08.020(2) with payments from the enrollees;

(5) A description of the sliding fee schedule for periodic enrollee payments adopted by the board under section 10 of this act;

(6) Any proposals for statutory changes which the board deems necessary to implement the purposes of this chapter;

(7) A draft of the brochure on arbitration that may be used under section 15 of this act by participating managed health care systems; and

(8) Any other information which the board deems appropriate.

Not later than January 1, 1988, the board shall submit to the legislature a further progress report, updating its 1986 report, and covering the same items provided for therein, with projections based upon implementation of the project to date. Further, the report shall include a description of the performance of the first managed health care systems included as eligible providers as provided in section 12 of this act. The board shall submit an annual report to the legislature by January 1 of each year thereafter.

NEW SECTION. Sec. 26. Sections 4 through 21 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 27. There is appropriated from the general fund to the basic health project trust account, for the biennium ending June 30, 1987, the sum of one million dollars, to carry out the purposes of sections 4 through 21 of this act. Such appropriation shall be repaid to

the general fund as soon as practicable, but not later than June 30, 1987, from the revenue accruing to the basic health project trust account under RCW 82.08.020(2).

There is appropriated from the basic health project trust account of the state treasury to the Washington basic health project board, for the biennium ending June 30, 1987, the sum of five million dollars, or as much thereof as shall be necessary, not exceeding funds deposited in the account, to carry out the purposes of chapter 70, RCW (sections 4 through 21 of this act).

NEW SECTION, Sec. 28. A new section is added to chapter 43.131 RCW to read as follows:

The Washington basic health project board and its powers and duties shall be terminated on June 30, 1991, as provided in section 29 of this act.

NEW SECTION, Sec. 29. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1992:

- (1) Section 4 of this act and RCW 70._____;
- (2) Section 5 of this act and RCW 70._____;
- (3) Section 6 of this act and RCW 70._____;
- (4) Section 7 of this act and RCW 70._____;
- (5) Section 8 of this act and RCW 70._____;
- (6) Section 9 of this act and RCW 70._____;
- (7) Section 10 of this act and RCW 70._____;
- (8) Section 11 of this act and RCW 70._____;
- (9) Section 12 of this act and RCW 70._____;
- (10) Section 13 of this act and RCW 70._____;
- (11) Section 14 of this act and RCW 70._____;
- (12) Section 15 of this act and RCW 70._____;
- (13) Section 16 of this act and RCW 70._____;
- (14) Section 17 of this act and RCW 70._____;
- (15) Section 18 of this act and RCW 70._____;
- (16) Section 19 of this act and RCW 70._____;
- (17) Section 20 of this act and RCW 70._____;
- (18) Section 21 of this act and RCW 70._____;
- (19) Section 22 of this act and RCW 50.20._____ and
- (20) Section 23 of this act and RCW 74.08._____.

Sec. 30. Section 1, chapter 138, Laws of 1943 as amended by section 1, chapter 209, Laws of 1947 and RCW 7.04.010 are each amended to read as follows:

Two or more parties may agree in writing to submit to arbitration, in conformity with the provisions of this chapter, any controversy which may be the subject of an action existing between them at the time of the agreement to submit, or they may include in a written agreement a provision to settle by arbitration any controversy thereafter arising between them out of or in relation to such agreement. Any contract providing prepaid health care services may include an agreement to settle by arbitration any controversy thereafter arising between the consumer and a health care provider with respect to personal injury or wrongful death.

Such agreement shall be valid, enforceable and irrevocable save upon such grounds as exist in law or equity for the revocation of any agreement.

The provisions of this chapter shall not apply to any arbitration agreement between employers and employees or between employers and associations of employees, and as to any such agreement the parties thereto may provide for any method and procedure for the settlement of existing or future disputes and controversies, and such procedure shall be valid, enforceable and irrevocable save upon such grounds as exist in law or equity for the revocation of any agreement.

NEW SECTION, Sec. 31. An impartial and thorough review of past and current practices in dealing with the costs of charity care rendered by health care providers, both institutional and individual, is necessary in view of the increasing use of prospective payment systems by major purchasers of health care. The governor, in consultation with officials in appropriate state agencies such as the department of social and health services, the hospital commission, the basic health project board, and others, including members of the legislature, such as the chairman and ranking minority members of the committees on ways and means, human services and corrections, and social and health services, as well as the officers of any organizations of health care providers and the major insurers or purchasers of health care in the state, shall initiate such a review that includes recommendations of possible solutions for legislative consideration. The review and report will include, as a priority item, recommendations on how to address the incidence of charity care that may be provided by hospitals, including those amounts that patients and/or their families are unable to pay, but not those amounts that anyone able to pay shall refuse to pay. Up to fifty thousand dollars of the funds appropriated to the basic health project by section 27 of this act may be expended, upon certification by the director of financial management, in connection with the review, including consultant services that might be required. A report to the legislature shall be submitted by December 1, 1986.

NEW SECTION, Sec. 32. There is created the Washington health care project commission composed of fifteen members: four members shall be state representatives, two from each

political party appointed by the speaker of the house of representatives; four members shall be state senators, two from each political party appointed by the president of the senate.

The legislative members of the commission shall select seven public members, to serve on the commission, that are representative of health care professionals, health care providers, those directly involved in the purchase, provision, or delivery of health care services, industry, consumers, and those knowledgeable of the ethical issues involved with health care public policy.

The legislative members shall select from among the public members one to serve as chairman and from among the legislative members four to serve, together with the chairman, as an executive committee of the commission.

(1) The commission may hire staff or contract for professional assistance with funds made available for their activities. To the extent possible, the department of social and health services, the house of representatives, and the senate shall provide staff support. The commission may apply for and receive and accept grants, gifts, and other payments, including property and services, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs or access to health care.

The public members of the commission shall receive no compensation for their service as members, but shall be reimbursed for their expenses while attending any meetings of the commission in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.

The commission may establish ad hoc technical advisory committees to assist it with any particular matters deemed necessary and any person serving in such capacity may be reimbursed for their expenses while attending any meetings of such committee or the commission in the same manner as public members of the commission.

(2) The commission shall have the following responsibilities:

(a) To review and estimate the following information about persons in the state of Washington who do not have health care coverage:

- (i) The numbers of such persons;
- (ii) Their age and geographic distribution;
- (iii) Their employment status;
- (iv) Their family size;
- (v) Their economic status; and
- (vi) Such other information as the commission deems relevant.

(b) To define basic health care coverage, in concert with the Washington basic health project board established under section 6 of this act, using the following guidelines:

(i) The schedule of services shall emphasize preventive primary health care, including necessary inpatient and outpatient hospital services;

(ii) The schedule of services shall include all services necessary for prenatal, postnatal, and well-child care;

(iii) The schedule of services shall include a separate schedule of basic health care services for children eighteen years of age and younger, for those who might choose to secure basic coverage only for their dependent children;

(iv) In designing the schedule of services, the commission shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080; and

(v) The schedule of services shall be based upon an estimated cost not exceeding fifty dollars per month per person enrolled. The commission may develop alternative schedules of services based on higher or lower monthly costs as it deems appropriate.

(c) After establishing at least a tentative schedule of basic health care services, obtain the following information about persons identified in (a) of this subsection:

(i) An estimate of demand for basic health coverage expressed in terms of numbers of potential enrollees if such a program were made available to them, including the basis upon which such an offering should be made; and

(ii) The characteristics of likely enrollees including demographic and economic data, likely utilization and such other actuarial information as needed to estimate the likely cost of the benefit schedule defined by the commission.

(3) The commission shall then use the information obtained pursuant to this section to develop plans that includes:

(a) Methods of delivery for the schedule of basic health care services by managed health care systems, as defined in section 4 of this act, to any persons or distinct groups of persons identified in subsection (2)(a) of this section;

(b) Methods whereby the delivery of such services could be integrated with the managed health care systems that may be participating in the Washington basic health project or the medical assistance program of the department of social and health services;

(c) A structure of periodic payments, based upon gross family income, that would be the responsibility of any person or subscriber within the identified groups, or that might be made the responsibility of another private party;

(d) Establishing necessary eligibility standards and guidelines for person seeking such health care coverage, and whatever administrative structure may be needed to enroll such persons;

(e) Methods of monitoring the provision of services to enrollees and the quality of care provided; and

(f) Methods of funding the reasonably anticipated costs of such plans, collectively or individually.

(4) The commission shall submit a final report to the legislature no later than September 1, 1987. The report shall include plans that address the needs for such a basic health care program for any identified groups of persons and an analysis of any alternatives considered, but not adopted.

(5) The commission shall terminate upon the submission of their final report.

NEW SECTION. Sec. 33. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 34. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 35. The sum of one hundred fifty thousand dollars, of which ninety thousand is from the general fund—state and sixty thousand is from the general fund—federal, or so much thereof as may be necessary, is appropriated to the department of social and health services for the biennium ending June 30, 1987, for the purposes identified in sections 2 and 3 of this act.

The sum of one hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the Washington health care project commission for the purposes identified in section 32 of this act: PROVIDED, That the house executive rules committee and senate facilities and operations committee may jointly authorize the expenditure of such funds for the necessary expenses directly related to commission activities, and may authorize the expenditure of any excess portion of such funds for any other study or studies of health care issues conducted by any legislative committee during 1986 or 1987."

On page 1, line 1 of the title, after "health care," strike the remainder of the title and insert "amending RCW 82.08.020 and 7.04.010; adding a new section to chapter 50.20 RCW; adding a new section to chapter 74.08 RCW; adding a new section to chapter 74.09 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 70 RCW; creating new sections; making appropriations; and declaring an emergency."

Signed by Senators McDermott and Talmadge; Representatives J. King and Brekke.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2021 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870, requiring charter and four operators to maintain an escrow account, have had the same under consideration and we recommend that the Senate Commerce and Labor Committee striking amendment be adopted, and we request the powers of Free Conference in order to further amend the bill as follows:

On page 2, line 11 of the amendment after "(g)" strike all material through "Association" on line 15 of the amendment and insert: "a person who operates a travel agency business and meets standards no less than those required on the effective date of this act for authorized agents of the airline reporting corporation; (h) a person who:

(i) has operated a travel tour or charter business for at least three years under the same ownership or management;

(ii) has total annual revenue, not including airline transportation fares, of at least five hundred thousand dollars;

(iii) has a certificate of insurance issued by a company authorized to conduct an insurance business under the laws of any state for at least one million dollars for errors and omissions; and

(iv) has in effect a surety bond for at least one hundred thousand dollars to the benefit of any consumer who has made payment to the person operating the travel tour or charter business"

On page 7, line 10 of the amendment, strike "a current member of the United States Tour Operators' Association" and insert "a person who meets the requirements of section 2(1)(h) of this act"

Signed by Senators Moore and Pullen; Representatives McMullen, Rayburn and Schmidt.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1870 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1631, modifying provisions relating to nursing home cost reimbursement, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 36, chapter 177, Laws of 1980 and RCW 74.46.360 are each amended to read as follows:

(1) The depreciation base shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The depreciation base of the assets will not exceed such fair market value.

(2) The historical cost of donated assets, or of assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) ((Subparagraph (4)) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. This subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease.

(c) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(d) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department.

NEW SECTION. Sec. 2. The legislative budget committee shall conduct a study of the changes in the state reimbursement system for nursing homes, RCW 74.46.840, resulting from requirements of the Federal Deficit Reduction Act of 1984, (DEFRA) (P.L. 98-369). The study shall include analysis of the effects of these changes on: (1) Nursing home sales since July 18, 1984, the effective date of DEFRA; (2) capital formation for nursing home purchases and sales; and (3) leased nursing homes. The study shall also review adjustments other states may be making as a result of DEFRA. The legislative budget committee shall report the results of this study, including recommendations for any needed legislation, to the ways and means committees of the senate and house of representatives by December 1, 1986.

Sec. 3. Section 41, chapter 177, Laws of 1980 as amended by section 17, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.410 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations (~~and association dues or that portion of association dues attributable to membership in national organizations~~);

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after the effective date of RCW 74.46.510 and 74.46.530."

On page 1, line 1 of the title, after "reimbursement;" strike the remainder of the title and insert "amending RCW 74.46.360 and 74.46.410; and creating a new section."

Signed by Senators McDermott, Fleming and Deccio; Representatives Grimm, Sommers and Tilly.

MOTION

On motion of Senator Vogt, the Report of the Conference Committee on House Bill No. 1631 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1399, revising sentencing of adult felons, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The sentencing guidelines commission shall study robbery of controlled substances and consider whether this type of robbery should be defined as a separate felony or whether additional sentencing enhancements are needed. The commission shall study the sentences for this type of robbery that have been imposed under the sentencing reform act. The commission shall deliver its recommendations to the legislature by January 1, 1987.

Sec. 2. Section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 382, Laws of 1985 and RCW 9A.56.010 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(3) "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;

(4) "Deception" occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs;

(6) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another; ((or))

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his or her own use or to the use of any person other than the true owner or person entitled thereto; or

(c) Having any property or services in one's possession, custody, or control as partner, to secrete, withhold, or appropriate the same to his or her use or to the use of any person other than the true owner or person entitled thereto, where such use is unauthorized by the partnership agreement;

(8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) "Stolen" means obtained by theft, robbery, or extortion;

(12) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars;

(13) "Shopping cart" means a basket mounted on wheels or similar container generally used in a retail establishment by a customer for the purpose of transporting goods of any kind;

(14) "Parking area" means a parking lot or other property provided by retailers for use by a customer for parking an automobile or other vehicle.

Sec. 3. Section 9A.04.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.04.110 are each amended to read as follows:

In this title unless a different meaning plainly is required:

- (1) "Acted" includes, where relevant, omitted to act;
- (2) "Actor" includes, where relevant, a person failing to act;
- (3) "Benefit" is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;
- (4) (a) "Bodily injury," ((or)) "physical injury," or "bodily harm" means physical pain or injury, illness, or an impairment of physical condition;
 (b) "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;
 (c) "Great bodily harm" means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ;
- (5) "Building", in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;
- (6) "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or ~~((serious bodily injury))~~ substantial bodily harm;
- (7) "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;
- (8) "Government" includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;
- (9) "Governmental function" includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;
- (10) "Indicted" and "indictment" include "informed against" and "information", and "informed against" and "information" include "indicted" and "indictment";
- (11) "Judge" includes every judicial officer authorized alone or with others, to hold or preside over a court;
- (12) "Malice" and "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty;
- (13) "Officer" and "public officer" means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;
- (14) "Omission" means a failure to act;
- (15) "Peace officer" means a duly appointed city, county, or state law enforcement officer;
- (16) "Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;
- (17) "Person", "he", and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;
- (18) "Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;
- (19) "Prison" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;
- (20) "Prisoner" includes any person held in custody under process of law, or under lawful arrest;
- (21) "Property" means anything of value, whether tangible or intangible, real or personal;
- (22) "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;
- (23) "Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;
- (24) "Statute" means the Constitution or an act of the legislature or initiative or referendum of this state;
- (25) "Threat" means to communicate, directly or indirectly the intent:
 - (a) To cause bodily injury in the future to the person threatened or to any other person; or

- (b) To cause physical damage to the property of a person other than the actor; or
- (c) To subject the person threatened or any other person to physical confinement or restraint; or
- (d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or
- (e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or
- (f) To reveal any information sought to be concealed by the person threatened; or
- (g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or
- (i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
- (j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships(;;);

(26) "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

(27) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

NEW SECTION. Sec. 4. (1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

(a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or

(b) Administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(c) Assaults another and inflicts great bodily harm.

(2) Assault in the first degree is a class A felony.

NEW SECTION. Sec. 5. (1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

(a) Intentionally assaults another and thereby inflicts substantial bodily harm; or

(b) Assaults another with a deadly weapon; or

(c) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(d) With intent to commit a felony, assaults another.

(2) Assault in the second degree is a class B felony.

NEW SECTION. Sec. 6. (1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is operating or is in control of a vehicle owned or operated by the transit company; or

(c) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(d) Assaults a fire fighter or other employee of a fire department or fire protection district who was performing his or her official duties at the time of the assault.

(2) Assault in the third degree is a class C felony.

NEW SECTION. Sec. 7. (1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, he or she assaults another.

(2) Assault in the fourth degree is a gross misdemeanor.

Sec. 8. Section 2, chapter 105, Laws of 1979 ex. sess. as amended by section 20, chapter 263, Laws of 1984 and RCW 10.99.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, adult persons related by blood or marriage, persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

(2) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

(a) Assault in the first degree ((RCW 9A-36-010)) (section 4 of this 1986 act);

(b) Assault in the second degree ((RCW 9A-36-020)) (section 5 of this 1986 act);

(c) ((Simple)) Assault ((RCW 9A.36.040)) in the third degree (section 6 of this 1986 act);

(d) Assault in the fourth degree (section 7 of this 1986 act);

(e) Reckless endangerment (RCW 9A.36.050);

((f)) (f) Coercion (RCW 9A.36.070);

((ff)) (g) Burglary in the first degree (RCW 9A.52.020);

((ff)) (h) Burglary in the second degree (RCW 9A.52.030);

((ff)) (i) Criminal trespass in the first degree (RCW 9A.52.070);

((ff)) (j) Criminal trespass in the second degree (RCW 9A.52.080);

((ff)) (k) Malicious mischief in the first degree (RCW 9A.48.070);

((ff)) (l) Malicious mischief in the second degree (RCW 9A.48.080);

((ff)) (m) Malicious mischief in the third degree (RCW 9A.48.090);

((ff)) (n) Kidnapping in the first degree (RCW 9A.40.020);

((ff)) (o) Kidnapping in the second degree (RCW 9A.40.030);

((ff)) (p) Unlawful imprisonment (RCW 9A.40.040);

((ff)) (q) Violation of the provisions of a restraining order restraining the person or excluding the person from a residence (RCW 26.09.300);

((ff)) (r) Violation of the provisions of a protection order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, or 26.50.130);

((ff)) (s) Rape in the first degree (RCW ((9-79-170)) 9A.44.040); and

((ff)) (t) Rape in the second degree (RCW ((9-79-180)) 9A.44.050).

(3) "Victim" means a family or household member who has been subjected to domestic violence.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 9A.36.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.010;

(2) Section 9A.36.020, chapter 260, Laws of 1975 1st ex. sess., section 5, chapter 38, Laws of 1975-76 2nd ex. sess., section 9, chapter 244, Laws of 1979 ex. sess. and RCW 9A.36.020;

(3) Section 9A.36.030, chapter 260, Laws of 1975 1st ex. sess., section 10, chapter 244, Laws of 1979 ex. sess., section 1, chapter 140, Laws of 1982 and RCW 9A.36.030;

(4) Section 9A.36.040, chapter 260, Laws of 1975 1st ex. sess., section 18, chapter 263, Laws of 1984, section 8, chapter 303, Laws of 1985 and RCW 9A.36.040; and

(5) Section 28A.87.140, chapter 223, Laws of 1969 ex. sess., section 61, chapter 199, Laws of 1969 ex. sess., section 318, chapter 258, Laws of 1984 and RCW 28A.87.140.

NEW SECTION. Sec. 10. The enactment of section 9 of this act does not have the effect of terminating or in any way modifying any criminal liability in existence prior to the effective date of this act, nor affecting any proceeding instituted under the sections repealed.

NEW SECTION. Sec. 11. Sections 4 through 7 of this act are each added to chapter 9A.36 RCW.

NEW SECTION. Sec. 12. Sections 3 through 10 of this act shall take effect on July 1, 1987.

Sec. 13. Section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 186, Laws of 1985 and by section 19, chapter 455, Laws of 1985 and RCW 9A.04.080 are each reenacted and amended to read as follows:

Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b), within seven years after their commission; for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission; for bigamy, within three years of the time specified in RCW 9A.64.010; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission; PROVIDED, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, six, seven, and ten years respectively; AND FURTHER PROVIDED, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint, or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

Sec. 14. Section 9A.64.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.64.010 are each amended to read as follows:

(1) A person is guilty of bigamy if he intentionally marries or purports to marry another person when either person has a living spouse.

(2) In any prosecution under this section, it is a defense that at the time of the subsequent marriage or purported marriage:

(a) The actor reasonably believed that the prior spouse was dead; or

(b) A court had entered a judgment purporting to terminate or annul any prior disqualifying marriage and the actor did not know that such judgment was invalid; or

(c) The actor reasonably believed that he was legally eligible to marry.

(3) The limitation imposed by RCW 9A.04.080 on commencing a prosecution for bigamy does not begin to run until the death of the prior or subsequent spouse of the actor or until a court enters a judgment terminating or annulling the prior or subsequent marriage.

(4) Bigamy is a class C felony.

Sec. 15. Section 2, chapter 234, Laws of 1984 (uncodified) is amended to read as follows:

(1) The ~~joint legislative committee on the criminal justice system~~ shall survey and study crime prevention, the causes of crime, and how the administration of the criminal justice system impacts crime.

(2) The committee shall submit its findings and recommendations thereon to the governor, the legislature, and the judicial branch of state government. A final report shall be prepared and submitted by January 1, ~~((1986))~~ 1987, on which date the committee shall cease to exist.

(3) The committee shall conduct a study for the legislature to determine whether the sentencing reform act has addressed the high rate of minority incarceration in Washington. The committee shall determine whether there are significant statistical differences in the arrest, charging, conviction, and sentencing of minorities. The committee is also directed to determine the extent to which recommended prosecutor charging and plea bargaining guidelines set forth in the sentencing reform act are being followed around the state and whether uniform, mandatory standards should be adopted. The committee shall complete this report for the legislature by January 1, 1987.

Sec. 16. Section 2, chapter 335, Laws of 1981 and RCW 43.10.232 are each amended to read as follows:

(1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate crimes and initiate and conduct prosecutions upon the request of or with the concurrence of any of the following:

~~((+))~~ (a) The county prosecuting attorney of the jurisdiction in which the offense has occurred;

~~((#))~~ (b) The governor of the state of Washington; or

~~((#))~~ (c) A majority of the committee charged with the oversight of the organized crime intelligence unit.

(2) Such request or concurrence shall be communicated in writing to the attorney general.

(3) Prior to any prosecution by the attorney general under this section, the attorney general and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution.

Sec. 17. Section 3, chapter 137, Laws of 1981 as last amended by section 5, chapter 346, Laws of 1985 and RCW 9.94A.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the sentencing guidelines commission.

(2) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender. For purposes of the interstate compact for out of state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(4) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

(5) "Confinement" means total or partial confinement as defined in this section.

(6) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(7) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(8) (a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's prior convictions ((or pleas of guilty)) in juvenile court if: (i) The ~~((guilty plea or))~~ conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); ~~((and))~~ (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant ((had not reached his or her twenty-third birthday)) was less

than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(9) "Department" means the department of corrections.

(10) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(11) "Drug offense" means any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403).

(12) "Escape" means escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), wilful failure to return from furlough (RCW 72.66.060), or wilful failure to return from work release (RCW 72.65.070).

(13) "Felony traffic offense" means vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), or felony hit-and-run injury-accident (RCW 46.52.020(4)).

(14) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

~~((+2))~~ (15)(a) "First-time offender" means any person who is convicted of a felony not classified as a violent offense or a sex offense under this chapter, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

~~((+3))~~ (16) "Nonviolent offense" means an offense which is not a violent offense.

(17) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((+4))~~ (18) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

~~((+5))~~ (19) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

~~((+6))~~ (20) "Serious traffic offense" means driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)).

(21) "Serious violent offense" is a subcategory of violent offense and means murder in the first degree, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies.

(22) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((+7))~~ (23) "Sex offense" means a felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes.

(24) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((+8))~~ (25) "Victim" means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

~~((+9))~~ (26) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, ~~(and)~~ vehicular homicide, and vehicular assault;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection ~~((+9))~~ (26)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection ~~((19))~~ (26) (a) or (b) of this section.

Sec. 18. Section 4, chapter 137, Laws of 1981 as amended by section 2, chapter 192, Laws of 1982 and RCW 9.94A.040 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

~~(7) (By January 10, 1983, the commission shall recommend its standard sentence ranges and standards to the legislature by providing the recommendations to the chief clerk of the house of representatives and secretary of the senate. If the commission has prepared an additional list of standard sentence ranges, as provided under subsection (6) of this section, then the commission shall include such list along with its recommendations.~~

~~(8) Every two years.)~~ The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.

~~((9))~~ (8) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

~~((10))~~ (9) The commission shall exercise its duties under this section in conformity with chapter 34.04 RCW, as now existing or hereafter amended.

Sec. 19. Section 7, chapter 137, Laws of 1981 and RCW 9.94A.070 are each amended to read as follows:

~~((1) At its regular session convening in 1983, the legislature shall enact laws approving or modifying either the standards recommended by the commission, or the additional list of standard sentence ranges consistent with prison capacity in the event an additional list has been submitted pursuant to RCW 9.94A.040(6). The standards so adopted shall take effect on July 1, 1984.~~

~~(2))~~ Revisions or modifications of standard sentence ranges or other standards, together with any additional list of standard sentence ranges, shall be submitted to the legislature at least every two years ~~((and shall become effective as provided under subsection (1) of this section on July first of the year in which they are submitted)).~~

Sec. 20. Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) (~~and~~), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender (~~;- other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.04.020;~~) the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine, (~~make restitution;~~) and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, (~~restitution;~~) a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of (~~any~~) a sex offense other than a violation of (chapter 9A.44 RCW or RCW 9A.04.020 except) RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions (~~(of chapter 9A.44 RCW, RCW 9A.04.020;~~) for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iv) Report as directed to the court and a community corrections officer;

(v) Pay a fine, (~~make restitution;~~) accomplish some community service work, or any combination thereof; or

(vi) Make recompense to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW ((9A.20.020)).

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

Sec. 21, Section 19, chapter 137, Laws of 1981 as amended by section 10, chapter 209, Laws of 1984 and RCW 9.94A.190 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

Sec. 22. Section 2, chapter 115, Laws of 1983 as amended by section 16, chapter 209, Laws of 1984 and RCW 9.94A.310 are each amended to read as follows:

(1)

TABLE 1
Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116
VI	13m 12+- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102
V	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y 41- 54	5y 51- 68	6y 62- 82	7y 72- 96
IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m

SERIOUSNESS SCORE

OFFENDER SCORE

	0	1	2	3	4	5	6	7	8	9 or more
	3-9	6-12	12+-14	13-17	15-20	22-29	33-43	43-57	53-70	63-84
III	2m 1-3	5m 3-8	8m 4-12	11m 9-12	14m 12+-16	20m 17-22	2y2m 22-29	3y2m 33-43	4y2m 43-57	5y 51-68
II	0-90 Days	4m 2-6	6m 3-9	8m 4-12	13m 12+-14	16m 14-18	20m 17-22	2y2m 22-29	3y2m 33-43	4y2m 43-57
I	0-60 Days	0-90 Days	3m 2-5	4m 2-6	5m 3-8	8m 4-12	13m 12+-14	16m 14-18	20m 17-22	2y2m 22-29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

- (a) 24 months ((f)) for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1((g)) (RCW 9A.40.020)
- (b) 18 months ((f)) for Burglary 1((j)) (RCW 9A.52.020)
- (c) 12 months ((f)) for Assault 2 (RCW 9A.36.020), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), ((Betwery or Possession of a controlled substance with intent to deliver)) or any drug offense

Sec. 23, Section 3, chapter 115, Laws of 1983 as amended by section 17, chapter 209, Laws of 1984 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.010)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Statutory Rape 1 (RCW 9A.44.070)
	((Employing, using, or permitting minor to engage in sexually explicit conduct for commercial use (RCW 9.68A.020))
	Explosive devices prohibited (RCW 70.74.180)
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
	Inciting Criminal Profiteering (RCW 9A.82.061(1)(b))

- VIII Arson 1 (RCW 9A.48.020)
Rape 2 (RCW 9A.44.050)
Promoting Prostitution 1 (RCW 9A.88.070)
Selling heroin for profit (RCW 69.50.410)
- VII Burglary 1 (RCW 9A.52.020)
Vehicular Homicide (RCW 46.61.520)
Introducing Contraband 1 (RCW 9A.76.140)
Statutory Rape 2 (RCW 9A.44.080)
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
~~((Sending, bringing into the state, possessing, publishing, printing, etc., obscene matter involving minor engaged in sexually explicit conduct (RCW 9.68A.030)))~~
Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)
Manslaughter 2 (RCW 9A.32.070)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Incest 1 (RCW 9A.64.020(1))
Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
Intimidating a Judge (RCW 9A.72.160)
- V Rape 3 (RCW 9A.44.060)
Kidnapping 2 (RCW 9A.40.030)
Extortion 1 (RCW 9A.56.120)
Incest 2 (RCW 9A.64.020(2))
Perjury 1 (RCW 9A.72.020)
Extortionate Extension of Credit (RCW 9A.82.020)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Robbery 2 (RCW 9A.56.210)
Assault 2 (RCW 9A.36.020)
Escape 1 (RCW 9A.76.110)
Arson 2 (RCW 9A.48.030)
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Malicious Harassment (RCW 9A.36.080)
Wilful Failure to Return from Furlough (RCW 72.66.060)
Hit and Run -- Injury Accident (RCW 46.52.020(4))
Vehicular Assault (RCW 46.61.522)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Statutory Rape 3 (RCW 9A.44.090)
Extortion 2 (RCW 9A.56.130)
Unlawful Imprisonment (RCW 9A.40.040)
Assault 3 (RCW 9A.36.030)
Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
Harassment (RCW 9A.46.020)
Promoting Prostitution 2 (RCW 9A.88.080)
Wilful Failure to Return from Work Release (RCW 72.65.070)
Introducing Contraband 2 (RCW 9A.76.150)
~~((Communicating))~~ Communication with a Minor for Immoral Purposes (RCW ((9A.44.110)) 9.68A.090)
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Escape 2 (RCW 9A.76.120)
Perjury 2 (RCW 9A.72.030)

- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Livestock 2 (RCW 9A.56.080)
- ~~((Welfare Fraud (RCW 74.08.331)))~~
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- ~~((Auto Theft (Taking and Riding)))~~ Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- ~~((Eluding))~~ Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of (~~Bank~~) Checks or Drafts (RCW 9A.56.060)
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

Sec. 24. Section 4, chapter 115, Laws of 1983 as amended by section 18, chapter 209, Laws of 1984 and RCW 9.94A.330 are each amended to read as follows:

TABLE 3
OFFENDER SCORE MATRIX
Prior Adult Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
Current Offenses					
Serious Violent	3	2	2	2	1
Burglary 1	2	2	2	2	1
Other Violent	2	2	2	2	1
((<u>Vehicular Homicide</u>))	0	0	0	2	0
Felony Traffic	1	1	1	2	1
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other					
Non-Violent	1	1	1	1	1
Drug	1	1	1	1	1
	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Current Offenses					
Serious Violent	1	1	0	1	1
Burglary 1	2	1	0	1	1
Other Violent	1	1	0	1	1
((<u>Vehicular Homicide</u>))	0	1	1	0	0
Felony Traffic	1	1	1	1	1
Escape	0	0	0	0	0
Burglary 2	2	1	0	1	1
Other					

	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non- Violent	Drug
Current Offenses					
Non-Violent	1	1	0	1	1
Drug	1	1	0	1	2

Prior Juvenile Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/ Homicide	Escape
Current Offenses					
Serious Violent	3	2	2	2	1/2
Burglary 1	2	2	2	2	1/2
Other Violent	2	2	2	2	1/2
((Vehicular Homicide	0	0	0	2	0
Felony Traffic	1/2	1/2	1/2	2	1/2
Escape	0	0	0	0	1/2
Burglary 2	1/2	2	1/2	1/2	1/2
Other Non-Violent	1/2	1/2	1/2	1/2	1/2
Drug	1/2	1/2	1/2	1/2	1/2

	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non- Violent	Drug
Current Offenses					
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	1	1/2	0	1/2	1/2
Other Violent	1/2	1/2	0	1/2	1/2
((Vehicular Homicide	0	1/2	1/2	0	0
Felony Traffic	1/2	1/2	1/2	1/2	1/2
Escape	0	0	0	0	0
Burglary 2	1	1/2	0	1/2	1/2
Other Non-Violent	1/2	1/2	0	1/2	1/2
Drug	1/2	1/2	0	1/2	1

~~((Definitions: Serious Violent: Murder 1, Murder 2, Assault 1, Kidnapping 1, Rape 1
Escape: Escape 1, Escape 2, Willful Failure to Return From Work Release or
Parloagh
Serious Traffic: Driving While Intoxicated, Actual Physical Control, Reckless Driving,
Hit and Run
Felony Traffic: Felony Hit and Run, Vehicular Assault, Attempting to Elude a
Police Officer
Drug: All felony violations of chapter 69.50 RCW except possession of a controlled
substance))~~

Sec. 25. Section 7, chapter 115, Laws of 1983 as amended by section 19, chapter 209, Laws of 1984 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules ~~((are))~~, partially summarized in Table 3, RCW 9.94A.330, are as follows:

The offender score is ~~((computed in the following way:))~~ the sum of points accrued under subsections (1) through (14) of this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsections (3) and (13) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of

release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions. Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(3) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

((2)) (4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

((3)) (10) If the present conviction is for Burglary 1, count prior(s) convictions as in subsection ((5)) (8) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

((4)) (11) If the present conviction is for ~~((Vehicular Homicide, only))~~ a felony traffic offense count ~~((the following crimes as part of the offender score:))~~ two points for each adult or juvenile prior conviction for Vehicular Homicide ~~(, Vehicular Assault, Felony Hit and Run (RCW 46.52.020(4)), Hit and Run (RCW 46.52.020(5)), Driving While Intoxicated (RCW 46.61.502), Actual Physical Control (RCW 46.61.504), Reckless Driving (RCW 46.61.500), Attempting to Elude a Police Officer (RCW 46.61.500))~~; Count two points for each adult or juvenile Vehicular Homicide conviction, one point for each other adult felony traffic or serious traffic conviction, and 1/2 point for each other juvenile felony traffic or serious traffic conviction.

(5) If the present conviction is for a violent offense and not covered in subsections (2), (3), (4), or (8) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction); count one point for each adult, and 1/2 point for each juvenile, prior conviction for each other felony offense or serious traffic offense.

((6)) (12) If the present conviction is for a drug offense count two points for each adult prior felony drug offense conviction and one point for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120; Willful Failure to Return from Furlough, RCW 72.66.060; and Willful Failure to Return from Work Release, RCW 72.65.070), count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

~~((7))~~ (14) If the present conviction is for Burglary 2, count priors as in subsection ~~((9))~~ (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

~~((8))~~ If the present conviction is for a violation of chapter 69.50 RCW, except for possession of a controlled substance (RCW 69.50.401(d)), count two points for each adult prior felony drug conviction (chapter 69.50 RCW, except RCW 69.50.401(d)), and one point for each juvenile drug conviction. All other adult and juvenile felonies are scored as in subsection (5) of this section if the current drug conviction is violent, or as in subsection (9) of this section if the current drug conviction is nonviolent.

(9) If the present conviction is for a nonviolent offense and not covered by subsection (6), (7), or (8) of this section, count one point for each prior adult felony conviction and one point for each prior juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony.

(10) For all offender scores, the fractional totals shall be rounded down to the nearest whole number.

(11) In the case of multiple prior convictions for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. The conviction for the offense that yields the highest offender score is used.

(12) Class A prior felony convictions are always included in the offender score. Class B prior felony convictions are not included if the offender has spent ten years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. Class C prior felony convictions and serious traffic convictions as defined in RCW 9.94A.330 are not included if the offender has spent five years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. This subsection applies to both adult and juvenile prior convictions.

The designation of out-of-state convictions shall be covered by the offense definitions and sentences provided by Washington law.

The offender score is the sum of points accrued under subsections (1) through (12) of this section.)

Sec. 26. Section 8, chapter 115, Laws of 1983 as amended by section 20, chapter 209, Laws of 1984 and RCW 9.94A.370 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may ~~((use))~~ rely on no more information than is admitted by the plea agreement, ~~((and))~~ or admitted ~~((to or))~~, acknowledged, or proved in a trial or at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The ~~((real))~~ facts shall be deemed ~~((proven))~~ proved at the ~~((evidentiary))~~ hearing by a preponderance of the evidence. ~~((Real))~~ Facts that establish the elements of ~~((a higher crime:))~~ a more serious crime~~(:)~~ or additional crimes ~~((cannot))~~ may not be used to go outside the presumptive sentence range except upon stipulation or when specifically provided for in RCW 9.94A.390(2) (c) and (d).

Sec. 27. Section 10, chapter 115, Laws of 1983 as amended by section 24, chapter 209, Laws of 1984 and RCW 9.94A.390 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence~~(:)~~. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

~~((+))~~ (a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

~~((+))~~ (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

~~((+))~~ (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

~~((+))~~ (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

((5)) (e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

((6)) (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

((7)) (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(2) Aggravating Circumstances

((1)) (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

((2)) (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

((3)) (c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

((a)) (i) The current offense involved multiple victims or multiple incidents per victim;

((b)) (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

((c)) (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

((d)) (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

((4)) (d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify ((a)) a current offense as a major VUCSA:

((a)) (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

((b)) (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

((c)) (iii) The current offense involved the manufacture of controlled substances for use by other parties; or

~~((d)) The offender possessed a firearm during the commission of the offense; or~~

((e)) (iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

((f)) (v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or,

((g)) (vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

((h)) (e) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW ~~((9.94A.406))~~ 9.94A.010.

~~(The above considerations are illustrative only and are not intended to be exclusive reasons for exceptional sentences.)~~

Sec. 28. Section 11, chapter 115, Laws of 1983 as amended by section 25, chapter 209, Laws of 1984 and RCW 9.94A.400 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is ~~((convicted of))~~ to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as ((criminal history). All sentences so determined shall be served concurrently. Separate crimes encompassing the same criminal conduct)) if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime ((in determining criminal history)), Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's ~~((prior convictions as))~~ criminal history in the offender score and the sentence range for other serious violent offenses shall be determined by using ((a criminal history)) an offender score of zero. The sentence range for any ((remaining)) offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run ((consecutively)) concurrently with any felony ((sentences previously) sentence which has been imposed by any court in this or another state or by a federal court((:)) subsequent to the commission of the crime being sentenced unless the court pronouncing the ((subsequent)) current sentence expressly orders that they be served ((concurrently)) consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, ((this)) that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences.

Sec. 29. Section 12, chapter 115, Laws of 1983 as amended by section 26, chapter 209, Laws of 1984 and RCW 9.94A.410 are each amended to read as follows:

For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the crime, and multiplying the range by 75 percent.

In calculating an offender score, count each prior conviction as if the present conviction were for the completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

Sec. 30. Section 15, chapter 115, Laws of 1983 and RCW 9.94A.440 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A Prosecuting Attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table ((13)) below for the crimes within these categories.

((TABLE 13))

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping

1st Degree Assault

1st Degree Rape

1st Degree Robbery

1st Degree Statutory Rape

1st Degree Arson

2nd Degree Kidnaping

2nd Degree Assault

2nd Degree Rape

2nd Degree Robbery

1st Degree Burglary

1st Degree Manslaughter

2nd Degree Manslaughter

1st Degree Extortion

Indecent Liberties

2nd Degree Statutory Rape

Incest

((~~Negligent~~)) Vehicular Homicide

Vehicular Assault

3rd Degree Rape

3rd Degree Statutory Rape

2nd Degree Extortion

1st Degree Promoting Prostitution

Intimidating a Juror

Communication with a Minor

Intimidating a Witness

Intimidating a Public Servant

Bomb Threat (if against person)

3rd Degree Assault

Unlawful Imprisonment

Promoting a Suicide Attempt

Riot (if against person)

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson
 1st Degree Escape
 2nd Degree Burglary
 1st Degree Theft
 1st Degree Perjury
 1st Degree Introducing Contraband
 1st Degree Possession of Stolen Property
 Bribery
 Bribing a Witness
 Bribe received by a Witness
 Bomb Threat (if against property)
 1st Degree Malicious Mischief
 2nd Degree Theft
 2nd Degree Escape
 2nd Degree Introducing Contraband
 2nd Degree Possession of Stolen Property
 2nd Degree Malicious Mischief
 1st Degree Reckless Burning
 Taking a Motor Vehicle without Authorization
 Forgery
 ((~~Welfare Fraud~~))
 2nd Degree Perjury
 2nd Degree Promoting Prostitution
 Tampering with a Witness
 Trading in Public Office
 Trading in Special Influence
 Receiving/Granting Unlawful Compensation
 Bigamy
 Eluding a Pursuing Police Vehicle
 Wilful Failure to Return from Furlough
 Riot (if against property)
 Thefts of Livestock
 ALL OTHER UNCLASSIFIED FELONIES
 Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

(a) Will significantly enhance the strength of the state's case at trial; or

(b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

(a) Charging a higher degree;

(b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(2) The completion of necessary laboratory tests; and

(3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(1) Probable cause exists to believe the suspect is guilty; and

(2) The suspect presents a danger to the community or is likely to flee if not apprehended;

or

(3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Sec. 31. Section 7, chapter 14, Laws of 1975 1st ex. sess. as amended by section 4, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.070 are each amended to read as follows:

(1) A person over thirteen years of age is guilty of statutory rape in the first degree when the person engages in sexual intercourse with another person who is less than eleven years old.

(2) Statutory rape in the first degree is a class A felony. No person convicted of statutory rape in the first degree shall be granted a deferred or suspended sentence except ~~((for the purpose of commitment to an inpatient treatment facility))~~ under RCW 9.94A.120(7).

Sec. 32. Section 9A.56.080, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 174, Laws of 1977 ex. sess. and RCW 9A.56.080 are each amended to read as follows:

(1) Every person who, ~~((without lawful authority and))~~ with intent to sell or exchange and to deprive or defraud the lawful owner thereof, wilfully takes, leads, or transports away, conceals, withholds, slaughters, or otherwise appropriates ~~((to his own use))~~ any horse, mule, cow, heifer, bull, steer, swine, or sheep ~~((shall be))~~ is guilty of theft of livestock in the first degree.

(2) A person who commits what would otherwise be theft of livestock in the first degree but without intent to sell or exchange, and for the person's own use only, is guilty of theft of livestock in the second degree.

(3) Theft of livestock in the first degree is a class B felony.

(4) Theft of livestock in the second degree is a class C felony.

Sec. 33. Section 9, chapter 155, Laws of 1979 as last amended by section 1, chapter 43, Laws of 1984 and RCW 13.50.050 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (1) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section and RCW 13.50.010.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8).

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

(a) The person making the motion is at least twenty-three years of age;

(b) The person has not subsequently been convicted of a felony;

(c) No proceeding is pending against that person seeking the conviction of a criminal offense; and

(d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

Sec. 34. Section 11, chapter 137, Laws of 1981 as last amended by section 6, chapter 443, Laws of 1985 and RCW 9.94A.110 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

NEW SECTION. Sec. 35. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 115, Laws of 1983 and RCW 9.94A.300; and

(2) Section 8, chapter 443, Laws of 1985 and RCW 9.94A.122.

NEW SECTION. Sec. 36. The sentencing guidelines commission shall consider methods of increasing sentence ranges for offenders who commit a series of physical or sexual abuse offenses. The consideration shall include, but not be limited to, the addition of an aggravating factor under RCW 9.94A.390, changes to the offender scoring rules under RCW 9.94A.390, and amendments to the criminal code. The commission shall consult with organizations concerned with child and sexual abuse as well as the Washington defender association, Washington association of prosecuting attorneys, and the superior court judges association. The commission shall present its recommendations to the 1987 legislature.

NEW SECTION. Sec. 37. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 38. Sections 17 through 35 of this act shall take effect July 1, 1986."

On page 1, line 1 of the title, after "felons;" strike the remainder of the title and insert "amending RCW 9A.56.010, 9A.04.110, 10.99.020, 43.10.232, 9.94A.030, 9.94A.040, 9.94A.070, 9.94A.120, 9.94A.190, 9.94A.310, 9.94A.320, 9.94A.330, 9.94A.360, 9.94A.370, 9.94A.390, 9.94A.400, 9.94A.410, 9.94A.440, 9A.44.070, 9A.56.080, 13.50.050, and 9.94A.110; amending section 2, chapter 234, Laws of 1984 (uncodified); reenacting and amending RCW 9A.04.080; adding new sections to chapter 9A.36 RCW; creating new sections; repealing RCW 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, 28A.87.140, 9.94A.300, and 9.94A.122; prescribing penalties; and providing effective dates."

Signed by Senators Talmadge, Halsan and Newhouse; Representatives Armstrong, Locke and Padden.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute House Bill No. 1399 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1709 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Belcher, Peery and Hankins. The bill and the amendment are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Thompson, the request of the House for a conference on Substitute House Bill No. 1709 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1709 and the Senate amendment thereto: Senators Thompson, Vognild and Benitz.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4938 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Belcher, Peery and Sanders.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the request of the House for a conference on Engrossed Substitute Senate Bill No. 4938 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 4938 and the House amendments thereto: Senators Thompson, DeJarnatt and Zimmerman.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MOTION

At 6:20 p.m., on motion of Senator Vognild, the Senate recessed until 8:00 p.m.

EVENING SESSION

The Senate was called to order at 8:00 p.m. by President Cherberg.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 573,

SUBSTITUTE HOUSE BILL NO. 1182,

HOUSE BILL NO. 1339,

HOUSE BILL NO. 1463,

SUBSTITUTE HOUSE BILL NO. 1479,

SUBSTITUTE HOUSE BILL NO. 1687,

SUBSTITUTE HOUSE BILL NO. 1950,

SUBSTITUTE HOUSE BILL NO. 1986,

SUBSTITUTE HOUSE BILL NO. 2014,

SUBSTITUTE HOUSE BILL NO. 2083,

HOUSE JOINT RESOLUTION NO. 55,

HOUSE CONCURRENT RESOLUTION NO. 19, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 4531. The Speaker has appointed the following members as conferees: Representatives Lux, Niemi and Barrett.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 1829. The Speaker has appointed the following members as conferees: Representatives Ebersole, Valle and Vander Stoep. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 573,
 SUBSTITUTE HOUSE BILL NO. 1182,
 HOUSE BILL NO. 1339,
 HOUSE BILL NO. 1463,
 SUBSTITUTE HOUSE BILL NO. 1479,
 SUBSTITUTE HOUSE BILL NO. 1687,
 SUBSTITUTE HOUSE BILL NO. 1950,
 SUBSTITUTE HOUSE BILL NO. 1986,
 SUBSTITUTE HOUSE BILL NO. 2014,
 SUBSTITUTE HOUSE BILL NO. 2083,
 HOUSE JOINT RESOLUTION NO. 55,
 HOUSE CONCURRENT RESOLUTION NO. 19.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed SUBSTITUTE SENATE JOINT MEMORIAL NO. 132 with the following amendment:

On page 1, line 24, after "that the" strike all material down to and including "Asia." on line 27, and insert: "President and Congress of the United States seek all reasonable means of pursuing information concerning live missing Americans in Indochina and the supply of information or return of remains now in the possession of those governments including, as necessary, the improvement of relations with the governments of the region."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Talmadge moved that the Senate do concur in the House amendment to Substitute Senate Joint Memorial No. 132.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do concur in the House amendment to Substitute Senate Joint Memorial No. 132.

The motion by Senator Talmadge carried and the Senate concurred in the House amendment to Substitute Senate Joint Memorial No. 132.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Memorial No. 132, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Memorial No. 132, as amended by the House, and the memorial passed the Senate by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bender, Benitz, McManus, Moore, Owen, Peterson - 6.

Excused: Senator Stratton - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 132, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587, providing for expanded international trade, have had the same under consideration and we recommend that the Senate amendments be adopted to page 2, lines 3, 5, and 32; page 4, line 9 and 33; and page 9, line 11 and to further amend the bill as follows:

On page 2, line 14, after "than a" insert "county-wide"

Signed by Senators Warnke, Goltz and Sellar; Representatives McMullen and Kremen.

MOTION

On motion of Senator Warnke, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1587 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1587, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1587, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; absent, 5; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, Moore, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn - 32.

Voting nay: Senators Cantu, Craswell, Deccio, Guess, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Sellar - 11.

Absent: Senators Bender, Benitz, McManus, Owen, Zimmerman - 5.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 1708 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1708, modifying liquor control board membership terms, have had the same under consideration and we recommend that the Senate Commerce and Labor Committee amendments not be adopted to page 1, lined 14 and 19, and to further amend the bill as follows:

On page 1, line 14, after "qualified." strike everything down to and including "aforesaid" on line 19, and insert "After the effective date of this 1986 act, the term that began on January 15, 1985 will end on January 15, 1989, the term beginning on January 15, 1988 will end on January 15, 1993, and the term beginning on January 15, 1991 will end on January 15, 1997. Thereafter, upon the expiration of the term of any (~~of the three members of the board appointed as aforesaid~~) member appointed after the effective date of this 1986 act"

Signed by Senators Warnke, Moore and Metcalf; Representatives Belcher, Walk and Fuhrman.

MOTION

On motion of Senator Warnke, the Report of the Free Conference Committee on House Bill No. 1708 was adopted.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1708, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1708, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; nays, 10; absent, 5; excused, 1.

Voting yea: Senators Bauer, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Zimmerman - 33.

Voting nay: Senators Bailey, Barr, Cantu, Lee, McCaslin, McDonald, Metcalf, Pullen, Sellar, Wojahn - 10.

Absent: Senators Bender, Benitz, Fleming, Hayner, McManus - 5.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1708, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 134 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Williams, the Senate receded from the Senate amendments to Engrossed House Bill No. 134.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 134, without the Senate amendments.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 134, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 4; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 41.

Voting nay: Senators Bailey, McCaslin, Metcalf - 3.

Absent: Senators Benitz, Fleming, McManus, Zimmerman - 4.

Excused: Senator Stratton - 1.

Excused: Senator Stratton - 1.

ENGROSSED HOUSE BILL NO. 134, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House ruled the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1827 beyond the scope and object of the bill, refuses to concur and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Bottiger moved that the Senate do recede from the Senate amendments to Substitute House Bill No. 1827.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger that the Senate do recede from the Senate amendments to Substitute House Bill No. 1827.

The motion by Senator Bottiger carried and the Senate receded from the Senate amendments to Substitute House Bill No. 1827.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1827, without the Senate amendments.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1827, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Benitz, Deccio, Halsan, McManus - 4.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1827, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4762 and has passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4762, adopting the supplemental budget, have had the same under consideration and we recommend the bill do pass as recommended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 4762, read in earlier today)

Signed by Senators McDermott and Gaspard; Representatives Grimm and Braddock.

MOTION

On motion of Senator McDermott, the Senate adopted the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4762.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4762, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4762, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 31.

Voting nay: Senators Benitz, Cantu, Craswell, Guess, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Zimmerman - 16.

Absent: Senator McManus - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4762, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 160 on page 1, line 18, and refuses to concur in the Senate amendment on page 1, line 20, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Gaspard moved that the Senate do recede from the Senate amendment on page 1, line 20, to Substitute House Bill No. 160.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard that the Senate do recede from the Senate amendment on page 1, line 20, to Substitute House Bill No. 160.

The motion by Senator Gaspard to recede from the Senate amendment failed on a rising vote.

MOTIONS

On motion of Senator Gaspard, and there being no objection, the motion to recede from the House amendment to page 1, line 20, to Substitute House Bill No. 160 was withdrawn.

On motion of Senator Gaspard, the Senate refuses to recede from the Senate amendment on page 1, line 20, to Substitute House Bill No. 160 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House concurs in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 495, except in the following listed amendments:

page 1, lines 10 and 16;

page 2, line 18 (after "jurisdiction");

page 2, line 4; and

page 2, line 18 (strike all language after "jurisdiction") and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTIONS

On motion of Senator Talmadge, the rules were suspended and Engrossed Substitute House Bill No. 495 was returned to second reading and read the second time.

Senator Talmadge moved that the following amendment by Senators Talmadge and Barr be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Sections 1 through 6 of this act may be known and cited as the Colville Indian reservation criminal jurisdiction retrocession act.

NEW SECTION. Sec. 2. It is the intent of the legislature to authorize a procedure for the retrocession, to the Colville Confederated Tribes of Washington and the United States, of criminal jurisdiction over Indians for acts occurring on tribal lands or allotted lands within the Colville Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States.

Sections 1 through 6 of this act in no way expand the Colville tribe's criminal or civil jurisdiction, if any, over non-Indians or fee title property. Sections 1 through 6 of this act shall have no effect whatsoever on water rights, hunting and fishing rights, the established pattern of civil jurisdiction existing on the lands of the Colville Indian reservation, the established pattern of regulatory jurisdiction existing on the lands of the Colville Indian reservation, taxation, or any other matter not specifically included within the terms of sections 1 through 6 of this act.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the following definitions apply throughout sections 1 through 6 of this act:

(1) "Colville reservation," or "Colville Indian reservation," means all tribal lands or allotted lands lying within the Colville Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States, but does not include those lands which lie north of the present reservation which were included in original reservation boundaries created in 1872 and which are referred to as the "diminished reservation."

(2) "Indian tribe," "tribe," or "Colville tribes" means the confederated tribes of the Colville reservation.

(3) "Tribal court" means the trial and appellate courts of the Colville tribes.

NEW SECTION. Sec. 4. Whenever the governor receives from the confederated tribes of the Colville reservation a resolution expressing their desire for the retrocession by the state of all or any measure of the criminal jurisdiction acquired by the state pursuant to section 5, chapter 36, Laws of 1963 over lands of the Colville Indian reservation, the governor may, within ninety days, issue a proclamation retroceding to the United States the criminal jurisdiction previously acquired by the state over such reservation. However, the state of Washington shall retain jurisdiction as provided in RCW 37.12.010. The proclamation of retrocession shall not become effective until it is accepted by an officer of the United States government in accordance with 25 U.S.C. Sec. 1323 (82 Stat. 78, 79) and in accordance with procedures established by the United States for acceptance of such retrocession of jurisdiction. The Colville tribes shall not exercise criminal or civil jurisdiction over non-Indians.

NEW SECTION. Sec. 5. The confederated tribes of the Colville reservation may express their desire under section 4 of this act only by a resolution approved by a majority vote of the enrolled adult members of the tribes voting at the next general tribal election.

NEW SECTION. Sec. 6. An action or proceeding which has been filed with any court or agency of the state or local government preceding the effective date of retrocession of jurisdiction under sections 1 through 6 of this act shall not abate by reason of the retrocession or determination of jurisdiction.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are each added to chapter 37.12 RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Talmadge, what does it do?"

Senator Talmadge: "Senator, it does what we talked about before, which is retrocession over criminal jurisdictional responsibility on the reservation. It makes clear that the tribe does not have jurisdiction over non-Indians and provides that there will be a vote of the tribal members on the reservation with respect to the issue of retrocession before the Governor can make such a request to the federal government."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Barr.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 495, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 495, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 495, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 42.

Voting nay: Senators Benitz, Newhouse, Pullen, Zimmerman - 4.

Absent: Senators McManus, von Reichbauer - 2.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 495, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Joint Resolution No. 49, as amended by the Senate, deferred on third reading and final passage, earlier today.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Joint Resolution No. 49, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Joint Resolution No. 49, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 34; nays, 11; absent, 3; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Moore, Owen, Peterson, Rinehart, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Guess, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling - 11.

Absent: Senators McDermott, McManus, von Reichbauer - 3.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49, as amended by the Senate, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, a point of personal privilege. It's very rare that this award is ever given in the Senate. It's usually in the House. None of you, since it's rather recent, probably have ever seen it before, but Senator Johnson has been awarded the Pierce County Bull Ring Award for his services in the Senate. Senator, for your information, out on the farm when we have a new bull calf, we put a ring in his nose and then we see how well he follows, how many times we have to jerk him. Pretty soon he just follows and all you have to do is like this. Now, there's a penalty if he doesn't follow right. Senator, you're the first Senator ever to receive this award."

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1331, as amended by the Senate, deferred on third reading and final passage, earlier today.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1331, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1331, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Owen, Peterson, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Guess, Metcalf, Newhouse, Patterson, Pullen, Saling - 10.

Absent: Senators McManus, von Reichbauer - 2.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to SENATE BILL NO. 3397 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Sutherland, McMullen and Lundquist.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Owen, the request of the House for a conference on Senate Bill No. 3397 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 3397 and the House amendments thereto: Senators Owen, Johnson and Peterson.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 5005 and requests a conference thereon. The Speaker has

appointed the following members as conferees: Representatives Lux, Crane and West.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Moore, the request of the House for a conference on Substitute Senate Bill No. 5005 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5005 and the House amendments thereto: Senators Moore, Deccio and Granlund.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the Senate amendments to HOUSE BILL NO. 1643 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rust, D. Nelson and May. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate refuses to grant the request of the House for a conference on House Bill No. 1643, insists on its position and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1825 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Vekich, McMullen and Doty. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Bender, the request of the House for a conference on House Bill No. 1825 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1825 and the Senate amendments thereto: Senators McDermott, Cantu and Warnke.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House ruled the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1134 beyond the scope and object of the bill, refuses to concur and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Brekke, Lewis and Leonard. The bill and the amendments are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Bender the request of the House for a conference on Substitute House Bill No. 1134 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1134 and the Senate amendments thereto: Senators Wojahn, Johnson and Kreidler.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House refuses to concur in the Senate amendment to HOUSE BILL NO. 1462 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Bender, the Senate refuses to recede from the Senate amendment to House Bill No. 1462 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1462 and the Senate amendment thereon: Senators Moore, Deccio and Bender.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 803 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate refuses to recede from the Senate amendment to Substitute House Bill No. 803 and once again asks the House to concur therein.

MOTION FOR CONFERENCE CHANGE

On motion of Senator Vognild, and there being no objection, Senator McDonald was relieved of conference duties on Engrossed Senate Bill No. 4725.

On motion of Senator Vognild, Senator Zimmerman was appointed as a conferee on Engrossed Senate Bill No. 4725.

MOTION

At 9:25 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Tuesday, March 11, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 11, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Fleming, Sellar and Stratton. On motion of Senator Bender, Senators Fleming and Stratton were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jason Noel and Mark Roth, presented the Colors. Reverend Vincent Smith, pastor of the College Street Christian Church of Lacey, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 1505, except in the amendment to page 3, line 33, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Warnke moved that the Senate do recede from the amendment on page 3, line 33, to Second Substitute House Bill No. 1505.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate do recede from the amendment on page 3, line 33, to Second Substitute House Bill No. 1505.

The motion by Senator Warnke carried and the Senate receded in the amendment on page 3, line 33, to Second Substitute House Bill No. 1505.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 1505, as amended by the Senate, but without the Senate amendment to page 3, line 33.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 1505, as amended by the Senate, but without the Senate amendment to page 3, line 33, and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bauer, Johnson, Sellar - 3.

Excused: Senators Fleming, Stratton - 2.

Excused: Senator Stratton - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1505, as amended by the Senate, but without the Senate amendment to page 3, line 33, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1593 to page 1, line 21, and ruled the amendment to page 1, line 23, beyond the scope and object of the bill, refuses to concur and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Vognild moved that the Senate do recede from the amendment on page 1, line 23, to Substitute House Bill No. 1593.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate do recede from the amendment on page 1, line 23, to Substitute House Bill No. 1593.

The motion by Senator Vognild carried and the Senate receded in the amendment on page 1, line 23, to Substitute House Bill No. 1593.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1593, as amended by the Senate, but without the Senate amendment to page 1, line 23.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1593, as amended by the Senate, but without the Senate amendment to page 1, line 23, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Goitz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Meicall, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Cantu, Craswell, McCaslin, Newhouse, Pullen - 5.

Absent: Senator Bauer - 1.

Excused: Senators Fleming, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1593, as amended by the Senate, but without the Senate amendment to page 1, line 23, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

March 10, 1986

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 3574,

SUBSTITUTE SENATE BILL NO. 3948,

SUBSTITUTE SENATE BILL NO. 4497,

SUBSTITUTE SENATE BILL NO. 4503,

SUBSTITUTE SENATE BILL NO. 4536,

SENATE BILL NO. 4537,

SUBSTITUTE SENATE BILL NO. 4547,

SUBSTITUTE SENATE BILL NO. 4572,

SENATE BILL NO. 4620,

SENATE BILL NO. 4675,

SENATE BILL NO. 4681,

SENATE BILL NO. 4693,

SENATE BILL NO. 4712,

SUBSTITUTE SENATE BILL NO. 4783,

SUBSTITUTE SENATE BILL NO. 4790,

SUBSTITUTE SENATE BILL NO. 4815,

SENATE BILL NO. 4891,

SUBSTITUTE SENATE BILL NO. 4897,

SUBSTITUTE SENATE BILL NO. 4898, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 9, 1986

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4452, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 10, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4722,

SUBSTITUTE SENATE BILL NO. 4724,

SENATE BILL NO. 4749,

SUBSTITUTE SENATE BILL NO. 4766,

SUBSTITUTE SENATE BILL NO. 4769,

SUBSTITUTE SENATE BILL NO. 4888,

SUBSTITUTE SENATE BILL NO. 5044, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 10, 1986

Mr. President:

The House has granted the request of the Senate for a conference on HOUSE BILL NO. 1472. The Speaker has appointed the following members as conferees: Representatives Kremen, Madsen and Nealey. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 10, 1986

Mr. President:

The House has granted the request of the Senate for a conference on HOUSE BILL NO. 1851. The Speaker has appointed the following members as conferees: Representatives Grimm, Bristow and L. Smith. The bill and the amendments are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 10, 1986

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 4531. The Speaker has appointed the following members as conferees: Representatives Lux, Niemi and Barrett.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 4630,

SUBSTITUTE SENATE BILL NO. 4762.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendment to SENATE BILL NO. 5068 and asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Moore, the Senate refuses to concur in the House amendment to Senate Bill No. 5068 and requests a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5068 and the House amendment thereto: Senators Thompson, Lee and Moore.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 5, 1986

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4705 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 262, Laws of 1984 and RCW 9.68A.050 are each amended to read as follows:

A person who:

(1) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct; or

(2) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct; or

(3) Knowingly exposes a minor to visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct

is guilty of a class C felony punishable under chapter 9A.20 RCW.

~~((3))~~ (4) As used in this section, "minor" means a person under ~~(sixteen)~~ eighteen years of age.

Sec. 2. Section 8, chapter 262, Laws of 1984 and RCW 9.68A.090 are each amended to read as follows:

(1) A person who communicates with a minor for immoral purposes is guilty of a gross misdemeanor, unless that person has previously been convicted under this section or of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state, in which case the person is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) As used in this section, "minor" means a person under ~~(sixteen)~~ eighteen years of age.

Sec. 3. Section 10, chapter 262, Laws of 1984 and RCW 9.68A.110 are each amended to read as follows:

(1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of RCW 9.68A.090 or 9.68A.100. This chapter does not apply to individual case treatment in a recognized medical facility or individual case treatment by a psychiatrist or psychologist licensed under Title 18 RCW, or to lawful conduct between spouses.

(2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.080, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under RCW 9.68A.040, 9.68A.090, or 9.68A.100, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least eighteen years of age based on declarations by the alleged victim.

(4) In a prosecution under RCW 9.68A.050~~(:)~~ or 9.68A.060~~(-or-9.68A.090)~~, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least sixteen years of age based on declarations by the alleged victim.

(5) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, the state is not required to establish the identity of the alleged victim."

On page 1, line 2 of the title, after "9.68A.090" and before the semicolon insert ", 9.68A.050, and 9.68A.110".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 4705.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do concur in the House amendments to Engrossed Senate Bill No. 4705.

The motion by Senator Talmadge carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 4705.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4705, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4705, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Salling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Johnson - 1.

Excused: Senators Fleming, Stratton - 2.

ENGROSSED SENATE BILL NO. 4705, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

March 10, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1972, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1972.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to SENATE BILL NO. 3021 on page 2, line 8, and page 1, line 1, and asks the Senate to concur therein, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Hansen, the Senate refuses to concur in the House amendments to Senate Bill No. 3021 and once again asks the House to recede therefrom.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, providing collective bargaining for institutions of higher education, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

That the Senate Ways and Means Committee striking amendment to ESHB 32 be adopted with the following change to the amendment: On page 12, beginning on line 18 of the striking amendment, strike all of subsection (g) through "votes." on line 32 and insert the following:

"(g) Where only one employee organization has qualified under (c) or (e) of this subsection, the representation election ballot shall contain a choice for that employee organization and a choice for no representation. The representation election shall be determined by the majority of the valid ballots cast.

(h) Where two or more employee organizations have qualified under (c) or (e) of this subsection, the representation election shall consist of two questions contained on the same ballot. The first question shall contain choices for and against organization of the bargaining unit under this chapter. The second question, to be counted only if the results of the first question indicate that organization of the bargaining unit has been chosen on a majority of the valid ballots cast, shall contain choices for each of the employee organizations qualifying under (c) or (e) of this subsection. The second question shall be determined by the majority of the valid ballots cast: PROVIDED, That where there are three or more choices on the ballot and none of the choices receives the vote of a majority of the valid ballots cast, a run-off election shall be conducted between the two choices receiving the highest and second highest number of votes."

Signed by Senators Warnke and Vognild: Representatives D. King and Wang.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute House Bill No. 32 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1337, repealing the conflict-of-interest exemption for the Washington State Development Loan Fund Committee, have had the same under consideration and we recommend that the bill do pass with the following Senate amendments:

The Senate Commerce and Labor Committee amendment on page 1, after the enacting clause, and the corresponding title amendment to page 1, line 2;

The amendment by Senator Warnke on page 1, without "NEW SECTION, Sec. 2." and the corresponding title amendment to page 1, line 2, without the language "adding a new section to chapter 43.168 RCW;"

Signed by Senators Warnke, Halsan and Lee: Representatives McMullen and Fisher.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on House Bill No. 1337 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1472, promoting the marketing of agricultural products, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that both consumers and producers of agricultural and aquacultural products benefit from practices and policies which reduce the postproduction costs of making such products available to consumers. The legislature declares it to be the policy of the state to encourage and promote the marketing of agricultural products directly to consumers at the sites of the production of such products as one means of reducing those costs.

NEW SECTION, Sec. 2. A new section is added to chapter 47.42 RCW to read as follows:

The department shall take such actions as are practicable to assist the marketing of agricultural products including plantation Christmas trees, and cultured aquatic products as

defined in RCW 15.85.020 at the sites of their production by ensuring that adequate directions to such sites within the state are available to the public. Notwithstanding RCW 47.42.040(8), adequate directions shall include allowing the placement of signs on public highway rights of way at no charge during the season that such products are available for purchase directly by consumers.

Sec. 3. Section 2, chapter 193, Laws of 1947 and RCW 87.76.020 are each amended to read as follows:

The directors of such irrigation districts may designate a ~~((State Association of Washington Irrigation Districts))~~ state-wide association dedicated to the promotion of irrigated agriculture as a coordinating agency in the execution of the duties imposed by this chapter, and ((reimburse)) pay dues or assessments, or both, to the association from district expense funds ((in the annual district budgets for the costs of the services rendered)), and the several districts may levy assessments against the lands therein for this purpose. Such ((reimbursement)) dues and assessments shall be paid only on vouchers approved by the board of directors of the contributing district in the manner provided for the approval of district vouchers generally((and submitted to the proper county auditor for issuance of warrants thereon. The vouchers shall set forth the nature of the claim involved and shall be signed by the claimant in the manner required by law)). The total of such voucher claims for any district in any calendar year shall not exceed two percent of the total amount or its equivalent of the expense fund levy of the district for that year.

Sec. 4. Section 1, chapter 41, Laws of 1949 as amended by section 1, chapter 202, Laws of 1951 and RCW 87.76.040 are each amended to read as follows:

To avoid duplication of effort the state association ~~((of irrigation districts))~~ may, in the discretion of its officers, affiliate and cooperate with other ~~((reclamation))~~ organizations and agencies engaged in the furthering of reclamation of lands in the state and make financial contributions to them for such purpose.

NEW SECTION. Sec. 5. A new section is added to chapter 82.04 RCW, to be codified within RCW 82.04.020 through 82.04.212, to read as follows:

"Plantation Christmas trees" means Christmas trees which are exempt from the timber excise tax under RCW 84.33.170.

Sec. 6. Section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 25, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.050 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), or (d) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for

labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, seedlings, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects, but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 7. Section 82.04.100, chapter 15, Laws of 1961 as last amended by section 2, chapter 148, Laws of 1985 and RCW 82.04.100 are each amended to read as follows:

"Extractor" means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, lakes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees other than plantation Christmas trees, or other natural products, or takes fish, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products. "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others ((or)); persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession; or persons who fell, cut, or take plantation Christmas trees from the person's own land or from land in which the person has a present right of possession.

Sec. 8. Section 82.04.330, chapter 15, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1985 and by section 10, chapter 414, Laws of 1985 and RCW 82.04.330 are each reenacted and amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon the person's own lands or upon land in which the person has a present right of possession, any agricultural or horticultural produce or crop, or of raising upon the person's own lands or upon land in which the person has a present right of possession, any plantation Christmas tree or any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising (~~Christmas trees or~~) timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, "fish" means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

Sec. 9. Section 82.04.120, chapter 15, Laws of 1961 as amended by section 2, chapter 9, Laws of 1982 2nd ex. sess. and RCW 82.04.120 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles.

"To manufacture" shall not include conditioning of seed for use in planting, or activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen or canned outside this state.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "marketing;" strike the remainder of the title and insert "amending RCW 87.76.020, 87.76.040, 82.04.050, 82.04.100, and 82.04.120; reenacting and amending RCW 82.04.330; adding a new section to chapter 47.42 RCW; adding a new section to chapter 82.04 RCW; and creating a new section."

Signed by Senators Hansen, Bailey and Bauer: Representatives Kremen, Madsen and Nealey.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on House Bill No. 1472 was adopted and the committee was granted the powers of Free Conference.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, a parliamentary inquiry, does the twenty-four hours start at the time the Senate grants the powers of Free Conference?"

REPLY BY THE PRESIDENT

President Cherberg: "The twenty-four hours starts at the time the report is on the desk."

Senator Rasmussen: "If I could pursue this further, Mr. President. Until we have granted the powers of Free Conference, they really can't write Free Conference Reports and that's what my concern is. Though we have a definite time--if we granted the powers of Free Conference, let us say today at 9:45, from then it would be twenty-four hours then before we could act on the bill."

President Cherberg: "The Secretary advises that the report goes on the desk before the powers of Free Conference are granted."

Senator Rasmussen: "Very unusual."

President Cherberg: "That is the interpretation, Senator."

Further debate ensued.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1633, providing for the taxation of timber harvested by public entities, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 3, after line 35, insert the following:

***NEW SECTION.** Sec. 3. A new section is added to chapter 84.33 RCW to read as follows:

(1) If no later than thirty days after removal of classification or designation the owner applies for classification under RCW 84.34.020 (2) or (3), then the classified or designated forest land shall not be considered removed from classification or designation for purposes of the compensating tax under RCW 84.33.120 or 84.33.140 until the application for current use classification under RCW 84.34.030 is denied or the property is removed from designation under RCW 84.34.108. Upon removal from designation under RCW 84.34.108, the amount of compensating tax due under this chapter shall be equal to:

(a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land when removed from designation under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number equal to:

(i) The number of years the land was classified or designated under this chapter, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is less than ten; or

(ii) Ten minus the number of years the land was classified under chapter 84.34 RCW, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is at least ten.

(2) Nothing in this section authorizes the continued classification or designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to classification under subsection (1) of this section which does not meet the necessary definitions of forest land under RCW 84.33.100. Nothing in this section affects the additional tax imposed under RCW 84.34.108.

NEW SECTION. Sec. 4. A new section is added to chapter 82.04 RCW, to be codified within RCW 82.04.020 through 82.04.212, to read as follows:

"Plantation Christmas trees" means Christmas trees which are exempt from the timber excise tax under RCW 84.33.170.

Sec. 5. Section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 25, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.050 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), or (d) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures

under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, seedlings, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects, but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 6. Section 82.04.100, chapter 15, Laws of 1961 as last amended by section 2, chapter 148, Laws of 1985 and RCW 82.04.100 are each amended to read as follows:

"Extractor" means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees other than plantation Christmas trees, or other natural products, or takes fish, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products. "Extractor" does not

include persons performing under contract the necessary labor or mechanical services for others ((or)); persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession; or persons who fell, cut, or take plantation Christmas trees from the person's own land or from land in which the person has a present right of possession.

Sec. 7. Section 82.04.330, chapter 15, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1985 and by section 10, chapter 414, Laws of 1985 and RCW 82.04.330 are each reenacted and amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon the person's own lands or upon land in which the person has a present right of possession, any agricultural or horticultural produce or crop, or of raising upon the person's own lands or upon land in which the person has a present right of possession, any plantation Christmas tree or any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising (~~Christmas trees or~~) timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, "fish" means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

NEW SECTION. Sec. 8. A new section is added to chapter 84.33 RCW to read as follows:

The excise tax imposed under this chapter applies to forest trees harvested after the effective date of this 1986 act from lands sold to any governmental agency by warranty deed or contract where the seller reserved to itself the right to take all merchantable timber for a specific period of years, or in perpetuity, and to forest trees harvested after the effective date of this 1986 act that any governmental agency, by quit claim deed, as partial consideration for payment of the purchase price, conveyed for a specific period of years, or in perpetuity, all forest trees, standing, growing, or lying on the described land, to the taxpayer, regardless of the date on which the contract was entered.

NEW SECTION. Sec. 9. Section 8 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "entitles;" strike the remainder of the title and insert "amending RCW 84.33.035, 84.33.073, 82.04.050, and 82.04.100; reenacting and amending RCW 82.04.330; adding a new section to chapter 82.04 RCW; adding new sections to chapter 84.33 RCW; and declaring an emergency."

Signed by Senators McDermott, Halsan and Lee; Representatives Grimm and Appelwick.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on House Bill No. 1633 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1709, consolidating agencies into the Department of Community Development, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

That the amendment by Senators Vognild and Thompson, beginning on page 42, line 7, be adopted with the following change:

On page 5 of the senate amendment, after line 20, strike everything down to and including "director." on line 35.

ReNUMBER the remaining subsections consecutively; and that the bill be further amended as follows:

On page 17 of the bill, after line 14, insert the following:

"(9) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control

officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director."

Signed by Senators Thompson, Vognild and Benitz: Representatives Peery, Belcher and Hankins.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute House Bill No. 1709 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1851, modifying the taxation of ingredients, components, and chemicals used in processing, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 6, after line 35, insert the following:

"NEW SECTION, Sec. 3. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to lease amounts paid by a seller/lessee to a lessor after the effective date of this act under a sale/leaseback agreement in respect to property, including equipment and components, used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish, nor to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term: PROVIDED, That the seller/lessee previously paid the tax imposed by this chapter or chapter 82.12 RCW at the time of acquisition of the property, including equipment and components.

NEW SECTION, Sec. 4. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to lease amounts paid by a seller/lessee to a lessor after the effective date of this act under a sale/leaseback agreement in respect to property, including equipment and components, used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish, nor to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term: PROVIDED, That the seller/lessee previously paid the tax imposed by this chapter or chapter 82.08 RCW at the time of acquisition of the property, including equipment and components.

NEW SECTION, Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "processing;" strike the remainder of the title and insert "amending RCW 82.04.050 and 82.04.190; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency."

Signed by Senators McDermott, Goltz and Barr: Representatives Bristow, Grimm and L. Smith.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on House Bill No. 1851 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1795, requiring additional information in child support orders, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

***NEW SECTION. Sec. 1. CIVIL PRACTICE TO GOVERN—DESIGNATION OF PROCEEDINGS—DECREES.** (1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled "In re the marriage of and" Such proceeding may be filed in the superior court of the county where the petitioner resides.

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or custody or support obligations, a separate custody or support proceeding shall be entitled "In re the (custody) (support) of"

(4) The initial pleading in all proceedings for dissolution of marriage under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

NEW SECTION. Sec. 2. POLICY. Parents have the responsibility to make decisions and perform other parental functions necessary for the care and growth of their minor children. In any proceeding between parents under chapter 26.09 RCW, the best interests of the child shall be the standard by which the court determines whether, and to what extent, the parties' parental responsibilities should be enforced or their authority to care for the child restricted. The state recognizes the fundamental importance of the parent-child relationship to the welfare of the child, and that the relationship between the child and each parent should be fostered unless inappropriate under the provisions of this chapter. It is recognized that the best interests of the child are served by a parenting arrangement that best maintains a child's emotional growth, health and stability, and physical care. It is recognized that the best interest of the child is ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child from physical, mental, or emotional harm.

NEW SECTION. Sec. 3. PETITION IN PROCEEDING FOR DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, OR FOR A DECLARATION CONCERNING VALIDITY OF MARRIAGE—CONTENTENTS—PARTIES—CERTIFICATE. (1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage, shall allege the following:

(a) The last known residence of each party;

(b) The date and place of the marriage;

(c) If the parties are separated the date on which the separation occurred;

(d) The names, ages, and addresses of any child dependent upon either or both spouses and whether the wife is pregnant;

(e) Any arrangements as to the parenting plan for the children and the maintenance of a spouse;

(f) A statement specifying whether there is community or separate property owned by the parties to be disposed of;

(g) The relief sought.

(2) Either or both parties to the marriage may initiate the proceeding.

(3) The petitioner shall complete and file with the petition a certificate under RCW 70.58.200 on the form provided by the department of social and health services.

NEW SECTION. Sec. 4. PETITION FOR DISSOLUTION OF MARRIAGE—COURT PROCEEDINGS, FINDINGS—TRANSFER TO FAMILY COURT—LEGAL SEPARATION IN LIEU OF DISSOLUTION. When a party who is a resident of this state or who is a member of the armed forces and is stationed in this state, petitions for a dissolution of marriage, and alleges that the marriage is irretrievably broken and when ninety days have elapsed since the petition was filed and from the date when service of summons was made upon the respondent or the first publication of summons was made, the court shall proceed as follows:

(1) If the other party joins in the petition or does not deny that the marriage is irretrievably broken, the court shall enter a decree of dissolution.

(2) If the other party alleges that the petitioner was induced to file the petition by fraud, or coercion, the court shall make a finding as to that allegation and, if it so finds shall dismiss the petition.

(3) If the other party denies that the marriage is irretrievably broken the court shall consider all relevant factors, including the circumstances that gave rise to the filing of the petition and the prospects for reconciliation and shall:

(a) Make a finding that the marriage is irretrievably broken and enter a decree of dissolution of the marriage; or

(b) At the request of either party or on its own motion, transfer the cause to the family court, refer them to another counseling service of their choice, and request a report back from the counseling service within sixty days, or continue the matter for not more than sixty days for hearing. If the cause is returned from the family court or at the adjourned hearing, the court shall:

(i) Find that the parties have agreed to reconciliation and dismiss the petition; or

(ii) Find that the parties have not been reconciled, and that either party continues to allege that the marriage is irretrievably broken. When such facts are found, the court shall enter a decree of dissolution of the marriage.

(4) If the petitioner requests the court to decree legal separation in lieu of dissolution, the court shall enter the decree in that form unless the other party objects and petitions for a decree of dissolution or declaration of invalidity.

NEW SECTION, Sec. 5. PETITION TO HAVE MARRIAGE DECLARED INVALID OR JUDICIAL DETERMINATION OF VALIDITY—PROCEDURE—FINDINGS—GROUNDS—LEGITIMACY OF CHILDREN. (1) While both parties to an alleged marriage are living, and at least one party is resident in this state or a member of the armed service and stationed in the state, a petition to have the marriage declared invalid may be sought by:

(a) Either or both parties, or the guardian of an incompetent spouse, for any cause specified in subsection (4) of this section; or

(b) Either or both parties, the legal spouse, or a child of either party when it is alleged that the marriage is bigamous.

(2) If the validity of a marriage is denied or questioned at any time, either or both parties to the marriage may petition the court for a judicial determination of the validity of such marriage.

(3) In a proceeding to declare the invalidity of a marriage, the court shall proceed in the manner and shall have the jurisdiction, including the authority to provide for maintenance, a parenting plan for minor children, and division of the property of the parties, provided by this chapter.

(4) After hearing the evidence concerning the validity of a marriage, if both parties to the alleged marriage are still living, the court:

(a) If it finds the marriage to be valid, shall enter a decree of validity;

(b) If it finds that:

(i) The marriage should not have been contracted because of age of one or both of the parties, lack of required parental or court approval, a prior undissolved marriage of one or both of the parties, reasons of consanguinity, or because a party lacked capacity to consent to the marriage, either because of mental incapacity or because of the influence of alcohol or other incapacitating substances, or because a party was induced to enter into the marriage by force or duress, or by fraud involving the essentials of marriage, and that the parties have not ratified their marriage by voluntarily cohabiting after attaining the age of consent, or after attaining capacity to consent, or after cessation of the force or duress or discovery of the fraud, shall declare the marriage invalid as of the date it was purportedly contracted;

(ii) The marriage should not have been contracted because of any reason other than those above, shall upon motion of a party, order any action which may be appropriate to complete or to correct the record and enter a decree declaring such marriage to be valid for all purposes from the date upon which it was purportedly contracted;

(c) If it finds that a marriage contracted in a jurisdiction other than this state, was void or voidable under the law of the place where the marriage was contracted, and in the absence of proof that such marriage was subsequently validated by the laws of the place of contract or of a subsequent domicile of the parties, shall declare the marriage invalid as of the date of the marriage.

(5) Any child of the parties born or conceived during the existence of a marriage of record is legitimate and remains legitimate notwithstanding the entry of a declaration of invalidity of the marriage.

NEW SECTION, Sec. 6. DEFINITIONS. The definitions in this section apply throughout this chapter.

(1) "Temporary parenting plan" means a plan for parenting of the child pending final resolution of any action for dissolution of marriage, declaration of invalidity, or legal separation, based on the criteria set forth in section 8 of this act.

(2) "Permanent parenting plan" means a plan for parenting the child, based on the criteria set forth in sections 17 and 18 of this act, to be incorporated in the final order in any action for dissolution of marriage, declaration of invalidity, or legal separation.

(3) "Residential parent" means the parent whose home is designated as the child's residence, based on the criteria set forth in sections 17 and 18 of this act. The residential parent is the child's custodian for any purpose requiring such a designation.

(4) "Child's residence" means the home of the parent designated in the parenting plan as the residential parent, based on the criteria set forth in sections 17 and 18 of this act.

(5) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the child. Parenting functions include:

(a) Maintaining a loving, stable, consistent, and nurturing relationship with the child;

(b) Attending to the daily needs of the child, such as feeding, clothing, physical care and grooming, supervision, health care, and day care, and engaging in other activities which are appropriate to the developmental level of the child and that are within the social and economic circumstances of the particular family;

(c) Attending to adequate education for the child, including remedial or other education essential to the best interests of the child;

(d) Assisting the child in developing and maintaining appropriate interpersonal relationships; and

(e) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the family's social and economic circumstances.

(6) "Primary caregiver" means the parent who has taken primary responsibility for performance of the majority of the parenting functions as defined in subsection (5)(b) of this section.

NEW SECTION. Sec. 7. PROPOSED TEMPORARY PARENTING PLAN. (1) On commencement of a proceeding under this chapter, the petitioner shall file a proposed temporary parenting plan, or the parents jointly, if filing jointly, shall file a proposed temporary plan.

(2) The respondent, if not joining in the petition, shall file a responsive proposed temporary parenting plan no later than twenty days after service of the petitioner's proposed temporary parenting plan. If no responsive plan is filed in accordance with this subsection, the petitioner may move to have the petitioner's proposed temporary parenting plan entered as an order of the court. The parents may enter an agreed temporary parenting plan at any time within thirty-five days after service of the petitioner's proposed temporary parenting plan, unless a continuance is granted by the court upon stipulation of the parents or for necessary administrative convenience of the court.

(3) If the respondent files a responsive proposed temporary parenting plan in accordance with subsection (2) of this section, and no agreed temporary parenting plan is entered within thirty-five days after service of the petitioner's proposed plan, a hearing shall be held on the proposed plans not later than thirty-five days after service of the petitioner's proposed temporary parenting plan, unless a continuance is granted by the court upon stipulation of the parties or for necessary administrative convenience of the court. The motion containing the proposed temporary parenting plan may be supported by relevant evidence and shall be accompanied by an affidavit which shall state at a minimum the following:

(a) The name, address, and length of residence with the person or persons with whom the child has lived for the preceding twelve months;

(b) The parent, if any, who has been the primary caregiver for the child as defined in section 6 of this act;

(c) The parents' work and child-care schedules for the preceding twelve months;

(d) The parents' present current work and child-care schedules;

(e) Any anticipated changes in the parents' present work schedule, child care schedules, or residence which would result in a move outside the jurisdiction of the court while the case is pending; and

(f) Any of the circumstances set forth in section 18 of this act that are likely to pose a serious risk to the child and that warrant limitation on the award to a parent of temporary residence or time with the child pending entry of a permanent parenting plan.

(4) At the hearing, the court shall enter a temporary parenting plan that includes:

(a) A schedule for the child's time with the nonresidential parent where and as appropriate, during which the nonresidential parent may make decisions regarding the child's day-to-day care;

(b) Designation of a temporary residence for the child in accordance with section 8 of this act. The parent whose home is so designated may make all decisions regarding the child's care other than those specified in (a) of this subsection, pending final resolution of the matter;

(c) Provisions for temporary support for the child in accordance with section 19 of this act; and

(d) Restraining orders, if applicable, under section 9(2) of this act.

(5) Notwithstanding subsections (2) and (3) of this section, a parent may make a motion for an order to show cause and the court may enter a temporary order, including a temporary parenting plan, upon showing of necessity.

(6) A parent may move for amendment of a temporary parenting plan, and the court may order amendment to the temporary parenting plan, if the amendment conforms to the limitations of section 18 of this act and is in the best interest of the child. If the court finds that the moving party brought the motion in bad faith, the court may award attorneys' fees and court costs of the nonmoving party.

(7) If a proceeding for dissolution of marriage, legal separation, or declaration of invalidity is dismissed, any temporary parenting plan is vacated unless a parent or the child's custodian moves that the proceeding continue as a custody proceeding and the court finds, after a hearing, that the circumstances of the parents and the best interests of the child require that a permanent parenting plan be issued.

(8) If a custody proceeding commenced in the absence of a petition for dissolution of marriage, legal separation, or declaration of invalidity, (section 32(1) of this act) is dismissed, any temporary order is vacated.

NEW SECTION. Sec. 8. CRITERIA IN ISSUANCE OF TEMPORARY PARENTING PLAN. (1) After considering the affidavit required by section 7(3) of this act and other relevant evidence presented, the court shall make a temporary parenting plan that is in the best interest of the child. It is presumed that the child's best interest is served by a temporary parenting plan that best maintains the child's emotional stability in the period pending entry of a final parenting plan. It is further presumed that, absent a showing that any of the limitations in section 18 of this act apply, the child's emotional stability is best fostered by maintaining the pattern of care established over the preceding twelve months.

(2) If one parent has been the primary caregiver during the preceding twelve months, that parent's home shall be designated as the child's temporary residence, unless:

- (a) Any of the limiting factors in section 18 of this act apply;
- (b) The parties have made a voluntary, knowing agreement to the contrary, which the court finds to be in the child's best interest;
- (c) The child's developmental level is sufficiently advanced for the child to decide, and the child desires to reside with the other parent; or
- (d) This designation is not in the best interests of the child.

(3) If neither parent has been the primary caregiver during the preceding twelve months, the court shall designate the child's residence in accordance with the standards set forth in subsection (1) of this section.

(4) In allocating time and activities between the parents with the child, unless limited or precluded by section 18 of this act, the court shall consider all relevant factors, including but not limited to:

- (a) Agreement of the parents;
- (b) The child's established social or educational activities, if any;
- (c) The child's age and developmental level;
- (d) The parents' geographic proximity to one another;
- (e) The child's desires, where the child's developmental level is sufficiently advanced; and
- (f) The child's need for frequent and continuing contact with each of the parents.

Each parent's relationship with his or her child is of fundamental importance to the welfare of the child. The relationship and interaction between a parent and child should be altered only to the extent necessitated by the changed relationship of the parents or as required to protect the best interests of the child.

NEW SECTION. Sec. 9. TEMPORARY MAINTENANCE OR CHILD SUPPORT—TEMPORARY RESTRAINING ORDER—PRELIMINARY INJUNCTION—SUPPORT DEBTS, NOTICE. (1) In a proceeding for:

- (a) Dissolution of marriage, legal separation, or a declaration of invalidity; or
- (b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

- (a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring the person to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in the party's immediate possession or control or subject to the

party's immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons for a period not to exceed thirty days without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed:

(c) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(d) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances.

(5) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from entering a party's home shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(6) The court may order that any temporary restraining order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(7) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

(8) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

NEW SECTION. Sec. 10. PARENTING ARRANGEMENT—INTERVIEW WITH CHILD BY COURT—ADVICE OF PROFESSIONAL PERSONNEL. The court may interview the child in chambers to ascertain the child's wishes: (1) As to the child's custodian and as to visitation privileges pursuant to a proceeding under section 32 of this act; or (2) as to the child's residence in a proceeding for dissolution of marriage, legal separation, or declaration of invalidity. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case.

The court may seek the advice of professional personnel whether or not they are employed on a regular basis by the court. The advice given shall be in writing and shall be made available by the court to counsel upon request. Counsel may call for cross-examination any professional personnel consulted by the court.

NEW SECTION. Sec. 11. PARENTING ARRANGEMENTS—INVESTIGATION AND REPORT. (1) In contested proceedings under this chapter involving minor children of the parties, and in other proceedings under this chapter if a party so requests, the court may order an investigation and report concerning parenting arrangements for the child in an action for dissolution of marriage, legal separation, or declaration of invalidity or concerning custodian arrangements for the child in a custody proceeding pursuant to section 32 of this act. The investigation and report may be made by the staff of the juvenile court or other professional social service organization experienced in counseling children and families.

(2) In preparing the report concerning a child, the investigator may consult any person who may have information about the child and the potential parenting or custodian arrangements. Upon order of the court, the investigator may refer the child to professional personnel for

diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's parent or custodian; but the child's consent must be obtained if the child has reached the age of twelve, unless the court finds that the child lacks mental capacity to consent. If the requirements of subsection (3) of this section are fulfilled, the investigator's report may be received in evidence at the hearing.

(3) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days prior to the hearing unless a shorter time is ordered by the court for good cause shown. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2) of this section, and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom the investigator has consulted for cross-examination. A party may not waive the right of cross-examination prior to the hearing.

NEW SECTION, Sec. 12. SEPARATION CONTRACTS. (1) The parties to a marriage, in order to promote the amicable settlement of disputes attendant upon their separation or upon the filing of a petition for dissolution of their marriage, a decree of legal separation, or declaration of invalidity of their marriage, may enter into a written separation contract providing for the maintenance of either of them, the disposition of any property owned by both or either of them, the parenting plan for their children and for the release of each other from all obligation except that expressed in the contract.

(2) If the parties to such contract elect to live separate and apart without any court decree, they may record such contract and cause notice thereof to be published in a legal newspaper of the county wherein the parties resided prior to their separation. Recording such contract and publishing notice of the making thereof shall constitute notice to all persons of such separation and of the facts contained in the recorded document.

(3) If either or both of the parties to a separation contract shall at the time of the execution thereof, or at a subsequent time, petition the court for dissolution of their marriage, for a decree of legal separation, or for a declaration of invalidity of their marriage, the contract, except for those terms providing for the parenting plan for the children, shall be binding upon the court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties on their own motion or on request of the court, that the separation contract was unfair at the time of its execution.

(4) If the court in an action for dissolution of marriage, legal separation, or declaration of invalidity finds that the separation contract was unfair at the time of its execution, it may make orders for the maintenance of either party, the disposition of their property and the discharge of their obligations.

(5) Unless the separation contract provides to the contrary, the agreement shall be set forth in the decree of dissolution, legal separation, or declaration of invalidity, or filed in the action or made an exhibit and incorporated by reference, except that in all cases the terms of the parenting plan for the children shall be set out in the decree, and the parties shall be ordered to comply with its terms.

(6) Terms of the contract set forth or incorporated by reference in the decree may be enforced by all remedies available for the enforcement of a judgment, including contempt, and are enforceable as contract terms.

(7) When the separation contract so provides, the decree may expressly preclude or limit modification of any provision for maintenance set forth in the decree. Terms of a separation contract pertaining to the parenting plan for the children and, in the absence of express provision to the contrary, terms providing for maintenance set forth or incorporated by reference in the decree are automatically modified by modification of the decree.

(8) If at any time the parties to the separation contract by mutual agreement elect to terminate the separation contract, they may do so without formality unless the contract was recorded as in subsection (2) of this section, in which case a statement should be filed terminating the contract.

NEW SECTION, Sec. 13. DISPOSITION OF PROPERTY AND LIABILITIES—FACTORS. In a proceeding for dissolution of the marriage, legal separation, declaration of invalidity, or in a proceeding for disposition of property following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall, without regard to marital misconduct, make such disposition of the property and the liabilities of the parties, either community or separate, as shall appear just and equitable after considering all relevant factors including, but not limited to:

(1) The nature and extent of the community property;

(2) The nature and extent of the separate property;

(3) The duration of the marriage; and

(4) The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live

therein for reasonable periods to the parent whose residence is designated as the child's residence.

NEW SECTION. Sec. 14. MAINTENANCE ORDERS FOR EITHER SPOUSE—FACTORS. (1) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, or in a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order for either spouse. The maintenance order shall be in such amounts and for such periods of time as the court deems just, without regard to marital misconduct, after considering all relevant factors including but not limited to:

(a) The financial resources of the party seeking maintenance, including separate or community property apportioned to him, and his ability to meet his needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party as the residential parent;

(b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find employment appropriate to his skill, interests, style of life, and other attendant circumstances;

(c) The standard of living established during the marriage;

(d) The duration of the marriage;

(e) The age, physical and emotional condition, and financial obligations of the spouse seeking maintenance; and

(f) The ability of the spouse from whom maintenance is sought to meet his needs and financial obligations while meeting those of the spouse seeking maintenance.

NEW SECTION. Sec. 15. Procedure for determining permanent parenting plan. (1) Submission of proposed plans. Each parent shall file and serve a proposed permanent parenting plan, as described in section 19 of this act, on the other parent. Service shall be made not earlier than the date of entry of the temporary parenting plan, and not later than one hundred eighty days after the service of the petition for dissolution, legal separation, or declaration of invalidity.

(2) If a parent fails to file and serve a proposed permanent parenting plan within the allotted time, the other parent, upon motion to the court, may have his or her proposed permanent parenting plan entered as an order of the court and incorporated in the final decree of dissolution. If neither parent files the proposed permanent parenting plan within the required time, the clerk of the court may move to have the case dismissed for lack of prosecution as required by this section.

(3) Agreed permanent parenting plans. The parents may make an agreed permanent parenting plan, as described in sections 16 and 17 of this act. The court shall incorporate the agreed permanent parenting plan in the decree or order entered unless it finds that the agreed plan was not made in accordance with sections 16 and 17 of this act or finds that the plan is not in the child's best interests.

(4) Mandatory settlement conference. As soon as practicable after the service of the proposed permanent parenting plans, the parents shall attend a mandatory settlement conference. The mandatory settlement conference shall be presided over by a judge or court commissioner, who shall apply the criteria in sections 17 and 18 of this act. The parents shall in good faith review the proposed terms of the parenting plans and any other issues relevant to the cause of action with the presiding judge or court commissioner. Facts and legal issues that are not then in dispute shall be entered as stipulations for purposes of final hearing or trial in the matter. Any parent failing to participate in good faith may be held in contempt of court.

(5) Trial setting. Trial dates for actions brought under this chapter shall be set as soon as practicable after the mandatory settlement conference. The final order or decree shall be entered not sooner than ninety days after filing and service.

NEW SECTION. Sec. 16. PERMANENT PARENTING PLAN. In an action for dissolution, legal separation, or declaration of invalidity of a marriage, the court shall make or approve as part of any final decree a permanent parenting plan for each child. A permanent parenting plan shall consist of the following:

(1) Permanent parenting plans shall state whether or not the parents will engage in mutual decision making in designated areas in accordance with the criteria in section 17 of this act. If mutual decision making is not ordered, the court shall designate the reason, in accordance with the criteria in section 17 of this act.

(2) If mutual decision making is not precluded by subsection (1) of this section, then the parents or the court shall designate specific areas for mutual decision making. These areas may include, but need not be limited to, religion, nonemergency medical and dental care, education, and extracurricular activities of the child.

(3) The plan shall state that, in areas not designated for mutual decision making, the residential parent has the authority to make any necessary decisions. The plan shall state that the nonresidential parent has the authority to make decisions regarding the child's day-to-day care while the child is residing in that parent's household.

(4) A dispute resolution process. A process for resolving disputes, other than court action, shall be provided unless precluded or limited by section 17 or 18 of this act. A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or court action. In setting forth a dispute resolution process, the permanent parenting plan shall state that:

- (a) Preference shall be given to carrying out the parenting plan;
- (b) The parents shall use the designated process to resolve disputes relating to implementation of the plan and to make decisions in areas specified for mutual decision making prior to seeking court action, unless an emergency exists; and
- (c) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent.
- (5) Designation of the child's residence. The permanent parenting plan shall designate a child's residence in accordance with the criteria in sections 17 and 18 of this act.
- (6) Time and activities with the parents. The permanent parenting plan shall specify time and activities for the child with each of the parents, unless precluded or limited by section 18 of this act. In allocating between the parents' time and activities with the child, unless limited or precluded by section 18 of this act, the court shall consider all relevant factors, including but not limited to:
 - (a) Agreement of the parents;
 - (b) The child's established social or educational activities, if any;
 - (c) The child's age and developmental level;
 - (d) The parents' geographic proximity to one another;
 - (e) The child's desires, where the child's developmental level is sufficiently advanced; and
 - (f) The child's need for frequent and continuing contact with each of the parents.

Each parent's relationship with his or her child is of fundamental importance to the welfare of the child. The relationship and interaction between a parent and child should be altered only to the extent necessitated by the changed relationship of the parents or as required to protect the best interests of the child.

(7) Child support. Provisions shall be made for child support in accordance with section 19 of this act.

NEW SECTION, Sec. 17. CRITERIA FOR ESTABLISHING PARENTING PLAN. (1) Mutual decision making. The court shall not order mutual decision making if one of the following circumstances exists:

- (a) Any limitation under section 18 applies;
- (b) Both parents are opposed to mutual decision making;
- (c) One parent is opposed to mutual decision making, where such opposition is reasonable.
- (2) If mutual decision making has not been precluded by one of the circumstances in subsection (1) of this section, then, in specifying areas appropriate for mutual decision making, the parents or the court shall consider all relevant factors, including:
 - (a) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily;
 - (b) The history of participation of either parent in decision making in any given area;
 - (c) The demonstrated ability of the parents to cooperate with one another in mutual decision making; and
 - (d) The unavailability of the parents to each other, especially by lack of geographic proximity, to the extent that it affects their ability to make timely mutual decisions.
- (3) Dispute resolution process. The court shall not order a dispute resolution process, except court action, unless the parents have agreed on that process. The court shall not order a dispute resolution process, except court action, despite the agreement of the parents if any precluding or limiting factor under section 18 of this act applies or if either parent is unable to afford the cost of the particular dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:
 - (a) Differences between the parents that would substantially inhibit their effective participation in any designated process;
 - (b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and
 - (c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.
- (4) Child's residence. In designating the child's residence, the court shall consider the following factors:
 - (a) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily;
 - (b) Whether any of the limitations in section 18 of this act apply;
 - (c) The relative strength and nature of the child's relationship with each parent;
 - (d) Each parent's past and potential for future performance of the parenting functions;

- (e) The developmental needs and level of the child; and
- (f) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, and other significant activities.

NEW SECTION. Sec. 18. LIMITATIONS IN ISSUANCE OF TEMPORARY OR PERMANENT PARENTING PLAN PROVISIONS. (1) A parent's home shall not be designated as the child's temporary or permanent residence, and the permanent parenting plan shall not require mutual decision making or designation of a dispute resolution process other than court action, on a showing that the parent has engaged in any of the following conduct:

- (a) Wilful abandonment or substantial refusal to perform parenting functions unless so remote that the court finds it is not adverse to the best interest of the child;
 - (b) Physical or sexual abuse of a child; or
 - (c) History of acts of domestic violence as defined in RCW 26.50.010(1).
- (2) A parent's time with the child shall be limited by the court as appropriate on a showing that any of the factors in subsection (1) of this section are present.
- (3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any or all provisions of the parenting plan, if any of the following factors exist:

- (a) Neglect or substantial nonperformance of parenting functions;
- (b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in section 6 of this act;
- (c) A long-term impairment resulting from drug, alcohol, or other substance abuse which interferes with the performance of parenting functions;
- (d) The absence or substantial impairment of emotional ties between the parent and the child;
- (e) The abusive use of conflict which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld access to the child from the other party with the intent to intimidate or harass the other parent, or to deprive the other parent of access to the child permanently or for a protracted period without good cause; or

(g) Such other factors or conduct as the court finds adverse to the best interest of the child.

NEW SECTION. Sec. 19. CHILD SUPPORT. (1) In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall consider, approve, or make provision for a parenting plan under section 16 of this act and make provision for the support of any child of the marriage entitled to support, the maintenance of either spouse, and the disposition of property and liabilities of the parties.

(2) In a proceeding under this chapter after considering all relevant factors but without regard to marital misconduct, the court may order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount reasonable or necessary for his support. When setting a child support award, the court shall consult the child support guidelines then in effect.

NEW SECTION. Sec. 20. CHILD SUPPORT—HEALTH INSURANCE COVERAGE—CONDITIONS. In entering or modifying a support order under this chapter, the court shall require either or both parents to maintain or provide health insurance coverage for any dependent child if the following conditions are met:

- (1) Health insurance that can be extended to cover the child is available to that parent through an employer or other organization; and
- (2) The employer or other organization offering health insurance will contribute all or a part of the premium for coverage of the child.

A parent who is required to extend insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of medical expenses, medical costs, or insurance premiums which are in addition to and not inconsistent with this section. "Health insurance" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

NEW SECTION. Sec. 21. MINOR OR DEPENDENT CHILD—COURT APPOINTED ATTORNEY TO REPRESENT—PAYMENT OF COSTS, FEES, AND DISBURSEMENTS. The court may appoint an attorney to represent the interests of a minor or dependent child with respect to provision for the parenting plan in an action for dissolution of marriage, legal separation, or declaration concerning the validity of a marriage, or with respect to the child's custody, support, and visitations in custody actions pursuant to section 32 of this act. The court shall enter an order for costs, fees, and disbursements in favor of the child's attorney. The order shall be made against either or both parents, except that, if both parties are indigent, the costs, fees, and disbursements shall be borne by the county.

NEW SECTION. Sec. 22. SUPPORT OR MAINTENANCE PAYMENTS—TO WHOM PAID. (1) The court may, upon its own motion or upon motion of either party, order support or maintenance payments to be made to:

(a) The person entitled to receive the payments; or

(b) The department of social and health services pursuant to chapters 74.20 and 74.20A RCW; or

(c) The clerk of court as trustee for remittance to the person entitled to receive the payments.

(2) If payments are made to the clerk of court:

(a) The clerk shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order; and

(b) The parties affected by the order shall inform the clerk of the court of any change of address or of other conditions that may affect the administration of the order.

NEW SECTION, Sec. 23. SUPPORT OR MAINTENANCE PAYMENTS—ORDER TO MAKE ASSIGNMENT OF PERIODIC EARNINGS OR TRUST INCOME—DUTY OF PAYOR TO WITHHOLD AND TRANSMIT. The court may order the person obligated to pay support or maintenance to make an assignment of a part of his periodic earnings or trust income to the person or agency entitled to receive the payments: PROVIDED, That the provisions of RCW 7.33.280 in regard to exemptions in garnishment proceedings shall apply to such assignments. The assignment is binding on the employer, trustee or other payor of the funds two weeks after service upon him of notice that it has been made. The payor shall withhold from the earnings or trust income payable to the person obligated to support the amount specified in the assignment and shall transmit the payments to the person specified in the order. The payor may deduct from each payment a sum not exceeding one dollar as reimbursement for costs. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section.

NEW SECTION, Sec. 24. ORDER OR DECREE FOR CHILD SUPPORT—NOTICE OF MANDATORY WAGE ASSIGNMENT—SOCIAL SECURITY NUMBER. (1) Every court order or decree establishing a child support obligation shall state:

(a) That if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.18 RCW without prior notice to the obligor;

(b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;

(c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;

(d) The specific day or date on which the support payment is due;

(e) The social security numbers, if known, of the obligor and obligee of the support payments; and

(f) Which party has or parties have custody of each child for whom an order of support is entered.

(2) Failure to comply with subsection (1) of this section does not affect the validity of the support order.

NEW SECTION, Sec. 25. PAYMENT OF COSTS, ATTORNEY'S FEES, ETC. The court from time to time after considering the financial resources of both parties may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this chapter and for reasonable attorney's fees or other professional fees in connection therewith, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or enforcement or modification proceedings after entry of judgment.

Upon any appeal, the appellate court may, in its discretion, order a party to pay for the cost to the other party of maintaining the appeal and attorney's fees in addition to statutory costs.

The court may order that the attorney's fees be paid directly to the attorney who may enforce the order in his name.

NEW SECTION, Sec. 26. PROVISIONS FOR PARENTING PLAN—MAINTENANCE—DISPOSITION OF PROPERTY AND LIABILITIES. In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall consider, approve, or make provision for a parenting plan for any child of the marriage entitled to support, the maintenance of either spouse, and the disposition of property and liabilities of the parties.

NEW SECTION, Sec. 27. DECREE OF DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY—FINALITY—APPEAL—CONVERSION OF DECREE OF LEGAL SEPARATION TO DECREE OF DISSOLUTION—NAME OF WIFE. A decree of dissolution of marriage, legal separation, or declaration of invalidity is final when entered, subject to the right of appeal. An appeal which does not challenge the finding that the marriage is irretrievably broken or was invalid, does not delay the finality of the dissolution or declaration of invalidity and either party may remarry pending such an appeal.

No earlier than six months after entry of a decree of legal separation, on motion of either party, the court shall convert the decree of legal separation to a decree of dissolution of marriage. The clerk of court shall complete the certificate as provided for in RCW 70.58.200 on the form provided by the department of social and health services. On or before the tenth day of each month, the clerk of the court shall forward to the state registrar of vital statistics the certificate of each decree of divorce, dissolution of marriage, annulment, or separate maintenance granted during the preceding month.

Upon request by a wife whose marriage is dissolved or declared invalid, the court shall order a former name restored and may, on motion of either party, for just and reasonable cause, order the wife to assume a name other than that of the husband.

NEW SECTION. Sec. 28. SANCTIONS. The performance of parental functions and the duty to provide child support are distinct responsibilities in the care of a child. An attempt by a parent, in either the negotiation or the performance of a parenting plan, to condition one aspect of the parenting plan upon another may be deemed to be in bad faith. If the court finds that a parent acted in bad faith in an attempt to condition parental functions, in a refusal to perform the duties provided in the parenting plan, or in the hindrance of performance by the other parent, the court has broad discretion to punish the conduct by a punitive award or other remedies, including imprisonment, and may consider the conduct in awarding attorneys' fees. In determining the amount of the punitive award or attorneys' fees, the court may also consider evidence of hostile conduct by one parent that adversely affected the welfare of the child or interfered with the exercise of parenting functions by the other parent.

NEW SECTION. Sec. 29. FAILURE TO COMPLY WITH DECREE OR TEMPORARY INJUNCTION—OBLIGATION TO MAKE SUPPORT OR MAINTENANCE PAYMENTS OR PERMIT VISITATION NOT SUSPENDED—MOTION. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit visitation is not suspended, but the party may move the court to grant an appropriate order.

NEW SECTION. Sec. 30. MODIFICATIONS. (1) Not earlier than six months and not later than twelve months from the date of entry of the final order or decree, either parent may seek, upon motion or by informal request, amendments in the provisions of the permanent parenting plan for mutual decision making or dispute resolution. The standard of substantially changed circumstances does not apply in the disposition of such a motion. Any changes made shall be based either on issues omitted in the original order or decree, or on experience showing that the arrangements contemplated in the order do not function in the practical manner in which they were envisioned.

(2) Except as provided in subsection (1) of this section, the court shall not modify a prior custody decree or the designation of a residential parent in a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a change has occurred in the circumstances of the child or his custodian or the residential parent and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the custodian or residential parent established by the prior decree or parenting plan unless:

(a) The custodian or residential parent agrees to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the custodian or residential parent; or

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

(3) If the court finds that a motion to modify a prior custody order or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the custodian or residential parent against the petitioner.

NEW SECTION. Sec. 31. MODIFICATION OF DECREE FOR MAINTENANCE OR SUPPORT, PROPERTY DISPOSITION—TERMINATION OF MAINTENANCE OBLIGATION AND CHILD SUPPORT—GROUNDS. Except as otherwise provided in section 12(7) of this act, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

Agreements to reduce or terminate a child support order shall be effective only if incorporated in a court order, and such court order shall operate prospectively only. Before entry of a support order, notice must be given to all parties with an interest in the support.

Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

NEW SECTION. Sec. 32. CHILD CUSTODY PROCEEDING—COMMENCEMENT—NOTICE—INTERVENTION. (1) Except as authorized for proceedings brought under chapter 26.50 RCW in district or municipal courts, a child custody proceeding is commenced in the superior court:

(a) By a parent by filing a petition seeking custody of the child in the county where the child is permanently resident or where the child is found; or

(b) By a person other than a parent, by filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found, but only if the child is not in the physical custody of one of its parents or if the petitioner alleges that neither parent is a suitable custodian.

(2) Notice of a child custody proceeding shall be given to the child's parent, guardian and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

(3) Upon filing a petition for dissolution of marriage, legal separation, or declaration of invalidity involving children of the parties, no child custody proceeding involving those children may be commenced nor continued under this section after the effective date of this act. Pending actions under this section shall be merged with the action for dissolution of marriage, legal separation, or declaration of invalidity.

NEW SECTION. Sec. 33. CHILD CUSTODY—RELEVANT FACTORS IN AWARDING CUSTODY. In actions under section 32 of this act, the court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child's parent or parents as to his custody and as to visitation privileges;

(2) The wishes of the child as to his custodian and as to visitation privileges;

(3) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests;

(4) The child's adjustment to his home, school, and community; and

(5) The mental and physical health of all individuals involved.

The court shall not consider conduct of a proposed guardian that does not affect the welfare of the child.

NEW SECTION. Sec. 34. CHILD CUSTODY—PRIORITY STATUS OF PROCEEDINGS—HEARING—RECORD—EXPENSES OF WITNESSES. Custody proceedings under section 32 of this act shall receive priority in being set for hearing.

Either party may petition the court to authorize the payment of necessary travel and other expenses incurred by any witness whose presence at the hearing the court deems necessary to determine the best interests of the child.

The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interests, the court may exclude the public from a custody hearing under section 32 of this act, but may admit any person who has a direct and legitimate interest in the work of the court.

If the court finds it necessary to protect the child's welfare that the record of any interview, report, investigation, or testimony in a custody proceeding under section 32 of this act be kept secret, the court may make an appropriate order sealing the record.

NEW SECTION. Sec. 35. CHILD CUSTODY—VISITATION RIGHTS. In an action under section 32 of this act, a parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical, mental, or emotional health. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings under section 32 of this act.

The court may modify an order granting or denying visitation rights under section 32 of this act whenever modification would serve the best interests of the child but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical, mental, or emotional health.

NEW SECTION. Sec. 36. CHILD CUSTODY—POWERS AND DUTIES OF CUSTODIAN—SUPERVISION BY APPROPRIATE AGENCY WHEN NECESSARY. Except as otherwise agreed by the parties in writing at the time of the custody decree in an action under section 32 of this act, the custodian may determine the child's upbringing, including his education, health care, and religious training, unless the court after hearing, finds, upon motion by the noncustodial parent, that in the absence of a specific limitation of the custodian's authority, the child's physical, mental, or emotional health would be endangered.

In an action under section 32 of this act, if both parents or all contestants agree to the order, or if the court finds that in the absence of the order the child's physical, mental, or emotional health would be endangered, the court may order an appropriate agency which regularly deals with children to exercise continuing supervision over the case to assure that the custodial or visitation terms of the decree are carried out. Such order may be modified by the court at any time upon petition by either party.

NEW SECTION, Sec. 37. CHILD CUSTODY—ACTION BY RELATIVE. A relative, as defined in RCW 9A.40.010, may bring civil action against any other relative who, with intent to deny access to a child by another relative of the child who has a right to physical custody of the child pursuant to section 32 of this act, or who is designated as the residential parent in an action for dissolution of marriage, legal separation, or declaration of invalidity, takes, entices, or conceals the child from that relative. The plaintiff may be awarded, in addition to any damages awarded by the court, the reasonable expenses incurred by the plaintiff in locating the child, including, but not limited to, investigative services and reasonable attorneys' fees.

NEW SECTION, Sec. 38. CHILD CUSTODY—TEMPORARY CUSTODY ORDER OR MODIFICATION OF CUSTODY DECREE—AFFIDAVITS REQUIRED. In an action under section 32 of this act, a party seeking a temporary custody order or modification of a custody decree shall submit together with his motion, an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of his affidavit, to other parties to the proceedings, who may file opposing affidavits. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted.

NEW SECTION, Sec. 39. PARENTING PLANS—VENUE. Hereafter every action or proceeding to change, modify, or enforce any final order, judgment, or decree heretofore or hereafter entered in any dissolution or legal separation or declaration concerning the validity of a marriage, whether under this chapter or prior law, in relation to the parenting plan for the minor children of the marriage may be brought in the county where said minor children are then residing, or in the court in which said final order, judgment, or decree was entered, or in the county where the parent or other person who has the care, custody, or control of the said children is then residing.

NEW SECTION, Sec. 40. FINAL DECREE OF DIVORCE NUNC PRO TUNC. Whenever either of the parties in a divorce action is, under the law, entitled to a final judgment, but by mistake, negligence, or inadvertence the same has not been signed, filed, or entered, if no appeal has been taken from the interlocutory order or motion for a new trial made, the court, on the motion of either party thereto or upon its own motion, may cause a final judgment to be signed, dated, filed, and entered therein granting the divorce as of the date when the same could have been given or made by the court if applied for. The court may cause such final judgment to be signed, dated, filed, and entered nunc pro tunc as aforesaid, even though a final judgment may have been previously entered where by mistake, negligence or inadvertence the same has not been signed, filed, or entered as soon as such final judgment, the parties to such action shall be deemed to have been restored to the status of single persons as of the date affixed to such judgment, and any marriage of either of such parties subsequent to six months after the granting of the interlocutory order as shown by the minutes of the court, and after the final judgment could have been entered under the law if applied for, shall be valid for all purposes as of the date affixed to such final judgment, upon the filing thereof.

NEW SECTION, Sec. 41. RESTRAINING ORDERS—NOTICE—REFUSAL TO COMPLY—ARREST—PENALTY—DEFENSE—PEACE OFFICERS, IMMUNITY. (1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision excluding the person from the residence is a misdemeanor.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from the residence.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

NEW SECTION. Sec. 42. CONSTRUCTION—PENDING ACTIONS. Notwithstanding the repeals of prior laws enumerated in section 48 of this act, actions which were properly and validly pending in the superior courts of this state as of the effective date of this act shall be governed and may be pursued to conclusion under the provisions of law applicable thereto at the time of commencement of such action and all decrees and orders heretofore or hereafter in all other respects regularly entered in such proceedings are declared valid.

NEW SECTION. Sec. 43. PRIOR DECREES. Decrees involving child custody, visitation, or child support entered prior to the effective date of this act shall be deemed to be parenting plans for purposes of this chapter.

NEW SECTION. Sec. 44. SECTION CAPTIONS. Section captions as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 45. SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 46. Sections 1 through 45 of this act are each added to chapter 26.09 RCW.

NEW SECTION. Sec. 47. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 157, Laws of 1973 1st ex. sess., section 1, chapter 32, Laws of 1975 and RCW 26.09.010;

(2) Section 2, chapter 157, Laws of 1973 1st ex. sess., section 1, chapter 23, Laws of 1973 2nd ex. sess., section 2, chapter 45, Laws of 1983 1st ex. sess. and RCW 26.09.020;

(3) Section 3, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.030;

(4) Section 4, chapter 157, Laws of 1973 1st ex. sess., section 2, chapter 32, Laws of 1975 and RCW 26.09.040;

(5) Section 5, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.050;

(6) Section 6, chapter 157, Laws of 1973 1st ex. sess., section 3, chapter 32, Laws of 1975, section 10, chapter 232, Laws of 1983, section 1, chapter 41, Laws of 1983 1st ex. sess., section 26, chapter 263, Laws of 1984 and RCW 26.09.060;

(7) Section 7, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.070;

(8) Section 8, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.080;

(9) Section 9, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.090;

(10) Section 10, chapter 157, Laws of 1973 1st ex. sess., section 48 of this act and RCW 26.09.100;

(11) Section 1, chapter 201, Laws of 1984, section 1, chapter 108, Laws of 1985 and RCW 26.09.105;

(12) Section 11, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.110;

(13) Section 12, chapter 157, Laws of 1973 1st ex. sess., section 3, chapter 45, Laws of 1983 1st ex. sess. and RCW 26.09.120;

(14) Section 13, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.130;

(15) Section 21, chapter 260, Laws of 1984, section 50 of this act and RCW 26.09.135;

(16) Section 14, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.140;

(17) Section 15, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.150;

(18) Section 16, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.160;

(19) Section 17, chapter 157, Laws of 1973 1st ex. sess., section 49 of this act and RCW 26.09.170;

(20) Section 18, chapter 157, Laws of 1973 1st ex. sess., section 27, chapter 263, Laws of 1984 and RCW 26.09.180;

(21) Section 19, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.190;

(22) Section 20, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.200;

(23) Section 21, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.210;

(24) Section 22, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.220;

(25) Section 23, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.230;

(26) Section 24, chapter 157, Laws of 1973 1st ex. sess., section 1, chapter 271, Laws of 1977 ex. sess. and RCW 26.09.240;

(27) Section 25, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.250;

(28) Section 6, chapter 95, Laws of 1984 and RCW 26.09.255;

(29) Section 26, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.260;

(30) Section 27, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.270;

(31) Section 28, chapter 157, Laws of 1973 1st ex. sess., section 4, chapter 32, Laws of 1975 and RCW 26.09.280;

(32) Section 29, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.290;

(33) Section 1, chapter 99, Laws of 1974 ex. sess., section 28, chapter 263, Laws of 1984 and RCW 26.09.300;

(34) Section 1, chapter 15, Laws of 1974 ex. sess. and RCW 26.09.900;

(35) Section 2, chapter 15, Laws of 1974 ex. sess. and RCW 26.09.901; and

(36) Section 3, chapter 15, Laws of 1974 ex. sess. and RCW 26.09.902.

Sec. 48. Section 10, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.100 are each amended to read as follows:

In a proceeding (~~for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support~~) under this chapter, after considering all relevant factors but without regard to marital misconduct, the court may order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount reasonable or necessary for his support.

When setting a child support award, the court shall consult the child support guidelines then in effect.

Sec. 49. Section 17, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.170 are each amended to read as follows:

Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

Agreements to reduce or terminate a child support order shall be effective only if incorporated in a court order, and such court order shall operate prospectively only. Before entry of a support order, notice must be given to all parties with an interest in the support.

Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

Sec. 50. Section 21, chapter 260, Laws of 1984 and RCW 26.09.135 are each amended to read as follows:

(1) Every court order or decree establishing a child support obligation shall state:

(a) ~~That(;) if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.18 RCW without prior notice to the obligor(;- Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree));~~

(b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;

(c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;

(d) The specific day or date on which the support payment is due;

(e) The social security numbers, if known, of the obligor and obligee of the support payments; and

(f) Which party has or parties have custody of each child for whom an order of support is entered.

(2) Failure to comply with subsection (1) of this section does not affect the validity of the support order.

Sec. 51. Section 22, chapter 260, Laws of 1984 and RCW 26.21.125 are each amended to read as follows:

(1) Every court order or decree establishing a child support obligation shall state:

(a) ~~That(;) if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.18 RCW without prior notice to the obligor(;- Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree));~~

(b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;

(c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;

(d) The specific day or date on which the support payment is due;

(e) The social security numbers, if known, of the obligor and obligee of the support payments; and

(f) Which party has or parties have custody of each child for whom an order of support is entered.

(2) Failure to comply with subsection (1) of this section does not affect the validity of the support order.

Sec. 52. Section 23, chapter 260, Laws of 1984 and RCW 26.26.132 are each amended to read as follows:

(1) Every court order or decree establishing a child support obligation shall state:

(a) That(;;) if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.18 RCW without prior notice to the obligor((-Failure to include this provision does not affect the validity of the support order if the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree));

(b) The income of the parties, if known, or that their income is unknown, or the anticipated income upon which the support award is based;

(c) The support award as a fixed dollar sum or the formula by which the calculation of support is made;

(d) The specific day or date on which the support payment is due;

(e) The social security numbers, if known, of the obligor and obligee of the support payments; and

(f) Which party has or parties have custody of each child for whom an order of support is entered.

(2) Failure to comply with subsection (1) of this section does not affect the validity of the support order.

NEW SECTION, Sec. 53. Sections 1 through 47 of this act shall take effect on July 1, 1987."

On page 1, line 1 of the title, after "orders;" strike the remainder of the title and insert "amending RCW 26.09.100, 26.09.170, 26.09.135, 26.21.125, and 26.26.132; adding new sections to chapter 26.09 RCW; repealing RCW 26.09.010, 26.09.020, 26.09.030, 26.09.040, 26.09.050, 26.09.060, 26.09.070, 26.09.080, 26.09.090, 26.09.100, 26.09.105, 26.09.110, 26.09.120, 26.09.130, 26.09.135, 26.09.140, 26.09.150, 26.09.160, 26.09.170, 26.09.180, 26.09.190, 26.09.200, 26.09.210, 26.09.220, 26.09.230, 26.09.240, 26.09.250, 26.09.255, 26.09.260, 26.09.270, 26.09.280, 26.09.290, 26.09.300, 26.09.900, 26.09.901, and 26.09.902; and providing an effective date."

Signed by Senators Talmadge and Owen; Representatives Armstrong, Appelwick and G. Nelson.

POINT OF ORDER

Senator Hayner: "Mr. President, a point of order. I raise the question of scope and object on this bill. You gave a very appropriate answer, I think, to an inquiry day before yesterday with respect to when a scope and object request could be made. You said that it could be made when the Free Conference was asked for or at the time the adoption of the Free Conference Report was before us.

"You also said that the Free Conference Report needs to fit the scope and object of the title of the bill. Now the title of this bill is 'Information in child support orders.' This Free Conference Report contains an entire rewrite of the child custody laws in the state of Washington which in the bill--there was a bill which came out of the Judiciary Committee, but it came out one of the very last days. It never was in hard copy. There was an attempt made to bring it out of Rules. It never came out of Rules. Now it appears in this Free Conference Report. I think it is definitely out of scope and object of the title of this bill, which were your words and I would urge you to make a decision on this."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1795 and the pending Conference Committee Report were deferred.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of a Chilean delegation, the special guests of Senator McDermott, and appointed Senators McDermott, Hayner, Newhouse, Thompson, Warnke, Vognild, Sellar and Saling to escort the honored guests to the rostrum.

The President turned the gavel over to Senator McDermott who introduced the honored guests from Chile: Hernan Emeres, Rudolf Araneda, Edurado Conca, Augusta Crino, Isabel Jaramillo, Fernando Saa and Julio Orellana.

With permission of the Senate, business was suspended to permit Mr. Emeres to address the Senate.

Senator McDermott returned the gavel to the President and the honored guests were escorted from the Senate Chamber and the committee was discharged.

At 10:16 a.m., there being no objection, the President declared the Senate to be at ease in order to meet the distinguished visitors from Chile.

The Senate was called to order at 10:36 a.m. by President Cherberg.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2080 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Vognild moved that the Senate do recede from the amendments to Substitute House Bill No. 2080.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate do recede from the amendments to Substitute House Bill No. 2080.

The motion by Senator Vognild carried and the Senate receded from the amendments to Substitute House Bill No. 2080.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 2080, without the Senate amendments.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 2080, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 4; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 43.

Voting nay: Senator Wojahn - 1.

Absent: Senators Barr, Conner, Craswell, Pullen - 4.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 2080, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Benitz: "Mr. President, a point of personal privilege. I have dropped on your desk--from the Department of Energy at Hanford--a flyer which has a blue highlighter for the display and informational workshop that is being held here in the rotunda, out towards the front side of the rotunda, and I would encourage you to visit there and ask any questions. They will be there until 5 o'clock this afternoon and I think it is particularly fitting when there's a poll out by the Seattle Times that says seventy-two percent of the people believe that high-level wastes are liquid. Nothing could be further from the truth. It's not something you pour from a bucket.

"Basically, for the benefit of the body, there are really five kinds of radioactive waste--high level, low level, transuranic, commercial and the last one, which this informational workshop is about, is the defense waste. It is an entirely different category, as far as the handling of it by the government and I would urge you to attend and ask questions."

MOTION

On motion of Senator Zimmerman, Senators Deccio and McCaslin were excused.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendment to HOUSE BILL NO. 1386 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Thompson moved that the Senate do recede from the amendment to House Bill No. 1386.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Thompson that the Senate do recede from the amendment to House Bill No. 1386.

The motion by Senator Thompson carried and the Senate receded from the amendment to House Bill No. 1386.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1386, without the Senate amendment.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1386, without the Senate amendment, and the bill passed the Senate by the following vote: Yeas, 34; nays, 10; absent, 2; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Bailey, Cantu, Craswell, Guess, Metcalf, Newhouse, Pullen, Rasmussen, Saling, Sellar - 10.

Absent: Senators Granlund, Kreidler - 2.

Excused: Senators Deccio, McCaslin, Stratton - 3.

HOUSE BILL NO. 1386, without the Senate amendment, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1986

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1804 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Thompson moved that the Senate do recede from the amendments to Engrossed Substitute House Bill No. 1804.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Thompson that the Senate do recede from the amendments to Engrossed Substitute House Bill No. 1804.

The motion by Senator Thompson carried and the Senate receded from the amendments to Engrossed Substitute House Bill No. 1804.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1804, without the Senate amendments.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1804, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Cantu, Craswell, Guess, Saling - 4.

Excused: Senators McCaslin, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1804, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 4814 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Locke, Hargrove and West.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Bender moved that the Senate grant the request of the House for a conference on Substitute Senate Bill No. 4814 and the House amendments thereto.

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 4814 was deferred.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1722, requiring an air contaminant source operating permit, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. In the interest of the public health and welfare, and in keeping with the objectives of RCW 70.94.011, the legislature declares it to be the public policy of the state to control, reduce, and prevent air pollution caused by woodstove emissions and emissions from other indoor and outdoor air pollution sources. The legislature further declares it to be the public policy of the state to reduce woodstove and other emissions by encouraging the department of ecology to continue efforts to educate the public.

NEW SECTION. Sec. 2. Unless the context clearly requires to the contrary, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Woodstove" means a solid fuel burning device other than a fireplace, including any fireplace insert, woodstove, wood burning heater, wood stick boiler, coal-fired furnace, coal stove, or similar device burning any solid fuel used for aesthetic, cooking, or space-heating purposes and designed to be installed or used in a private residence or commercial establishment, which has a heat input less than one million btu's per hour.

NEW SECTION. Sec. 3. Before March 31, 1988, the department shall establish by rule consistent with rules adopted by the environmental protection agency:

(1) Emission performance standards for new woodstoves;

(2) A program to determine (a) whether a woodstove complies with the emission performance standards established in subsection (1) of this section, and (b) to approve the sale of stoves that comply;

(3) Application fees to be assessed by the department on wholesalers, retailers, or manufacturers of woodstoves. These fees will be set to reflect the direct and indirect cost of administering the program described in subsection (2) of this section less any general fund or federal grant moneys appropriated to cover the start-up costs of the program, and shall not be assessed for testing previously performed in accordance with federal woodstove emission performance standards;

(4) Procedures for administering the program and for collecting fees for the approval of new woodstoves; and

(5) The form and content of an emission performance and heating efficiency label to be attached to a new woodstove meeting the emission performance standards.

In developing the rules, the department shall review regulations adopted by the federal government or other states and develop regulations compatible with the federal rules, remaining consistent with the purposes of this chapter. Local governments may adopt more stringent emission performance standards than those adopted by the United States environmental protection agency, as long as performance testing procedures are consistent with federal rules.

NEW SECTION. Sec. 4. By March 1, 1988, the department shall provide the appropriate standing committees of the legislature with a copy of the rules proposed in accordance with section 3 of this act.

NEW SECTION. Sec. 5. The department shall establish a program to educate woodstove dealers and the public about:

(1) The effects of woodstove emissions on health and air quality;

(2) How to achieve better woodstove efficiency and emission performance;

(3) Woodstoves that have been approved by the department; and

(4) The benefits of replacing or retrofitting inefficient used woodstoves, as defined in section 2 of this act.

NEW SECTION. Sec. 6. The department shall establish an advisory committee to aid and advise the department in the adoption of emission performance standards and establish means to inform the public. The members of the advisory committee shall include, but shall not be limited to, Washington woodstove manufacturers and retailers, and a certified chimney sweep from a recognized state chimney sweep guild.

NEW SECTION. Sec. 7. On and after January 1, 1989, no person shall advertise to sell, offer to sell, or sell a new woodstove in this state unless:

(1) The woodstove has been approved by the department under the program established under section 3 of this act and the proper application fee has been paid;

(2) An emission performance and heating efficiency label is attached to the woodstove, according to section 3 of this act; and

(3) An extension to January 1, 1990, shall be granted for:

(a) Woodstoves that are part of a retail inventory already existing on or before the official notification of state emission performance standards rules; and

(b) Woodstoves that have been ordered by a retailer from a manufacturer or wholesaler before the official notification of state emission performance standards rules.

NEW SECTION. Sec. 8. If, on or after January 1, 1989, a person advertises to sell, offers to sell, or sells a new woodstove in this state which does not comply with the conditions in section 7 of this act, such person shall be subject to the penalties and enforcement actions under RCW 70.94.430, 70.94.431, and 70.94.435.

NEW SECTION. Sec. 9. The department shall provide assistance to local governments in developing strategies to reduce woodstove air pollution.

NEW SECTION. Sec. 10. (1) This chapter does not apply to a used woodstove.

(2) As used in this section, "used woodstove" means a woodstove that has been sold at retail, bargained, exchanged, given away, or has had its ownership transferred from the person who first acquired the woodstove from the manufacturer, the manufacturer's dealer or agency, or a retailer, and so used to have become what is commonly known as second hand within the ordinary meaning of that term.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall be added to chapter 70.94 RCW.

NEW SECTION. Sec. 12. The department of ecology shall establish a study team consisting of representatives of local air authorities, environmental organizations, and business organizations. The department, with the assistance of the study team, shall:

(1) Conduct a comprehensive study on the need for better management systems for controlling air pollution sources and, if determined necessary, methods to improve management;

(2) Thoroughly assess the existing stationary air pollution source regulatory system, its deficiencies, and ways to remedy them;

(3) Define the objectives of an air pollution source operating permit system;

(4) Assess programs in other states using permits or otherwise and compare their progress with the accomplishments achieved in Washington state;

(5) Evaluate the need for an air pollution source operating permit program, including: (a) A comparison with the accomplishments of the existing regulatory system, (b) the sources and emissions included and excluded, (c) government and private resources needed, (d) fees anticipated, (e) schedule for implementation, (f) time involved to establish and maintain the program, (g) its effect on air quality, (h) its impact on sources covered, and (i) its overall cost-effectiveness; and

(6) Identify alternatives to an air pollution source permit program and analyze the advantages and disadvantages of each.

By December 15, 1986, the department of ecology shall report the conclusions of the study to the appropriate standing committees of the legislature.

NEW SECTION. Sec. 13. (1) No person may smoke in any portion of a state owned or leased building that is occupied by state employees, except as provided in sections 13 through 17 of this act.

(2) Sections 13 through 17 of this act apply to all employees of the executive, judicial, and legislative branches of state government.

NEW SECTION. Sec. 14. (1) Because the smoking of tobacco or any other weed or plant is a danger to health and is a cause of material annoyance and discomfort to those who are present in confined places, the legislature declares that the purposes of sections 13 through 17 of this act are (a) to protect the public health and welfare by regulating smoking in state agencies and (b) to minimize the toxic effects of smoking in the workplace by requiring state agencies to adopt a policy that will accommodate, insofar as possible, the preferences of nonsmokers and smokers and, if a satisfactory accommodation cannot be reached, to prohibit smoking in the workplace.

(2) Sections 13 through 17 of this act are not intended to create any right to smoke or to impair or alter a state agency's prerogative to prohibit smoking in the workplace. Rather, if a state agency allows employees to smoke in the workplace, then sections 13 through 17 of this act require (a) that the agency make accommodations for the preferences of both nonsmoking and smoking employees, and (b) if a satisfactory accommodation to all affected nonsmoking employees cannot be reached, that the agency prohibit smoking in the workplace.

NEW SECTION. Sec. 15. Unless the context clearly requires to the contrary, the definitions in this section apply throughout sections 13 through 17 of this act:

(1) "Agency" means any agency or commission of the state government.

(2) "Employee" means any person who is employed by any state agency in consideration for direct or indirect monetary wages or profit.

(3) "Workplace" means any enclosed area of a structure or portion thereof intended for occupancy.

(4) "Smoking" or "to smoke" means and includes inhaling, exhaling, burning, or carrying any lighted smoking equipment for tobacco or any other weed or plant.

(5) "Enclosed" means closed-in by a roof and four walls with appropriate openings for ingress and egress and is not intended to mean areas commonly described as public lobbies.

NEW SECTION. Sec. 16. (1) Each state agency that operates a workplace in this state shall within three months of the effective date of this act adopt, implement, and maintain, pursuant to chapter 34.04 RCW, a written smoking policy that contains, at a minimum, the following provisions and requirements:

(a) Any nonsmoking employee may object to the agency about smoke in the workplace. Using already available means of ventilation or separation or partition of space, the agency shall attempt to reach a reasonable accommodation, insofar as possible, between the preferences of nonsmoking and smoking employees. However, an agency is not required by sections 13 through 17 of this act to make any expenditures or structural changes to accommodate the preferences of nonsmoking or smoking employees.

(b) If an accommodation that is satisfactory to all affected nonsmoking employees cannot be reached in any given workplace, the preferences of nonsmoking employees shall prevail and the agency shall prohibit smoking in that workplace. If the agency prohibits smoking in a workplace, the area in which smoking is prohibited shall be clearly marked with signs.

(2) The smoking policy shall be announced within three weeks of adoption to all employees working in workplaces in the state and posted conspicuously in all workplaces under the agency's jurisdiction.

(3) The director of the department of labor and industries may adopt rules to exempt workplaces from this section if the workplace meets the minimum standards established by the department. The standards shall include a minimum volume of air per occupant, a minimum frequency of air changes in the workplace, and a minimum proximity of smokers to nonsmokers.

NEW SECTION. Sec. 17. (1) It is unlawful for an agency to discharge or in any manner discriminate against any employee who exercises his or her rights under sections 13 through 17 of this act if the dominant intent of the agency is retaliation against the employee for exercising those rights.

(2) In undertaking the enforcement of sections 13 through 17 of this act, the state is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that the breach proximately caused injury.

NEW SECTION. Sec. 18. Sections 13 through 17 of this act shall be added to chapter 70.94 RCW.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.*

On page 1, line 1 of the title, after "air act:" strike the remainder of the title and insert "adding new sections to chapter 70.94 RCW; and creating a new section."

Signed by Senators Kreidler and Talmadge: Representatives Rust, Lux and Allen.

MOTION

Senator Kreidler moved that the Report of the Conference Committee on Substitute House Bill No. 1722 be adopted and the committee be granted the powers of Free Conference.

Debate ensued.

POINT OF ORDER

Senator Vognild: "Thank you, Mr. President, a point of order. I raise the question of scope and object on the Conference Committee Report, Substitute House Bill No. 1722, as it left the Senate, was strictly a study bill. It said, 'The Department of Ecology shall establish a study team. They shall conduct a comprehensive study of the needs of better management.' This is for controlling all air pollutions.

"The final instruction is that by December 15, 1986, the Department of Ecology shall report the conclusion of the study to the appropriate standing committees. The Conference Committee Report, as it came back, contains the study and it really shouldn't, because it also contains two other bills that this body did not consider. The first bill deals with wood stoves and attempts to establish procedures by which wood stoves can be tested, how they can be sold and actually almost says you can't sell them unless agreed upon. The next bill in it establishes smoking standards for state offices. It indicates, if there cannot be an agreement between smokers and nonsmokers, then all smoking will be banned. The scope and object argument that I make here is that as it left, it was a study to determine if the two bills contained in the Conference Committee Report are, in fact, beneficial to the air and needed by this state. I believe it truly expands the object of this bill--the scope of the bill as it left."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1722 and the Conference Committee Report were deferred.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4814 and the pending motion by Senator Bender to grant the request of the House for a conference on the bill, deferred earlier today.

The President declared the question before the Senate to be the motion by Senator Bender that the Senate grant the request of the House for a conference on Substitute Senate Bill No. 4814.

The motion by Senator Bender carried and the Senate granted the request of the House for a conference on Substitute Senate Bill No. 4814 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4814 and the House amendments thereto: Senators Talmadge, Bailey and Gaspard.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MOTION

At 11:22 a.m., on motion of Senator Vognild, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:03 p.m. by President Pro Tempore Goltz.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

MOTIONS

On motion of Senator Gaspard, Senator McDermott was excused.
On motion of Senator von Reichbauer, Senator Barr was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Talmadge, the appointment of Linda Walton as a member of the Juvenile Disposition Standards Commission was confirmed.

APPOINTMENT OF LINDA WALTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; absent, 11; excused, 3.

Voting yea: Senators Bailey, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognil, von Reichbauer, Warnke, Williams, Zimmerman - 35.

Absent: Senators Bauer, Benitz, Conner, Garrett, Halsan, Hayner, Johnson, Kiskaddon, Moore, Thompson, Wojahn - 11.

Excused: Senators Barr, McDermott, Stratton - 3.

MOTION

On motion of Senator von Reichbauer, Senator Lee was excused.

MOTION

On motion of Senator Warnke, the appointment of John Anderson as a member of the Export Assistance Board of Directors was confirmed.

APPOINTMENT OF JOHN ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; absent, 10; excused, 4.

Voting yea: Senators Bailey, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Johnson, Kreidler, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Vognil, von Reichbauer, Warnke, Williams, Zimmerman - 35.

Absent: Senators Bauer, Benitz, Conner, Halsan, Hayner, Kiskaddon, Moore, Talmadge, Thompson, Wojahn - 10.

Excused: Senators Barr, Lee, McDermott, Stratton - 4.

MOTION

On motion of Senator Warnke, the appointment of Kathy Taggares a member of the Export Assistance Board of Directors was confirmed.

APPOINTMENT OF KATHY TAGGARES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 6; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Bauer, Conner, Halsan, Kiskaddon, Talmadge, Thompson - 6.

Excused: Senators Lee, McDermott, Stratton - 3.

MOTION

On motion of Senator Warnke, the appointment of Ken Rohar as a member of the Export Assistance Board of Directors was confirmed.

APPOINTMENT OF KEN ROHAR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 6; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson,

Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Bauer, Conner, Halsan, Kiskaddon, Talmadge, Thompson - 6.

Excused: Senators Lee, McDermott, Stratton - 3.

MOTION

On motion of Senator Warnke, the appointment of Merle Adlum as a member of the Export Assistance Board of Directors was confirmed.

APPOINTMENT OF MERLE ADLUM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 8; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Absent: Senators Bauer, Bottiger, Conner, Deccio, Halsan, Kiskaddon, Talmadge, Thompson - 8.

Excused: Senators Lee, McDermott, Stratton - 3.

MOTION

On motion of Senator Warnke, the appointment of Emily C. Yeh as a member of the Export Assistance Board of Directors was confirmed.

APPOINTMENT OF EMILY C. YEH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 7; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Kiskaddon, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Bauer, Conner, Halsan, Johnson, Kreidler, Talmadge, Thompson - 7.

Excused: Senators Lee, McDermott, Stratton - 3.

MOTION

On motion of Senator Warnke, the appointment of Herb Simon as a member of the Export Assistance Board of Directors was confirmed.

APPOINTMENT OF HERB SIMON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 7; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Bauer, Conner, Halsan, Johnson, Sellar, Talmadge, Thompson - 7.

Excused: Senators McDermott, Stratton - 2.

MOTION

On motion of Senator Bottiger, the rules were suspended and the following Gubernatorial Appointments were advanced to second reading and placed on the second reading calendar: 103, 144, 153, 168, 170, 176, 181, 187, 194, 195, 196, 197, 198, 199, 205, 206, 208, 223, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 243, 244, 246, 250, 251, 254, 255, 268, 269, 285, 286, 287 and 292.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 1986

Mr. President:

The House ruled the Senate amendments to SUBSTITUTE HOUSE BILL NO. 131 beyond the scope and object of the bill, refuses to concur and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Wojahn moved that the Senate do recede from the amendments to Substitute House Bill No. 131.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Wojahn that the Senate do recede from the amendments to Substitute House Bill No. 131.

The motion by Senator Wojahn carried and the Senate receded from the amendments to Substitute House Bill No. 131.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 131, without the Senate amendments.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 131, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 41; absent, 6; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Conner, Halsan, Hayner, McDonald, Talmadge, Thompson - 6.

Excused: Senators McDermott, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 131, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:22 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:36 p.m. by President Pro Tempore Goltz.

There being no objection, the President Pro Tempore advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Cantu, the following resolution was adopted:

SENATE RESOLUTION 1986-180

by Senators Cantu, Wojahn, Johnson and Rasmussen

WHEREAS, President Ronald Reagan proclaimed January as National Volunteer Blood Donor Month; and

WHEREAS, Blood is the very lifeline of thousands of American people; and

WHEREAS, The families of many patients depend upon imperative blood transfusions to further the lives of their loved ones; and

WHEREAS, Only ten percent of the population voluntarily donates ninety percent of all blood used in the United States and more people should be encouraged to donate; and

WHEREAS, Designated Donor programs have proven successful in Philadelphia, Houston and San Francisco; and

WHEREAS, The mere access to such a program reduces a tremendous amount of fear, anxiety and apprehension in many patients without giving them a false sense of security; and

WHEREAS, Such programs have shown the additional cost of Designated Donor programs is slight and no difficulty has been experienced with routine inventory management; and

WHEREAS, The cooperation by the hospital technologists, physicians and other personnel involved has been extremely good; and

WHEREAS, The Designated Donor program is perceived as being safe and sensitive to patient and donor needs;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in the 49th regular session, That the Department of Social and Health Services undertake a review of the advisability of instituting a Designated Donor program in the state of Washington. In conducting such review the department is requested to consult with hospitals, physicians, and the general public as well as those locations where such programs are in place; and

BE IT FURTHER RESOLVED, That the findings of such review be reported to the 50th regular session of the Legislature on or before March 1, 1987.

MOTION

On motion of Senator Kreidler, the following resolution was adopted:

SENATE RESOLUTION 1986-182

by Senators Kreidler and Rasmussen

WHEREAS, Our great nation has remained free through the dedication and valor of the men and women who have fought and served to defend it; and

WHEREAS, The people of the United States have recognized the supreme sacrifices made by American veterans on behalf of all citizens; and

WHEREAS, This country has consistently fulfilled its moral obligation to compensate veterans who have been wounded or suffer prolonged physical and mental illness as a result of their service to this nation; and

WHEREAS, The Senate of the state of Washington recognizes and honors the two hundred twenty-five thousand Washington citizens who served the United States of America during the Vietnam conflict; and

WHEREAS, The Senate of the state of Washington recognizes that many of those who served in Vietnam are still affected and suffer from that experience; and

WHEREAS, Between August of 1965 and February of 1971 approximately 11.3 million gallons of the herbicide "Agent Orange" were sprayed over much of South Vietnam; and

WHEREAS, There are a number of studies currently being conducted to determine the effects of exposure to Agent Orange;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the members of the Senate recognize and commend the efforts of the Vietnam Veterans of America Agent Orange Task Force of Chapter #130, and Task Force Chairman Joe Cole, for their important efforts concerning the health effects of Agent Orange; and

BE IT FURTHER RESOLVED, That the members of the Senate believe that the United States Government has a responsibility to care for those veterans who suffer adverse health effects related to Agent Orange exposure; and

BE IT FURTHER RESOLVED, That the members of the Senate hope the United States Government will fulfill their responsibility to these veterans in the most expeditious manner possible.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Zimmerman, the appointment of Nanci C. Primley as a member of the Washington State Housing Finance Commission was confirmed.

APPOINTMENT OF NANCI C. PRIMLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 9; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Cantu, Conner, Deccio, DeJamatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen,

Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Bauer, Benitz, Bottiger, Craswell, Fleming, Guess, Hayner, Johnson, Kiskaddon - 9.

Excused: Senator Stratton - 1.

President Cherberg assumed the chair.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 4590,

SUBSTITUTE SENATE BILL NO. 4674,

SENATE BILL NO. 4906,

SENATE BILL NO. 4927,

SUBSTITUTE SENATE BILL NO. 4949,

SENATE BILL NO. 4968,

SENATE BILL NO. 4982,

SUBSTITUTE SENATE BILL NO. 5026,

SENATE BILL NO. 5033,

SENATE JOINT RESOLUTION NO. 136.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Thompson, the appointment of David Ballaine as a member of the Washington State Housing Finance Commission was confirmed.

APPOINTMENT OF DAVID BALLAINE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bauer, Bottiger, Guess, Hansen, Johnson, McDermott - 6.

Excused: Senator Stratton - 1.

MOTION

On motion of Senator Goltz, the appointment of Anne Rose as a member of the Washington State Housing Finance Commission was confirmed.

APPOINTMENT OF ANNE ROSE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; absent, 11; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, Garrett, Gaspard, Goltz, Granlund, Halsan, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Absent: Senators Bauer, Conner, DeJarnatt, Fleming, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Vognild - 11.

Excused: Senator Stratton - 1.

MOTION

On motion of Senator Thompson, the appointment of Delbert L. Long as a member of the Washington State Housing Finance Commission was confirmed.

APPOINTMENT OF DELBERT L. LONG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 7; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen,

Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Bauer, DeJarnatt, Fleming, Hansen, Johnson, Pullen, Sellar - 7.

Excused: Senator Stratton - 1.

MOTION

On motion of Senator Thompson, the appointment of James L. Kirschbaum as a member of the Washington State Housing Finance Commission was confirmed.

APPOINTMENT OF JAMES L. KIRSCHBAUM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 5; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Bauer, DeJarnatt, Hansen, Johnson, Moore - 5.

Excused: Senator Stratton - 1.

MOTION

On motion of Senator Thompson, the appointment of Charles R. Richmond as a member of the Washington State Housing Finance Commission was confirmed.

APPOINTMENT OF CHARLES R. RICHMOND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 7; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Deccio, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Bauer, Conner, Craswell, DeJarnatt, Hansen, Johnson, Newhouse - 7.

Excused: Senator Stratton - 1.

MOTION

On motion of Senator Thompson, the appointment of Ester B. Huey as a member of the Washington State Housing Finance Commission was confirmed.

APPOINTMENT OF ESTER B. HUEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 9; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Deccio, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 39.

Absent: Senators Bauer, Conner, Craswell, DeJarnatt, Hansen, Johnson, Metcalf, Moore, Williams - 9.

Excused: Senator Stratton - 1.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Report of the Conference Committee on REEN-GROSSED SUBSTITUTE SENATE BILL NO. 3498 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred REENGROSSED SUBSTITUTE SENATE BILL NO. 3498, regulating recreational water contact facilities, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to recommend the following:

That the House Social and Health Services Committee amendment be adopted with the following changes:

On page 2 of the amendment, line 2, after "patrons" strike the remainder of the paragraph through "section"

On page 2, beginning on line 24, strike all of subsection (7)

On page 8, beginning on line 8, strike all of Section 14 and insert the following:

***NEW SECTION.** Sec 14. A recreational water contact facility shall not be operated within the state unless the owner or operator has purchased insurance in an amount not less than one hundred thousand dollars against liability for bodily injury to or death of one or more persons in any one accident arising out of the use of the recreational water contact facility.

(2) The board may require a recreational water contact facility to purchase insurance in addition to the amount required in subsection (1) of this section."

Signed by Senators Warnke, Williams and Cantu: Representatives Brekke, Day and Lewis.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Reengrossed Substitute Senate Bill No. 3498 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4990 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4990, regulating river running, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The purpose of this chapter is to further the public interest, welfare, and safety by providing for the protection and promotion of safety in the operation of watercraft carrying passengers for hire on the rivers of this state.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Watercraft" means every type of watercraft carrying passengers for hire used as a means of transportation on a river, including but not limited to power boats, drift boats, open canoes, inflatable crafts, decked canoes, and kayaks.

(2) "Carrying passengers for hire" means carrying passengers by watercraft for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the watercraft. This shall not affect trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire. Individuals licensed under chapter 77.32 RCW and acting as a fishing guide are exempt from this chapter.

(3) "Operate" means to navigate or otherwise use a watercraft.

(4) "Operator" means any person operating the watercraft or performing the duties of a pilot or guide for one or more watercraft in a group.

(5) "Passenger" means every person on board a watercraft who is not an operator.

(6) "Rivers of the state" means those rivers and streams, or parts thereof, within the boundaries of this state.

NEW SECTION. Sec. 3. (1) No person may operate any watercraft in a manner that interferes with other watercraft or with the free and proper navigation of the rivers of this state.

(2) Every operator of a watercraft shall at all times operate the watercraft in a careful and prudent manner and at such a speed as to not endanger the life, limb, or property of any person.

(3) No watercraft may be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration the type and construction of the watercraft and other existing operating conditions. In the case of inflatable crafts, safe carrying capacity in whitewater shall be considered as less than the United States Coast Guard capacity rating for each watercraft. This subsection shall not apply in cases of an unexpected emergency on the river.

NEW SECTION. Sec. 4. (1) Except as provided in subsection (2) of this section, watercraft proceeding downstream have the right of way over watercraft proceeding upstream.

(2) In all cases, watercraft not under power have the right of way over motorized craft underway.

NEW SECTION. Sec. 5. (1) No person may operate on the rivers of this state a watercraft carrying passengers for hire unless the person has been issued a valid Red Cross standard first aid card or at least its equivalent.

(2) This section does not apply to a person operating a vessel on the navigable waters of the United States in this state and who is licensed by the United States Coast Guard for the type of vessel being operated.

NEW SECTION. Sec. 6. While carrying passengers for hire on whitewater river sections in this state, the operator and owner shall:

(1) If using inflatable watercraft, use only watercraft with three or more separate air chambers;

(2) Ensure that all passengers and operators are wearing a securely fastened United States Coast Guard approved type III or type V life jacket in good condition;

(3) Ensure that each watercraft has accessible a spare type III or type V life jacket in good repair;

(4) Ensure that each watercraft has on it a bagged throwable line with a floating line and bag;

(5) Ensure that each watercraft has accessible an adequate first-aid kit;

(6) Ensure that each watercraft has a spare propelling device;

(7) Ensure that a repair kit and air pump are accessible to inflatable watercraft; and

(8) Ensure that equipment to prevent and treat hypothermia is accessible to all watercraft on a trip.

NEW SECTION. Sec. 7. (1) Watercraft operators and passengers on any trip carrying passengers for hire shall not allow the use of alcohol during the course of a trip on a whitewater river section in this state.

(2) Any watercraft carrying passengers for hire on any whitewater river section in this state must be accompanied by at least one other watercraft under the supervision of the same operator or owner or being operated by a person registered under section 11 of this act or an operator under the direction or control of a person registered under section 11 of this act.

NEW SECTION. Sec. 8. Whitewater river sections include but are not limited to:

(1) Green river above Flaming Geyser state park;

(2) Klickitat river above the confluence with Summit creek;

(3) Methow river below the town of Carlton;

(4) Sauk river above the town of Darrington;

(5) Skagit river above Bacon creek;

(6) Suitttle river;

(7) Tieton river below Rimrock dam;

(8) Skykomish river below Sunset Falls and above the Highway 2 bridge one mile east of the town of Gold Bar;

(9) Wenatchee river above the Wenatchee county park at the town of Monitor;

(10) White Salmon river; and

(11) Any other section of river designated a "whitewater river section" by the interagency committee for outdoor recreation. Such river sections shall be class two or greater difficulty under the international scale of whitewater difficulty.

NEW SECTION. Sec. 9. (1) When, as a result of an occurrence that involves a watercraft or its equipment, a person dies or disappears from a watercraft, the operator shall notify the nearest sheriff's department, state patrol office, coast guard station, or other law enforcement agency of:

(a) The date, time, and exact location of the occurrence;

(b) The name of each person who died or disappeared;

(c) A description of the watercraft; and

(d) The names and addresses of the owner and operator.

(2) When the operator of a boat cannot give the notice required by subsection (1) of this section, each person on board the boat shall either give the notice or determine that the notice has been given.

NEW SECTION. Sec. 10. (1) Every peace officer of this state and its political subdivisions has the authority to enforce this chapter. Wildlife agents of the department of game and fisheries patrol officers of the department of fisheries, through their directors, the state patrol, through its chief, county sheriffs, and other local law enforcement bodies, shall assist in the enforcement. In the exercise of this responsibility, all such officers may stop any watercraft and direct it to a suitable pier or anchorage for boarding.

(2) A person, while operating a watercraft on any waters of this state, shall not knowingly flee or attempt to elude a law enforcement officer after having received a signal from the law enforcement officer to bring the boat to a stop.

(3) This chapter shall be construed to supplement federal laws and regulations. To the extent this chapter is inconsistent with federal laws and regulations, the federal laws and regulations shall control.

NEW SECTION. Sec. 11. (1) Any person carrying passengers for hire on whitewater river sections in this state may register with the department of licensing. Each registration application shall be submitted annually on a form provided by the department of licensing and shall include the following information:

(a) The name, residence address, and residence telephone number, and the business name, address, and telephone number of the registrant;

(b) Proof that the registrant has liability insurance for a minimum of three hundred thousand dollars per claim for occurrences by the registrant and the registrant's employees that result in bodily injury or property damage; and

(c) Certification that the registrant will maintain the insurance for a period of not less than one year from the date of registration.

(2) The department of licensing shall charge a fee for each application, to be set in accordance with RCW 43.24.086.

(3) Any person advertising or representing themselves as having registered under this section who is not currently registered is guilty of a gross misdemeanor.

(4) The department of licensing shall submit annually a list of registered persons and companies to the department of trade and economic development, tourism promotion division.

(5) If an insurance company cancels or refuses to renew insurance for a registrant during the period of registration, the insurance company shall notify the department of licensing in writing of the termination of coverage and its effective date not less than thirty days before the effective date of termination.

(a) Upon receipt of an insurance company termination notice, the department of licensing shall send written notice to the registrant that on the effective date of termination the department of licensing will suspend the registration unless proof of insurance as required by this section is filed with the department of licensing before the effective date of the termination.

(b) If an insurance company fails to give notice of coverage termination, this failure shall not have the effect of continuing the coverage.

(c) The department of licensing may suspend or revoke registration under this section if the registrant fails to maintain in full force and effect the insurance required by section 11 of this act.

(6) The state of Washington shall be immune from any civil action arising from a registration under this section.

NEW SECTION. Sec. 12. A person violating this chapter shall be subject to a civil penalty of up to one hundred fifty dollars per violation.

NEW SECTION. Sec. 13. Sections 1 through 12 of this act shall constitute a new chapter in Title 91 RCW."

Signed by Senators Goltz and Kreidler: Representatives Rust, Unsoeld and Brough.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute Senate Bill No. 4990 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4905 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4905, adopting the supplemental transportation budget, have had the same under consideration and we recommend that the House Transportation Committee striking amendment be adopted, except for section 16, and except for "35.21.850 and" on page 14, line 24, of the title amendment.

Signed by Senators Peterson, Granlund and Patterson; Representatives Walk, Schmidt and Sutherland.

MOTION

On motion of Senator Peterson, the Report of the Conference Committee on Substitute Senate Bill No. 4905 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4486 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4486, authorizing county legislative authorities to designate certain violations as civil, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 36.01.010, chapter 4, Laws of 1963 and RCW 36.01.010 are each amended to read as follows:

The several counties in this state shall have capacity as bodies corporate, to sue and be sued in the manner prescribed by law; to purchase and hold lands (~~within their own limits~~); to make such contracts, and to purchase and hold such personal property, as may be necessary to their corporate or administrative powers, and to do all other necessary acts in relation to all the property of the county.

Sec. 2. Section 36.32.120, chapter 4, Laws of 1963 as last amended by section 1, chapter 91, Laws of 1985 and RCW 36.32.120 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferrriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: PROVIDED, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: PROVIDED FURTHER, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such repayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed:

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

Sec. 3. Section 35.22.280, chapter 7, Laws of 1965 as last amended by section 802, chapter 258, Laws of 1984 and RCW 35.22.280 are each amended to read as follows:

Any city of the first class shall have power:

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers:

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation:

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require:

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended:

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use:

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof:

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the

point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To provide for establishing and maintaining reform schools for juvenile offenders;

(19) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(20) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

(21) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(22) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(23) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(25) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(27) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(29) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(30) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(31) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: PROVIDED, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(32) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: PROVIDED, That no license shall be granted to continue for longer than one year from the date thereof;

(33) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(35) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five thousand dollars or imprisonment in the city jail for one year, or both such fine and imprisonment. Such cities alternatively may provide that violations of ordinances constitute a civil violation subject to monetary penalties;

(36) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(37) To provide in their respective charters for a method to propose and adopt amendments thereto.

Sec. 4. Section 35.23.440, chapter 7, Laws of 1965 as last amended by section 5, chapter 189, Laws of 1984 and by section 803, chapter 258, Laws of 1984 and RCW 35.23.440 are each reenacted and amended to read as follows:

The city council of each second class city shall have power and authority:

(1) Ordinances: To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress, and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; and to regulate as authorized by state law all tipping houses, dram shops, saloons, bars, and barrooms.

(5) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(6) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property.

(7) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(8) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: PROVIDED, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(9) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace, or disorderly conduct in any place, house, or street in the city.

(10) Nuisances: To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(11) Stock pound: To establish, maintain, and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(12) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(13) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein.

(14) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions, and shows.

(15) Markets: To establish and regulate markets and market places.

(16) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles, or other vehicles may run within the city limits, or any portion thereof.

(17) City commons: To provide for and regulate the commons of the city.

(18) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(19) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(20) Property: To have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control, or improve the same; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city.

(21) Fire department: To establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city.

(22) Water supply: To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(23) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

(24) House numbers: To provide for the numbering of houses.

(25) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

(26) Harbors and wharves: To build, alter, improve, keep in repair, and control the waterfront; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(27) License of steamers: To license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(28) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(29) Penalty for violation of ordinances: To provide that violations of ordinances constitute a civil violation subject to monetary penalties or to determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five thousand dollars or imprisonment for one year, or both; and every violation of any lawful order, regulation, or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington: PROVIDED, That violation of an order, regulation, or ordinance relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, regulation, or ordinance equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

(30) Police department: To create and establish a city police; to prescribe their duties and their compensation; and to provide for the regulation and government of the same.

(31) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.

(32) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or business of the city.

(33) Contracts: To make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name.

(34) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of any thereof; and for the construction, regulation, and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof.

(35) Waterways: To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

(36) Sewerage: To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

(37) Buildings and parks: To provide for all public buildings, public parks, or squares, necessary or proper for the use of the city.

(38) Franchises: To permit the use of the streets for railroad or other public service purposes.

(39) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever.

(40) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: PROVIDED, That such fees shall in all cases be paid by the parties requiring such service.

(41) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

(42) Waterworks: To provide for the erection, purchase, or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(43) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric, or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: PROVIDED, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(44) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(45) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(46) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks, or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(47) To provide for the assessment of taxes: To provide for the assessment, levying, and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(48) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(49) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(50) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained.

(51) Safety and sanitary measures: To require the owners of public halls, theaters, hotels, and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(52) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state.

(53) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(54) To provide for the general welfare.

Sec. 5. Section 35.24.290, chapter 7, Laws of 1965 as last amended by section 804, chapter 258, Laws of 1984 and RCw 35.24.290 are each amended to read as follows:

The city council of each third class city shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;

(2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;

(3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits;

(4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;

(5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

(11) In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: PROVIDED, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;

(12) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five thousand dollars nor the term of such imprisonment exceed the term of one year; or to provide that violations of ordinances constitute a civil violation subject to monetary penalty;

(13) To establish fire limits, with proper regulations;

(14) To establish and maintain a free public library;

(15) To establish and regulate public markets and market places;

(16) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

(17) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

(18) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other

watercraft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

Sec. 6. Section 35.27.370, chapter 7, Laws of 1965 as last amended by section 805, chapter 258, Laws of 1984 and RCW 35.27.370 are each amended to read as follows:

The council of said town shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(7) To impose and collect an annual license on every dog within the limits of the town, to prohibit dogs running at large, and to provide for the killing of all dogs found at large and not duly licensed;

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for strays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

(11) To erect and maintain buildings for municipal purposes;

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed five thousand dollars, nor the term of imprisonment exceed one year; or to provide that violations of ordinances constitute a civil violation subject to a monetary penalty;

(15) To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service;

(16) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Sec. 7. Section 35A.11.020, chapter 119, Laws of 1967 ex. sess. as last amended by section 807, chapter 258, Laws of 1984 and RCW 35A.11.020 are each amended to read as follows:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: PROVIDED, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provisions establishing or respecting a merit system or system of civil service for firemen and policemen which does not substantially accomplish the same purpose as provided by general law in chapter 41.08 RCW for firemen and chapter 41.12 RCW for policemen now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for firemen or policemen which provides different pensions or retirement benefits than are provided by general law for such classes. Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five thousand dollars or imprisonment for any term not exceeding one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. Such a body alternatively may provide that violation of such ordinances constitutes a civil violation subject to monetary penalty. The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns. In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes (except those which are expressly preempted by the state as provided in RCW 66.08.120, ((RCW)) 82.36.440, ((RCW)) 48.14.020, and ((RCW)) 48.14.080.

NEW SECTION. Sec. 8. A new section is added to chapter 85.38 RCW to read as follows:

(1) Territory that is contiguously located to a special district may be annexed by the special district as provided in this section under the petition and election, resolution and election, or direct petition method of annexation.

(2) An annexation under the election method may be initiated by the filing of a petition requesting the action that is signed by at least ten owners of property in the area proposed to be annexed or the adoption of a resolution requesting such action by the governing body of the special district. The petitions shall be filed with the governing body of the special district that is requested to annex the territory. An election to authorize an annexation initiated under the petition and election method may be held only if the governing body approves the annexation. An annexation under either election method shall be authorized if the voters of the area proposed to be annexed approve a ballot proposition favoring the annexation by a simple majority vote. The annexation shall be effective when results of an election so favoring the annexation are certified by the county auditor or auditors. The election, notice of the election, and eligibility to vote at the election shall be as provided for the creation of a special district.

(3) An annexation under the direct petition method of annexation may be accomplished if the owners of a majority of the acreage proposed to be annexed sign a petition requesting the annexation, and the governing body of the special district approves the annexation. The petition shall be filed with the governing body of the special district. The annexation shall be effective when the governing body approves the annexation.

(4) Whenever a special district annexes territory under this section, the exclusive method by which the special district measures and imposes special assessments upon real property within the entire enlarged area shall be as set forth in RCW 85.38.150 through 85.38.170.

NEW SECTION. Sec. 9. A new section is added to chapter 85.38 RCW to read as follows:

Two or more special districts that are contiguously located with each other, or which occupy all or part of the same territory, may consolidate as provided in this section. The consolidation shall result in the creation of a flood control district.

A consolidation may be initiated by: (1) The filing of a petition requesting the action that is signed by eligible voters of each special district who constitute at least ten percent of the eligible voters of the special district, or who own at least a majority of the acreage in the special district; or (2) the adoption of a resolution requesting such action by the governing body of each special district. The petitions shall be filed with, and the resolutions shall be submitted to, the county legislative authority of the county within which all or the largest portion of the special districts is located. The auditor of the county, or auditors of the counties, within which these districts are located shall authenticate the signatures on the petitions and certify the results. An election to authorize the consolidation shall be held not more than one hundred eighty days after the date of the filing of the resolutions, or the determination that sufficient valid signatures are included on the petition from the voters of each of the special districts.

The consolidation shall be authorized if voters in each of the special districts approve a ballot proposition favoring the consolidation by a simple majority vote. Members of the governing body of the consolidated special district shall be selected as provided in RCW 85.38.070 for a newly created special district and the consolidation shall be effective when these initial members of the governing body are so appointed.

All moneys, rights, property, assets and liabilities of the consolidating special districts shall vest in and become the obligation of the new consolidated special district, except that any indebtedness of a consolidating special district shall remain an indebtedness of the original consolidating special district and lands within the original consolidating special district. The governing body of the new consolidated special district shall impose special assessments on lands in the original consolidating special district to redeem this indebtedness. However, the new consolidated special district may issue funding or refunding bonds or notes and fund or refund such indebtedness. The new consolidated special district may continue imposing special assessments pursuant to the various systems of assessment used by the original consolidating special districts, or may establish a new system or systems of assessment in all or part of the new consolidated special district to finance its operations.

NEW SECTION. Sec. 10. A new section is added to chapter 85.38 RCW to read as follows:

Any special district may have its operations suspended as provided in this section. The process of suspending a special district's operations may be initiated by: (1) The adoption of a resolution proposing such action by the governing body of the special district; (2) the filing of a petition proposing such action with the county legislative authority of the county in which all or the largest portion of the special district is located, which petition is signed by voters of the special district who own at least ten percent of the acreage in the special district or is signed by ten or more voters of the special district; or (3) the adoption of a resolution proposing such action by the county legislative authority of the county in which all or the largest portion of the special district is located.

A public hearing on the proposed action shall be held by the county legislative authority at which it shall inquire into whether such action is in the public interest. Notice of the public hearing shall be published in a newspaper of general circulation in the special district, posted in at least four locations in the special district to attract the attention of the public, and mailed to the members of the governing body of the special district, if there are any. After the public hearing, the county legislative authority may adopt a resolution suspending the operations of the special district if it finds such suspension to be in the public interest. When a special district is located in more than one county, the legislative authority of each of such counties must so act before the operations of the special district are suspended.

After holding a public hearing on the proposed reactivation of a special district that has had its operations suspended, the legislative authority or authorities of the county or counties in which the special district is located may reactivate the special district by adopting a resolution finding such action to be in the public interest. Notice of the public hearing shall be posted and published as provided for the public hearing on a proposed suspension of a special district's operations. The governing body of a reactivated special district shall be appointed as in a newly created special district.

No special district that owns drainage or flood control improvements may be dissolved unless the legislative authority of a county accepts responsibility for operation and maintenance of the improvements.

NEW SECTION. Sec. 11. A new section is added to chapter 85.05 RCW to read as follows:

Diking districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 85.06 RCW to read as follows:

Drainage districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 13. A new section is added to chapter 85.08 RCW to read as follows:

Diking or drainage improvement districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 14. A new section is added to chapter 85.24 RCW to read as follows:

Intercounty diking and drainage improvement districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 15. A new section is added to chapter 85.36 RCW to read as follows:

Consolidated diking districts, drainage districts, diking improvement districts, and/or drainage improvement districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 16. A new section is added to chapter 86.09 RCW to read as follows:

Flood control districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

Sec. 17. Section 1, chapter 87, Laws of 1941 as amended by section 10, chapter 30, Laws of 1979 ex. sess. and RCW 53.48.010 are each amended to read as follows:

The following words and terms shall, whenever used in this chapter, have the meaning set forth in this section:

(1) The term "district" as used herein, shall include all municipal and quasi municipal corporations having a governing body, other than cities, towns, counties, and townships, such as port, school, water, fire protection, and all other districts of similar organization, but shall not include local improvement districts, diking, drainage and irrigation districts, special districts as defined in RCW 85.38.010, nor public utility districts.

(2) The words "board of commissioners," as used herein, shall mean the governing authority of any district as defined in subdivision (1) of this section.

NEW SECTION. Sec. 18. A new section is added to chapter 85.38 RCW to read as follows:

A special district may issue special assessment bonds or notes to finance costs related to providing, improving, expanding, or enlarging improvements and facilities if the county legislative authority within which all or the major part of the special district is located authorizes the issuance of such bonds or notes. The decision of a county legislative authority authorizing or failing to authorize a proposed issue of special assessment bonds or notes constitutes a discretionary function, and shall not give rise to a cause of action against the county, county legislative authority, or any member of the county legislative authority.

NEW SECTION. Sec. 19. A new section is added to chapter 85.38 RCW to read as follows:

(1) Special assessment bonds and notes issued by special districts shall be issued and sold in accordance with chapter 39.46 RCW, except as otherwise provided in this chapter. The maximum term of any special assessment bond issued by a special district shall be twenty years. The maximum term of any special assessment note issued by a special district shall be five years.

(2) The governing body of a special district issuing special assessment bonds or notes shall create a special fund or funds, or use an existing special fund or funds, from which, along with any special assessment bond guaranty fund the special district has created, the principal of and interest on the bonds or notes exclusively are payable.

(3) The governing body of a special district may provide such covenants as it may deem necessary to secure the payment of the principal of and interest on special assessment bonds or notes, and premiums on special assessment bonds or notes, if any. Such covenants may include, but are not limited to, depositing certain special assessments into a special fund or funds, and establishing, maintaining, and collecting special assessments which are to be placed into the special fund or funds. The special assessments covenanted to be placed into such a special fund or funds after the effective date of this act may include all or part of the new system of special assessments imposed for such purposes, pursuant to RCW 85.38.150 and 85.38.160. However, the special assessments covenanted to be placed into the special fund or funds from which the funding or refunding special assessment bonds or notes to be funded or refunded were payable.

(4) A special assessment bond or note issued by a special district shall not constitute an indebtedness of the state, either general or special, nor of the county, either general or special, within which all or any part of the special district is located. A special assessment bond or note shall not constitute a general indebtedness of the special district issuing the bond or note, but is a special obligation of the special district and the interest on and principal of the bond or note shall be payable only from special assessments covenanted to be placed into the special fund or funds, and any special assessment bond guaranty fund the special district has created.

The owner of a special assessment bond or note, or the owner of an interest coupon, shall not have any claim for the payment thereof against the special district arising from the special assessment bond or note, or interest coupon, except for payment from the special fund or funds, the special assessments covenanted to be placed into the special fund or funds, and any special assessment bond guaranty fund the special district has created. The owner of a special assessment bond or note, or the owner of an interest coupon, issued by a special district shall

not have any claim against the state, or any county within which all or part of the special district is located, arising from the special assessment bond, note, or interest coupon. The special district issuing the special assessment bond or note shall not be liable to the owner of any special assessment bond or note, or owner of any interest coupon, for any loss occurring in the lawful operation of its special assessment bond guaranty fund.

The substance of the limitations included in this subsection shall be plainly printed, written, engraved, or reproduced on: (a) Each special assessment bond or note that is a physical instrument; (b) the official notice of sale; and (c) each official statement associated with the bonds or notes.

NEW SECTION. Sec. 20. A new section is added to chapter 85.38 RCW to read as follows:

The governing body of a special district issuing special assessment bonds or notes may create and pay money into a special assessment bond guaranty fund to guaranty special assessment bonds and notes issued by the special district. A portion of the special assessments collected by a special district may be placed into its special assessment bond guaranty fund.

NEW SECTION. Sec. 21. A new section is added to chapter 85.38 RCW to read as follows:

A special district may issue funding or refunding special assessment bonds or notes to refund outstanding bonds or notes. Such funding or refunding bonds or notes shall be subject to the provisions of law governing other special assessment bonds or notes.

NEW SECTION. Sec. 22. A new section is added to chapter 85.38 RCW to read as follows:

Special assessment bonds or notes issued by a special district prior to July 1, 1986, shall continue to be retired and be subject to the laws under which they were issued.

NEW SECTION. Sec. 23. A new section is added to chapter 85.05 RCW to read as follows:

Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 24. A new section is added to chapter 85.06 RCW to read as follows:

Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 25. A new section is added to chapter 85.08 RCW to read as follows:

Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 26. A new section is added to chapter 85.24 RCW to read as follows:

Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 27. A new section is added to chapter 85.36 RCW to read as follows:

Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 28. A new section is added to chapter 86.09 RCW to read as follows:

Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW.

Sec. 29. Section 36, chapter 117, Laws of 1895 and RCW 85.05.360 are each amended to read as follows:

All warrants issued under the provisions of this act shall be presented by the ((holders)) owners thereof to the county treasurer, who shall indorse thereon the day of presentation for payment, with the additional indorsement thereon, in case of nonpayment, that they are not paid for want of funds; and no warrant shall draw interest under the provisions of this act until it is so presented and indorsed by the county treasurer. And it shall be the duty of such treasurer, from time to time, when he has sufficient funds in his hands for that purpose, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the outstanding warrants as he may be able to pay: PROVIDED, That thirty days after the first publication of said notice of the treasurer calling in any of said outstanding warrants, said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two weeks, consecutively, and said warrants shall be called in and paid in the order of their indorsement.

Sec. 30. Section 33, chapter 115, Laws of 1895 and RCW 85.06.330 are each amended to read as follows:

All warrants issued under the provisions of this chapter shall be presented by the ((holders)) owners thereof to the county treasurer, who shall indorse thereon the day of presentation for payment, with the additional indorsement thereon, in case of nonpayment, that they are not paid for want of funds; and no warrant shall draw interest under the provisions of this chapter until it is so presented and indorsed by the county treasurer. And it shall be the duty of such treasurer, from time to time, when he has sufficient funds in his hands for that purpose, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the outstanding warrants as he may be able to pay: PROVIDED, That thirty days after the first publication of said notice of the treasurer calling in any of said outstanding warrants said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two weeks consecutively, and said warrants shall be called in and paid in the order of their indorsement.

Sec. 31. Section 15, chapter 176, Laws of 1913 and RCW 85.08.210 are each amended to read as follows:

Upon ~~((the settlement of the claims for damages as provided in RCW 85.08.170, or upon))~~ the entry of judgment as provided in RCW 85.08.200, the county auditor shall, under the direction of the ~~((board of county commissioners))~~ county legislative authority, draw ~~((his))~~ a warrant upon the county treasurer for the payment of the amount of damages agreed to or the amount of the judgment, as the case may be, to be paid out of the current expense fund of the county.

Sec. 32. Section 23, chapter 176, Laws of 1913 as last amended by section 46, chapter 396, Laws of 1985 and RCW 85.08.320 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. ~~((The compensation for))~~ Members of the board of supervisors ~~((shall be fixed by the county legislative authority))~~ may receive compensation up to twenty-five dollars for attending each official meeting of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as supervisors. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. ~~((Each member of the county legislative authority, except in counties of the first class, shall receive pay at the rate of four dollars per day for the number of days he is engaged in the performance of any duty under this chapter, which sum shall be additional to his salary in case he receive an annual salary; and none of the statutory provisions limiting the number of days that a member of the county legislative authority shall draw pay for or limiting the number of sessions for attendance upon which he shall be entitled to mileage shall apply to any proceedings under this chapter. All officers and members of boards performing duties under this chapter shall receive in addition to their fees or salaries their actual necessary expenses incurred in the performance of their duties hereunder:))~~ All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

~~((If at the hearing provided for in RCW 85.08.160 the county legislative authority shall determine that bonds shall be issued to pay the costs of the improvement or warrants sold to procure funds with which to pay such cost, as therein provided, temporary warrants may be issued for any part or all of such costs, expenses, fees, and charges, and shall be paid in cash upon the issuance and sale of such bonds, or shall be exchanged for an equal amount par value of such bonds. All such temporary warrants shall recite that they are temporary warrants and that they draw interest until called to be paid in cash or to be exchanged for bonds. All warrants issued under the provisions of this chapter and sold by the county legislative authority, or issued to any contractor and by him sold or hypothecated for a valuable consideration, shall be claims and liens against the fund against which they are drawn, prior and superior to any right, lien or claim of any surety upon any bond or bonds given to secure the performance of the contract or to secure the payment of persons who have performed work thereon, furnished materials therefor or provisions and supplies for the carrying on of the work:))~~

Sec. 33. Section 3, chapter 26, Laws of 1949 as amended by section 197, chapter 167, Laws of 1983 and RCW 85.16.030 are each amended to read as follows:

~~((†))~~ In maintaining a system of improvements of any such district the supervisors thereof may at any time, with the approval of the county legislative authority and upon determination by such county legislative authority that an emergency exists, make expenditures in excess of the last annual maintenance ~~((levy))~~ assessments theretofore made, which excess amount or amounts shall in such event be included in the maintenance ~~((levy))~~ assessments for the succeeding year except as otherwise herein provided.

~~((When, owing to floods, earthquakes, inadequate maintenance or any other cause, it shall be found by the county legislative authority, after consideration of the supervisors' recommendations, plans and specifications and schedules of estimated costs of maintenance work required, that necessary maintenance work will require extraordinary maintenance expenditures and the county legislative authority shall have authorized such extraordinary maintenance work to be done as herein provided, the county legislative authority may provide that the levy to meet such extraordinary expenditures shall be spread over a term of years and warrants or bonds issued to meet the same. Such terms shall not exceed five years if warrants are issued, and shall be either ten or fifteen years if bonds are issued, all as the county legislative authority shall determine. The form, tenor, and amount of such bonds and warrants, the number of installments in which the assessments shall be paid, and the time and method of~~

payment of assessments shall be the same as provided in RCW 85.08.240, for the original construction cost of a system of improvements; PROVIDED HOWEVER, That said bonds and warrants may be in denominations of one thousand dollars. Such bonds and warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in RCW 39.46.030. In case maintenance bonds or warrants to cover extraordinary maintenance expenditures are issued as herein provided, then a maintenance bond or warrant redemption fund for each separate issue of bonds or warrants shall be created into which all moneys derived from assessments levied to pay each issue shall be paid. Such redemption fund shall be applied first to the payment of the interest due upon such bonds or warrants and second to the payment of the principal thereof. After payment in full of principal and interest of any such issue of bonds or warrants, any balance thereafter remaining in any such redemption fund shall be paid into the district's maintenance fund:

~~(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter 39.46 RCW.)~~

Sec. 34. Section 13, chapter 26, Laws of 1949 as last amended by section 198, chapter 167, Laws of 1983 and RCW 85.16.180 are each amended to read as follows:

~~((†)) The county legislative authority shall thereupon enter an order authorizing the contemplated extraordinary maintenance work to be done and authorizing the issuance of temporary construction warrants to pay the cost of said work as it progresses, which warrants may bear interest at such rate or rates of interest as the county legislative authority shall determine. ((Bonds or) Warrants to pay the costs of such extraordinary maintenance may be issued and sold at one time or from time to time and in such series and amounts as may be found practicable and as determined by the board.~~

~~((2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter 39.46 RCW.)~~

Sec. 35. Section 6, chapter 131, Laws of 1917 and RCW 85.20.070 are each amended to read as follows:

Whenever in any district reorganized under the provisions of this chapter any bonds issued prior to such reorganization shall become payable and the ~~((board of county commissioners shall determine that it will be for the best interests of the owners of a majority of the acreage of lands included in such district to issue refunding bonds and to levy an assessment, payable in ten or fifteen years, instead of levying the annual assessments required by law to be levied to liquidate such outstanding bonds, they may levy such assessment and fix the time for the payment thereof at either ten or fifteen years, and fix the installments in which such assessment shall be paid as provided for the payment of assessments for the costs of construction under the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof, and they may issue refunding bonds of the district in the manner thereafter provided, to provide funds with which to pay such outstanding bonds then payable))~~ county legislative authority determines that it is in the interest of the property owners of the district to have refunding bonds issued, the county legislative authority may authorize the district to issue refunding bonds in accordance with chapter 85.38 RCW.

Sec. 36. Section 11, chapter 131, Laws of 1917 and RCW 85.20.120 are each amended to read as follows:

Upon the expiration of thirty days from the first publication of the notice given by the treasurer as provided herein, the ~~((board of county commissioners))~~ county legislative authority of the county in which all or the major part of the district is located may issue and sell refunding bonds of the district ((payable as determined by them in their resolution, in the manner provided for the issuance of bonds to pay the costs of construction in drainage improvement districts, and all the provisions of law governing the issuance, sale and payment of such bonds shall govern the issuance, sale and payment of the bonds herein provided for)) subject to chapter 85.38 RCW.

Sec. 37. Section 6, chapter 182, Laws of 1933 and RCW 85.22.060 are each amended to read as follows:

Whenever in any district reorganized under the provisions of this chapter any bonds issued prior to such reorganization shall become payable and the ~~((board of county commissioners shall determine that it will be for the best interests of the owners of a majority of the acreage of lands included in such district to issue refunding bonds and to levy an assessment, payable in ten or fifteen years, instead of levying the annual assessments required by law to be levied to liquidate such outstanding bonds, they may levy such assessment and fix the time for the payment thereof at either ten or fifteen years, and fix the installments in which such assessment shall be paid as provided for the payment of assessments for the costs of construction under the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof, and they may issue refunding bonds of the district in the manner thereafter provided, to provide funds with which to pay such outstanding bonds then payable))~~ county legislative authority determines that it is in the interest of the property owners of the district to have refunding bonds issued, the county legislative authority may authorize the district to issue refunding bonds in accordance with chapter 85.38 RCW.

Sec. 38. Section 17, chapter 225, Laws of 1909 as amended by section 199, chapter 167, Laws of 1983 and RCW 85.24.160 are each amended to read as follows:

The owner of any lot or parcel of land charged with any assessment, as hereinbefore provided, may redeem the same from all liability by paying the entire assessment charged against such lot or parcel of land, or part thereof, without interest, within thirty days after notice to him of such assessment, as herein provided ~~((or may redeem same any time after the bonds authorized in RCW 85.24.230 shall have been issued by paying the full amount of all the principal and interest to the end of the interest year then expiring or next to expire. The board shall pay the interest on the bonds authorized to be issued under this chapter out of the respective local improvement funds, from which they are payable, and whenever there shall be sufficient money in any of such funds against which bonds have been issued under provisions of this chapter, over and above the amount necessary for the payment of interest on all unpaid bonds, and sufficient to pay the principal of one or more bonds, the board shall call in and pay such bond. PROVIDED, Said bonds shall be called in and paid in their numerical order. PROVIDED FURTHER, That such call shall be made by publication in one or more newspapers on the day following the delinquencies of the installment of the assessment, or as soon thereafter as practicable and shall state that bonds Nos. (giving serial number and numbers of the bonds called) will be paid on the day the interest payments on such bonds shall become due, and interest upon such bonds shall cease upon such date)).~~

Sec. 39. Section 15, chapter 131, Laws of 1961 and RCW 85.32.140 are each amended to read as follows:

Any district choosing to operate under this chapter shall not use the processes provided for raising revenue under any other law: PROVIDED, That if for any reason it is deemed more just and advisable by the board, any such other method or process for raising revenue as provided by law may be used concurrently against properties solely within the territorial limits of the district for the sole purpose of extinguishing indebtedness incurred before the district adopts the procedure of this chapter, in which event no funds raised under this chapter shall be used to pay such prior indebtedness. However, when a drainage district issues special assessment bonds or notes after June 1, 1986, the process of raising revenue related to the bonds or notes shall be as specified in chapter 85.38 RCW.

Sec. 40. Section 53, chapter 72, Laws of 1937 and RCW 86.09.157 are each amended to read as follows:

Said flood control districts shall also have authority to issue and sell special assessment bonds or notes of the district ~~((payable partially or exclusively from the income derived from said tolls above mentioned, as in this chapter provided))~~ in accordance with chapter 85.38 RCW.

Sec. 41. Section 2, chapter 396, Laws of 1985 and RCW 85.38.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Governing body" means the board of commissioners, board of supervisors, or board of directors of a special district.

(2) "Owner of land" means the record owner of at least a majority ownership interest in a separate and legally created lot or parcel of land, as determined by the records of the county auditor, except that if the lot or parcel has been sold under a real estate contract, the vendee or grantee shall be deemed to be the owner of such land for purposes of authorizing voting rights. It is assumed, unless shown otherwise, that the name appearing as the owner of property on the property tax rolls is the current owner.

(3) "Qualified voter of a special district" means a person who is either: (a) A natural person who is a voter under general state election laws, registered to vote in the state of Washington for a period of not less than sixty days before the election, and the owner of land located in the special district for a period of not less than sixty days before the election; ~~((or))~~ (b) a corporation or partnership that has owned land located in the special district for a period of not less than sixty days before the election; or (c) the state, its agencies or political subdivisions that own land in the special district or lands proposed to be annexed into the special district except that the state, its agencies and political subdivisions shall not be eligible to vote to elect a member of the governing board of a special district. If land is owned as community property, both spouses may vote if otherwise qualified. If other multiple undivided interests exist in a lot or parcel, and no person owns a majority undivided interest, the owners of undivided interests at least equal to a majority interest may designate in writing which owner is eligible to vote. A corporation ~~((or)),~~ partnership or governmental entity shall designate a natural person to exercise its voting powers. Except as provided in RCW 85.05.015 and 86.09.377, no owner of land may cast more than one vote, or have more than one vote cast for it, in a special district election.

(4) "Special district" means: (a) A diking district; (b) a drainage district; (c) a diking, drainage, and/or sewerage improvement district; (d) an intercounty diking and drainage district; (e) a consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or (f) a flood control district.

(5) "Special district general election" means the election of a special district regularly held on the second Tuesday of December in each odd-numbered year at which a member of the special district governing body is regularly elected.

Sec. 42. Section 8, chapter 396, Laws of 1985 and RCW 85.38.070 are each amended to read as follows:

(1) Except as provided in RCW 85.38.090, each special district shall be governed by a three-member governing (~~board~~) body. The term of office for each member of a special district governing body shall be six years and until his or her successor is elected and qualified. One member of the governing body shall be elected at the time of special district general elections ind. each odd-numbered year for a term of six years beginning as provided in RCW 29.04.170 for assumption of office by elected officials of cities.

(2) The terms of office of members of the governing bodies of special districts, who are holding office on July 28, 1985, shall be altered to provide staggered six-year terms as provided in this subsection. The member who on July 28, 1985, has the longest term remaining shall have his or her term altered so that the position will be filled at the December, 1991, special district general election; the member with the second longest term remaining shall have his or her term altered so that the position will be filled at the December, 1989, special district general election; and the member with the third longest term of office shall have his or her term altered so that the position will be filled at the December, 1987, special district general election.

(3) The initial members of the governing body of a newly created special district shall be appointed by the legislative authority of the county within which the special district, or the largest portion of the special district, is located. These initial governing body members shall serve until their successors are elected and qualified at the next special district general election held at least ninety days after the special district is established. At that election the first elected members of the governing body shall be elected. No primary elections may be held. Any voter of a special district may become a candidate for such a position by filing written notice of this intention with the governing body of the special district at least thirty, but not more than sixty, days before a special district general election. The names of all candidates for such positions shall be listed alphabetically. At this first election, the candidate receiving the greatest number of votes shall have a six-year term, the candidate receiving the second greatest number of votes shall have a four-year term, and the candidate receiving the third greatest number of votes shall have a two-year term of office. The initially elected members of a governing body shall take office immediately when qualified as defined in RCW 29.01.135. Thereafter the candidate receiving the greatest number of votes shall be elected for a six-year term of office. Members of a governing body shall hold their office until their successors are elected and qualified, and assume office as provided in RCW 29.04.170.

(4) Whenever a vacancy occurs in the governing body of a special district, the legislative authority of the county within which the special district, or the largest portion of the special district, is located, shall appoint a district voter to serve the remaining term of office. A vacancy occurs upon the death, resignation, or incapacity of a governing body member or whenever the governing body member ceases being a qualified voter of the special district.

(5) An elected or appointed member of a special district governing body must be a qualified voter of the special district; PROVIDED, That the state, its agencies and political subdivisions, or their designees under RCW 85.38.010(3) shall not be eligible for election or appointment.

Sec. 43. Section 144, chapter 72, Laws of 1937 and RCW 86.09.430 are each amended to read as follows:

Said notice of hearing on said determination of assessment ratios shall state that the base assessment map designating the classes in which the lands in the district have been placed for assessment purposes on the ratios authorized by law, has been prepared by the board of appraisers and is on file at the office of the district board and may be inspected at any time during office hours; that a hearing on said map will be held before the (~~state supervisor of flood control~~) county legislative authority at the office of the district board on the day of at the hour of o'clock (naming the time), where any person may appear and present such objections, if any, he may have to said map, and shall be signed by the secretary of the district.

Sec. 44. Section 147, chapter 72, Laws of 1937 and RCW 86.09.439 are each amended to read as follows:

Upon the signing of said order by said (~~state supervisor~~) county legislative authority and the attachment of the same to said base assessment map, said base assessment map and all things set out on the face thereof shall be conclusive in all things upon all parties, unless appealed from to the superior court in the manner and within the time herein provided.

Sec. 45. Section 188, chapter 72, Laws of 1937 as amended by section 202, chapter 167, Laws of 1983 and RCW 86.09.562 are each amended to read as follows:

Said county treasurer shall pay out the moneys received or deposited with him or any portion thereof upon warrants issued by the county auditor of the same county of which the

district treasurer is an officer against the proper funds of the district except the sums to be paid out of the ((bond)) special funds for interest and principal payments on bonds or notes.

NEW SECTION. Sec. 46. The following acts or parts of acts are each repealed:

- (1) Section 29, chapter 117, Laws of 1895, section 1, chapter 87, Laws of 1921, section 177, chapter 167, Laws of 1983 and RCW 85.05.290;
- (2) Section 30, chapter 117, Laws of 1895, section 43, chapter 232, Laws of 1969 ex. sess., section 87, chapter 56, Laws of 1970 ex. sess., section 178, chapter 167, Laws of 1983 and RCW 85.05.300;
- (3) Section 31, chapter 117, Laws of 1895 and RCW 85.05.310;
- (4) Section 32, chapter 117, Laws of 1895 and RCW 85.05.320;
- (5) Section 33, chapter 117, Laws of 1895 and RCW 85.05.330;
- (6) Section 34, chapter 117, Laws of 1895, section 179, chapter 167, Laws of 1983 and RCW 85.05.340;
- (7) Section 1, chapter 156, Laws of 1913, section 50, chapter 232, Laws of 1969 ex. sess., section 88, chapter 56, Laws of 1970 ex. sess., section 180, chapter 167, Laws of 1983 and RCW 85.05.480;
- (8) Section 1, chapter 69, Laws of 1925 ex. sess., section 181, chapter 167, Laws of 1983 and RCW 85.05.510;
- (9) Section 2, chapter 69, Laws of 1925 ex. sess., section 21, chapter 156, Laws of 1981, section 182, chapter 167, Laws of 1983 and RCW 85.05.520;
- (10) Section 3, chapter 69, Laws of 1925 ex. sess., section 183, chapter 167, Laws of 1983 and RCW 85.05.530;
- (11) Section 17, chapter 115, Laws of 1895 and RCW 85.06.170;
- (12) Section 26, chapter 115, Laws of 1895, section 184, chapter 167, Laws of 1983 and RCW 85.06.260;
- (13) Section 27, chapter 115, Laws of 1895, section 51, chapter 232, Laws of 1969 ex. sess., section 89, chapter 56, Laws of 1970 ex. sess., section 185, chapter 167, Laws of 1983 and RCW 85.06.270;
- (14) Section 28, chapter 115, Laws of 1895 and RCW 85.06.280;
- (15) Section 29, chapter 115, Laws of 1895 and RCW 85.06.290;
- (16) Section 30, chapter 115, Laws of 1895 and RCW 85.06.300;
- (17) Section 31, chapter 115, Laws of 1895, section 186, chapter 167, Laws of 1983 and RCW 85.06.310;
- (18) Section 1, part, chapter 174, Laws of 1927, section 52, chapter 232, Laws of 1969 ex. sess., section 90, chapter 56, Laws of 1970 ex. sess., section 187, chapter 167, Laws of 1983 and RCW 85.06.321;
- (19) Section 1, part, chapter 174, Laws of 1927 and RCW 85.06.322;
- (20) Section 1, part, chapter 174, Laws of 1927 and RCW 85.06.323;
- (21) Section 1, part, chapter 174, Laws of 1927, section 22, chapter 156, Laws of 1981 and RCW 85.06.324;
- (22) Section 1, part, chapter 174, Laws of 1927 and RCW 85.06.325;
- (23) Section 1, part, chapter 174, Laws of 1927 and RCW 85.06.326;
- (24) Section 1, part, chapter 174, Laws of 1927, section 188, chapter 167, Laws of 1983 and RCW 85.06.327;
- (25) Section 1, part, chapter 174, Laws of 1927 and RCW 85.06.328;
- (26) Section 1, part, chapter 174, Laws of 1927 and RCW 85.06.329;
- (27) Section 17, chapter 176, Laws of 1913, section 23, chapter 130, Laws of 1917, section 7, chapter 46, Laws of 1923, section 1, chapter 302, Laws of 1927, section 1, chapter 125, Laws of 1933, section 193, chapter 167, Laws of 1983 and RCW 85.08.240;
- (28) Section 18, chapter 176, Laws of 1913, section 24, chapter 130, Laws of 1917, section 194, chapter 167, Laws of 1983 and RCW 85.08.280;
- (29) Section 1, chapter 211, Laws of 1929, section 1, chapter 22, Laws of 1933, section 1, chapter 38, Laws of 1933 ex. sess., section 196, chapter 167, Laws of 1983 and RCW 85.09.010;
- (30) Section 2, chapter 211, Laws of 1929, section 2, chapter 22, Laws of 1933 and RCW 85.09.020;
- (31) Section 3, chapter 211, Laws of 1929 and RCW 85.09.030;
- (32) Section 4, chapter 211, Laws of 1929 and RCW 85.09.040;
- (33) Section 5, chapter 211, Laws of 1929, section 3, chapter 22, Laws of 1933 and RCW 85.09.050;
- (34) Section 6, chapter 211, Laws of 1929, section 4, chapter 22, Laws of 1933 and RCW 85.09.060;
- (35) Section 7, chapter 211, Laws of 1929, section 5, chapter 22, Laws of 1933 and RCW 85.09.070;
- (36) Section 8, chapter 211, Laws of 1929, section 6, chapter 22, Laws of 1933 and RCW 85.09.080;
- (37) Section 9, chapter 211, Laws of 1929, section 7, chapter 22, Laws of 1933 and RCW 85.09.090;
- (38) Section 8, chapter 22, Laws of 1933 and RCW 85.09.900;

- (39) Section 7, chapter 131, Laws of 1917 and RCW 85.20.080;
- (40) Section 8, chapter 131, Laws of 1917, section 78, chapter 469, Laws of 1985 and RCW 85.20.090;
- (41) Section 9, chapter 131, Laws of 1917 and RCW 85.20.100;
- (42) Section 10, chapter 131, Laws of 1917 and RCW 85.20.110;
- (43) Section 11, chapter 131, Laws of 1917 and RCW 85.20.120;
- (44) Section 12, chapter 131, Laws of 1917 and RCW 85.20.130;
- (45) Section 7, chapter 182, Laws of 1933, section 52, chapter 396, Laws of 1985 and RCW 85.22.070;
- (46) Section 8, chapter 182, Laws of 1933, section 80, chapter 469, Laws of 1985 and RCW 85.22.080;
- (47) Section 9, chapter 182, Laws of 1933 and RCW 85.22.090;
- (48) Section 10, chapter 182, Laws of 1933 and RCW 85.22.100;
- (49) Section 11, chapter 182, Laws of 1933 and RCW 85.22.110;
- (50) Section 12, chapter 182, Laws of 1933 and RCW 85.22.120;
- (51) Section 16, chapter 225, Laws of 1909, section 5, chapter 140, Laws of 1923, section 27, chapter 156, Laws of 1981, section 200, chapter 167, Laws of 1983 and RCW 85.24.230;
- (52) Section 190, chapter 72, Laws of 1937, section 76, chapter 396, Laws of 1985 and RCW 86.09.568;
- (53) Section 191, chapter 72, Laws of 1937, section 203, chapter 167, Laws of 1983 and RCW 86.09.571;
- (54) Section 192, chapter 72, Laws of 1937 and RCW 86.09.574;
- (55) Section 193, chapter 72, Laws of 1937, section 77, chapter 396, Laws of 1985 and RCW 86.09.577;
- (56) Section 194, chapter 72, Laws of 1937, section 44, chapter 232, Laws of 1969 ex. sess., section 93, chapter 56, Laws of 1970 ex. sess., section 204, chapter 167, Laws of 1983 and RCW 86.09.580;
- (57) Section 195, chapter 72, Laws of 1937, section 205, chapter 167, Laws of 1983 and RCW 86.09.583;
- (58) Section 196, chapter 72, Laws of 1937, section 206, chapter 167, Laws of 1983 and RCW 86.09.586;
- (59) Section 197, chapter 72, Laws of 1937 and RCW 86.09.589;
- (60) Section 202, chapter 72, Laws of 1937, section 208, chapter 167, Laws of 1983, section 80, chapter 396, Laws of 1985 and RCW 86.09.604;
- (61) Section 203, chapter 72, Laws of 1937, section 209, chapter 167, Laws of 1983, section 81, chapter 396, Laws of 1985 and RCW 86.09.607;
- (62) Section 204, chapter 72, Laws of 1937, section 82, chapter 396, Laws of 1985 and RCW 86.09.610; and
- (63) Section 205, chapter 72, Laws of 1937, section 210, chapter 167, Laws of 1983 and RCW 86.09.613.
- NEW SECTION, Sec. 47. The following acts or parts of acts are each repealed:
- (1) Section 1, chapter 43, Laws of 1913, section 69, chapter 469, Laws of 1985 and RCW 85.05.560;
- (2) Section 2, chapter 43, Laws of 1913 and RCW 85.05.570;
- (3) Section 3, chapter 43, Laws of 1913, section 40, chapter 396, Laws of 1985 and RCW 85.05.580;
- (4) Section 4, chapter 43, Laws of 1913 and RCW 85.05.590;
- (5) Section 5, chapter 43, Laws of 1913 and RCW 85.05.600;
- (6) Section 1, chapter 42, Laws of 1913 and RCW 85.06.510;
- (7) Section 2, chapter 42, Laws of 1913 and RCW 85.06.520;
- (8) Section 3, chapter 42, Laws of 1913 and RCW 85.06.530;
- (9) Section 4, chapter 42, Laws of 1913 and RCW 85.06.540;
- (10) Section 1, chapter 165, Laws of 1907, section 1, chapter 14, Laws of 1915, section 73, chapter 469, Laws of 1985 and RCW 85.07.020;
- (11) Section 2, chapter 165, Laws of 1907 and RCW 85.07.030;
- (12) Section 1, chapter 130, Laws of 1917, section 14, chapter 46, Laws of 1923 and RCW 85.08.580;
- (13) Section 2, chapter 130, Laws of 1917 and RCW 85.08.590;
- (14) Section 3, chapter 130, Laws of 1917, section 15, chapter 46, Laws of 1923 and RCW 85.08.600;
- (15) Section 4, chapter 130, Laws of 1917, section 47, chapter 396, Laws of 1985 and RCW 85.08.610;
- (16) Section 5, chapter 130, Laws of 1917 and RCW 85.08.620;
- (17) Section 6, chapter 130, Laws of 1917 and RCW 85.08.625;
- (18) Section 2, chapter 154, Laws of 1967, section 55, chapter 396, Laws of 1985 and RCW 85.36.010;
- (19) Section 3, chapter 154, Laws of 1967 and RCW 85.36.020; and

(20) Section 4, chapter 154, Laws of 1967, section 128, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.36.030.

Sec. 48. Section 35.44.090, chapter 7, Laws of 1965 as amended by section 30, chapter 469, Laws of 1985 and RCW 35.44.090 are each amended to read as follows:

At least fifteen days before the date fixed for hearing, notice thereof shall be mailed to the owner or reputed owner of the property whose name appears on the assessment roll, at the address shown on the tax rolls of the county treasurer for each item of property described on the list. In addition thereto the notice shall be published at least ((five times)) once a week for two consecutive weeks in the official newspaper of the city or town, the last publication to be at least fifteen days before the date fixed for hearing.

NEW SECTION. Sec. 49. A new section is added to chapter 52.12 RCW to read as follows:

Fire protection districts may cooperate and participate with counties, cities, or towns in providing hazardous materials response teams under the county, city, or town emergency management plan provided for in RCW 38.52.070. The participation and cooperation shall be pursuant to an agreement or contract entered into under chapter 39.34 RCW.

NEW SECTION. Sec. 50. A new section is added to chapter 85.38 RCW to read as follows:

Special districts shall have authority to enter into contracts for the construction of any improvement authorized by law, or for labor, materials, or equipment entering therein, without public bidding, with the written approval and consent of the governing body in instances of genuine emergency to be declared by the governing body or in any instance where the contract price does not exceed ten thousand dollars.

Any proposed improvement or part thereof, not exceeding five thousand dollars in cost, may be constructed by district employees: PROVIDED, That this shall not restrict a special district from using volunteer labor and equipment on improvements, and providing reimbursement for actual expenses.

NEW SECTION. Sec. 51. The following acts or parts of acts are each repealed:

(1) Section 62, chapter 72, Laws of 1937, section 10, chapter 104, Laws of 1982, section 56, chapter 396, Laws of 1985 and RCW 86.09.184; and

(2) Section 63, chapter 72, Laws of 1937, section 4, chapter 26, Laws of 1965, section 4, chapter 104, Laws of 1982, section 57, chapter 396, Laws of 1985 and RCW 86.09.187.

Sec. 52. Section 51, chapter 72, Laws of 1937 and RCW 86.09.151 are each amended to read as follows:

(1) Said flood control districts shall have full authority to carry out the objects of their creation and to that end are authorized to acquire, purchase, hold, lease, manage, improve, repair, occupy, and sell real and personal property or any interest therein, either inside or outside the boundaries of the district, to enter into and perform any and all necessary contracts, to appoint and employ the necessary officers, agents and employees, to sue and be sued, to exercise the right of eminent domain, to levy and enforce the collection of special assessments and in the manner herein provided against the lands within the district, for district revenues, and to do any and all lawful acts required and expedient to carry out the purpose of this chapter.

(2) In addition to the powers conferred in this chapter and those in chapter 85.38 RCW, flood control districts may engage in activities authorized under RCW 36.61.020 for lake management districts using procedures granted in this chapter and in chapter 85.38 RCW.

NEW SECTION. Sec. 53. A new section is added to chapter 90.03 RCW to read as follows:

The definitions set forth in this section apply to sections 54 and 55 of this act.

(1) "State highway right of way" means the right of way for a state highway. The phrase includes the right of way of a state limited-access highway inside or outside a city or town but does not include city or town streets forming a part of the route of state highways that are not limited-access highways. The term does not include state property under the jurisdiction of the department of transportation that is outside the right of way lines of a state highway.

(2) "Storm water control facility" means any facility, improvement, development, property, or interest therein, made, constructed, or acquired for the purpose of controlling, or protecting life or property from, any storm, waste, flood, or surplus waters.

(3) "Rate" means the dollar amount charged per unit of surface area of a parcel of real property based upon factors established by the local government utility.

(4) "Comparable real property" means real property equal to the state highway right of way or a section of state highway right of way in terms of the factors considered by the local government utility in establishing rates.

NEW SECTION. Sec. 54. A new section is added to chapter 90.03 RCW to read as follows:

The rate charged by a local government utility to the department of transportation with respect to state highway right of way or any section of state highway right of way for the construction, operation, and maintenance of storm water control facilities under chapters 35.67, 35.92, 36.89, 36.94, 56.08, and 86.15 RCW, shall be thirty percent of the rate for comparable real property, except as otherwise provided in this section. The rate charged to the department with respect to state highway right of way or any section of state highway right of way within a local government utility's jurisdiction shall not, however, exceed the rate charged for comparable city street or county road right of way within the same jurisdiction. The legislature finds

that the aforesaid rates are presumptively fair and equitable because of the traditional and continuing expenditures of the department of transportation for the construction, operation, and maintenance of storm water control facilities designed to control surface water or storm water runoff from state highway rights of way. The utility imposing the charge and the department of transportation may, however, agree to either higher or lower rates with respect to the construction, operation, or maintenance of any specific storm water control facilities based upon the extent and adequacy of storm water control facilities constructed by the department and upon the actual benefits to state highway rights of way from the storm water control facilities constructed by the local government utility. If a different rate is agreed to, a report so stating shall be submitted to the legislative transportation committee. If the local government utility and the department of transportation cannot agree upon the proper rate, and after a report has been submitted to the legislative transportation committee and after ninety days from submission of such report, either may commence an action in the superior court for the county in which the state highway right of way is located to establish the proper rate. The court in establishing the proper rate shall take into account the extent and adequacy of storm water control facilities constructed by the department and the actual benefits to the sections of state highway rights of way from storm water control facilities constructed, operated, and maintained by the local government utility. Control of surface water runoff and storm water runoff from state highway rights of way shall be deemed an actual benefit to the state highway rights of way. The rate for sections of state highway right of way as determined by the court shall be set forth in terms of the percentage of the rate for comparable real property, but shall in no event exceed the rate charged for comparable city street or county road right of way within the same jurisdiction.

Sec. 55. Section 1, chapter 315, Laws of 1983 and RCW 35.67.025 are each amended to read as follows:

Except as otherwise provided in section 54 of this 1986 act, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by cities and towns pursuant to RCW 35.67.020. In setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property.

Sec. 56. Section 2, chapter 315, Laws of 1983 and RCW 35.92.021 are each amended to read as follows:

Except as otherwise provided in section 54 of this 1986 act, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by cities and towns pursuant to RCW 35.92.020. In setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property.

Sec. 57. Section 3, chapter 315, Laws of 1983 and RCW 36.89.085 are each amended to read as follows:

Except as otherwise provided in section 54 of this 1986 act, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by counties pursuant to RCW 36.89.080. In setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property.

Sec. 58. Section 4, chapter 315, Laws of 1983 and RCW 36.94.145 are each amended to read as follows:

Except as otherwise provided in section 54 of this 1986 act, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by counties pursuant to RCW 36.94.140. In setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property.

Sec. 59. Section 5, chapter 315, Laws of 1983 and RCW 56.08.012 are each amended to read as follows:

Except as otherwise provided in section 54 of this 1986 act, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by sewer districts pursuant to RCW 56.08.010 or 56.16.090. In setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property.

Sec. 60. Section 16, chapter 153, Laws of 1961 as last amended by section 19, chapter 315, Laws of 1983 and RCW 86.15.160 are each amended to read as follows:

For the purposes of this chapter the supervisors may authorize:

(1) An annual excess ad valorem tax levy within any zone or participating zones when authorized by the voters of the zone or participating zones under RCW 84.52.052 and 84.52.054;

(2) An assessment upon property, including state property, specially benefited by flood control improvements or storm water control improvements imposed under chapter 86.09 RCW;

(3) Within any zone or participating zones an annual ad valorem property tax levy of not to exceed fifty cents per thousand dollars of assessed value when the levy will not take dollar rates that other taxing districts may lawfully claim and that will not cause the combined levies to exceed the constitutional and/or statutory limitations, and the additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies;

(4) A charge, under RCW 36.89.080, for the furnishing of service to those who are receiving or will receive benefits from storm water control facilities and who are contributing to an increase in surface water runoff. Except as otherwise provided in section 54 of this 1986 act, any public entity and public property, including the state and state property, shall be liable for the charges to the same extent a private person and privately owned property is liable for the charges, and in setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property;

(5) The creation of local improvement districts and utility local improvement districts, the issuance of improvement district bonds and warrants, and the imposition, collection, and enforcement of special assessments on all property, including any state-owned or other publicly-owned property, specially benefited from improvements in the same manner as provided for counties by chapter 36.94 RCW.

Sec. 61. Section 7, chapter 136, Laws of 1967 ex. sess. as amended by section 22, chapter 315, Laws of 1983 and RCW 86.15.176 are each amended to read as follows:

The supervisors may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served (~~(-including public entities;-)~~) or receiving benefits from a flood control improvement (~~(-PROVIDED, That)~~) including public entities, except as otherwise provided in section 54 of this 1986 act. The service charge shall be uniform for the same class of benefits or service. In classifying services furnished or benefits received the board may in its discretion consider the character and use of land and its water runoff characteristics and any other matters that present a reasonable difference as a ground for distinction. Service charges shall be applicable to a zone or participating zones. The disposition of all revenue from service charges shall be in accordance with RCW 86.15.130.

Sec. 62. Section 8, chapter 315, Laws of 1983 and RCW 90.03.500 are each amended to read as follows:

The legislature finds that increasing the surface water or storm water accumulation on or flow over real property, beyond that which naturally occurs on the real property, may cause severe damage to the real property and limit the gainful use or enjoyment of the real property, resulting in a tort, nuisance, or taking. The damage can arise from activities increasing the point or nonpoint flow of surface water or storm water over the real property, or altering or interrupting the natural drainage from the real property. The legislature finds that it is in the public interest to permit the construction and operation of public improvements to lessen the damage. The legislature further finds that it is in the public interest to provide for the equitable imposition of special assessments, rates, and charges to fund such improvements. This shall include the imposition of special assessments, rates, and charges on real property to fund that reasonable portion of the public improvements that alleviate the damage arising from activities that are the proximate cause of the damage on other real property. Except as otherwise provided in section 54 of this 1986 act, these special assessments, rates, and charges may be imposed on any publicly-owned, including state-owned, real property that causes such damage.

Sec. 63. Section 9, chapter 315, Laws of 1983 and RCW 90.03.510 are each amended to read as follows:

Whenever a county, city, town, sewer district, or flood control zone district imposes rates or charges to fund storm water control facilities or improvements and the operation and maintenance of such facilities or improvements under RCW 35.67.020, 35.92.020, 36.89.080, 36.94.140, 56.08.010, or 56.16.090, it (~~(shall)~~) may provide a credit for the value of storm water control facilities or improvements that a person or entity has installed or located that mitigate or lessen the impact of storm water which otherwise would occur.

Sec. 64. Section 84.64.050, chapter 15, Laws of 1961 as last amended by section 2, chapter 179, Laws of 1984 and by section 19, chapter 220, Laws of 1984 and RCW 84.64.050 are each reenacted and amended to read as follows:

After the expiration of three years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county for all years' taxes, interest, and costs: PROVIDED, That the county treasurer, with the consent of the county legislative authority, may elect to issue a certificate for fewer than all years' taxes, interest, and costs to a minimum of the taxes, interest, and costs for the earliest year.

The county treasurer may include in the certificate of delinquency any assessments which are due on the property and are the responsibility of the county treasurer to collect. For purposes of this chapter, "taxes, interest, and costs" include any assessments which are so included by the county treasurer.

The change to a three-year grace period shall first be effective on May 1, 1983. Prior to that date, the county treasurer shall send a notice to all taxpayers with taxes delinquent for two years or more, notifying them of the change in the grace period. The treasurer shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county legislative authority shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceedings shall be had as when held by an individual: PROVIDED, That notice and summons must be served or notice given in a manner reasonably calculated to inform the owner or owners, and any person having a recorded interest in or lien of record upon the property, of the foreclosure action. Either (1) personal service upon the owner or owners and any person having a recorded interest in or lien of record upon the property, or (2) publication once in a newspaper of general circulation, which is circulated in the area of the property and mailing of notice by certified mail to the owner or owners and any person having a recorded interest in or lien of record upon the property, or, if a mailing address is unavailable, personal service upon the occupant of the property, if any, is sufficient. In addition to describing the property as the same is described on the tax rolls, the notice must include the local street address, if any. It shall be the duty of the county treasurer to mail a copy of the published summons, within fifteen days after the first publication thereof, to the treasurer of each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of any tax sought to be foreclosed. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made codendants in said action, and if unknown may be therein named as unknown owners, and the publication of such notice shall be sufficient service thereof on all persons interested in the property described therein, except as provided above. The person or persons whose name or names appear on the treasurer's rolls as the owner or owners of said property shall be considered and treated as the owner or owners of said property for the purpose of this section, and if upon said treasurer's rolls it appears that the owner or owners of said property are unknown, then said property shall be proceeded against, as belonging to an unknown owner or owners, as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder: PROVIDED, That(~~at least thirty days~~) prior to the sale of the property, if such property is shown on the tax rolls under unknown owners or as having an assessed value of three thousand dollars or more, the treasurer shall order or conduct a title search of the property to be sold to determine the legal description of the property to be sold and the record title holder, and if the record title holder or holders differ from the person or persons whose name or names appear on the treasurer's rolls as the owner or owners, the record title holder or holders shall be considered and treated as the owner or owners of said property for the purpose of this section, and shall be entitled to the notice provided for in this section.

The county treasurer shall not issue certificates of delinquency upon property which is eligible for deferral of taxes under chapter 84.38 RCW but shall require the owner of the property to file a declaration to defer taxes under chapter 84.38 RCW.

NEW SECTION, Sec. 65. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 36.01.010, 36.32.120, 35.22.280, 35.24.290, 35.27.370, 35A.11.020, 53.48.010, 85.05.360, 85.06.330, 85.08.210, 85.08.320, 85.16.030, 85.16.180, 85.20.070, 85.20.120, 85.22.060, 85.24.160, 85.32.140, 86.09.157, 85.38.010, 85.38.070, 86.09.430, 86.09.439, 86.09.562, 35.44.090, 86.09.151, 35.67.025, 35.92.021, 36.89.085, 36.94.145, 56.08.012, 86.15.160, 86.15.176, 90.03.500, and 90.03.510; reenacting and amending RCW 35.23.440 and 84.64.050; adding a new section to chapter 52.12 RCW; adding new sections to chapter 85.05 RCW; adding new sections to chapter 85.06 RCW; adding new sections to chapter 85.08 RCW; adding new sections to chapter 85.24 RCW; adding new sections to chapter 85.36 RCW; adding new sections to chapter 85.38 RCW; adding new sections to chapter 86.09 RCW; adding new sections to chapter 90.03 RCW; repealing RCW 85.05.290, 85.05.300, 85.05.310, 85.05.320, 85.05.330, 85.05.340, 85.05.480, 85.05.510, 85.05.520, 85.05.530, 85.06.170, 85.06.260, 85.06.270, 85.06.280, 85.06.290, 85.06.300, 85.06.310, 85.06.321, 85.06.322, 85.06.323, 85.06.324, 85.06.325, 85.06.326, 85.06.327, 85.06.328, 85.06.329, 85.08.240, 85.08.280, 85.09.010, 85.09.020, 85.09.030, 85.09.040, 85.09.050, 85.09.060, 85.09.070, 85.09.080, 85.09.090, 85.09.900, 85.20.080, 85.20.090, 85.20.100, 85.20.110, 85.20.120, 85.20.130, 85.22.070,

85.22.080, 85.22.090, 85.22.100, 85.22.110, 85.22.120, 85.24.230, 86.09.568, 86.09.571, 86.09.574, 86.09.577, 86.09.580, 86.09.583, 86.09.586, 86.09.589, 86.09.604, 86.09.607, 86.09.610, 86.09.613, 85.05.560, 85.05.570, 85.05.580, 85.05.590, 85.05.600, 85.06.510, 85.06.520, 85.06.530, 85.06.540, 85.07.020, 85.07.030, 85.08.580, 85.08.590, 85.08.600, 85.08.610, 85.08.620, 85.08.625, 85.36.010, 85.36.020, 85.36.030, 86.09.184, and 86.09.187; and prescribing penalties."

Signed by Senators Thompson, Garrett and Zimmerman: Representatives Haugen, Nutley and Brough.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute Senate Bill No. 4486 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on SUBSTITUTE SENATE BILL NO. 4531 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4531, modifying provisions relating to mental health insurance coverage, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On the Financial Institutions and Insurance Committee amendment to the bill on page 7 of the amendment, line 19, strike "July 1, 1986" and insert "March 1, 1987" and we recommend that the Financial Institutions and Insurance Committee amendment, as amended by the Conference Committee, be adopted.

Signed by Senators Moore and Granlund: Representatives Lux, Niemi and Barrett.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute Senate Bill No. 4531 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SUBSTITUTE SENATE BILL NO. 4741 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4741, relating to commercial fishing licenses, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 75.30 RCW to read as follows:

The director of the department of fisheries shall waive the landing and other permit requirements under RCW 75.30.120 if such requirements were not fulfilled by the license holder due to procedures initiated by a foreign government.

This section shall expire on December 31, 1986.

NEW SECTION, Sec. 2. A new section is added to chapter 75.30 RCW to read as follows:

Any commercial salmon fishing license issued under RCW 75.28.110 or salmon delivery permit issued under RCW 75.28.113 shall revert to the department when any government confiscates and sells the vessel to which the license or permit was issued. Upon application of the person named on the license or permit and the approval of the director, the department shall transfer the license or permit to the original owner. Application for transfer of the license or permit must be made within the calendar year in which the vessel was licensed.

NEW SECTION, Sec. 3. A new section is added to chapter 75.30 RCW to read as follows:

The legislature finds that maintaining a commercial whiting fishery in Puget Sound affects the public welfare. Excessive fishing for Puget Sound whiting, especially at the time of spawning, severely affects the abundance of whiting. The legislature further finds that as a result of increases in the number of vessels fishing for whiting, the amount of gear used in fishing, and the limited whiting resource, it is proper and necessary to limit the number of vessels and amount of gear used in taking whiting in Puget Sound.

NEW SECTION, Sec. 4. A new section is added to chapter 75.30 RCW to read as follows:

Commercial Puget Sound whiting license endorsements issued under section 6 of this act shall be valid for the owner and the vessel for which the endorsement was issued. The endorsement may be transferred through gift, devise, bequest or descent to members of the immediate family which shall be limited to spouse, children or stepchildren. Only a natural person may possess an endorsement. The owner of the endorsement must be present on any vessel taking whiting under terms of the endorsement. In no instance may temporary permits be issued.

The director may adopt rules necessary to implement sections 3 through 6 of this act.

NEW SECTION, Sec. 5. A new section is added to chapter 75.30 RCW to read as follows:

To obtain a Puget Sound commercial whiting endorsement, the owner of the vessel must have delivered at least fifty thousand pounds of whiting during the period from January 1, 1981, through February 22, 1985 as verified by fish delivery tickets and must have possessed, on January 1, 1986, all equipment necessary to fish for whiting.

NEW SECTION, Sec. 6. A new section is added to chapter 75.30 RCW to read as follows:

In addition to any other license, a Puget Sound commercial whiting endorsement is required to take whiting in the waters of marine fish-shell fish management and catch reporting areas 24B, Port Susan; 24C, Saratoga Passage; 26A, Possession Sound; or any other area designated by the department. An annual endorsement fee is two hundred dollars for residents and four hundred dollars for nonresidents. The license shall be affixed to the licensed vessel.

Sec. 7, Section 5, chapter 106, Laws of 1977 ex. sess. as amended by section 138, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.30.050 are each amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

(a) The salmon charter boat fishing industry in cases involving salmon charter boat licenses or angler permits;

(b) The commercial salmon fishing industry in cases involving commercial salmon licenses;

(c) The commercial crab fishing industry in cases involving Puget Sound crab license endorsements; ~~((and))~~

(d) The commercial herring fishery in cases involving herring validations; and

(e) The commercial Puget Sound whiting fishery in cases involving Puget Sound whiting license endorsements.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

Sec. 8, Section 3, chapter 171, Laws of 1957 as last amended by section 103, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.014 are each amended to read as follows:

(1) The department may establish by rule license application deadlines for types of gear and licensing districts. An applicant for a commercial salmon fishing license shall submit a license application in accordance with this subsection.

(a) If an application is postmarked or personally delivered to the department in Olympia by ~~((April 15th of the license year))~~ the application deadline, it shall be accompanied by the prescribed license fee.

(b) If an application is postmarked or personally delivered to the department in Olympia after ~~((April 15th of the license year))~~ the application deadline, it shall be accompanied by the prescribed license fee and a late application fee of two hundred dollars.

(2) Columbia River smelt license applications accompanied by the license fee shall be made in person or postmarked by January 10 of the license year."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.30.050 and 75.28.014; and adding new sections to chapter 75.30 RCW."

Signed by Senators Owen, Metcalf and Halsan: Representatives Basich, Haugen and Thomas.

MOTION

Senator Vognild moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4741 be adopted and the committee be granted the powers of Free Conference.

Debate ensued.

POINT OF ORDER

Senator Pullen: "Mr. President, a point of order. I raise the point of order that the Conference Committee Report may expand the scope and object of the title of the bill. I draw your attention to the title of the bill which is an act relating to commercial fishing and licenses. Licenses is obviously a very, very narrow aspect of the title and it would appear that the Conference Committee has added on about three bills dealing with commercial fishing, but they don't all deal with commercial fishing licenses. Therefore, I would submit it does exceed the scope and object of the title."

Further debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Engrossed Substitute Senate Bill No. 4741 is a measure entitled 'An Act Relating to Commercial Fishing Licenses.'

"The amendment proposed by the Conference Committee grants commercial fishing licenses to owners of vessels seized by a foreign government and provides for commercial Puget Sound Whiting fishing licenses.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by the Conference Committee was ruled in order.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4741 and to grant the powers of Free Conference.

The motion by Senator Vognild carried and the Senate adopted the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4741 and granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SUBSTITUTE SENATE BILL NO. 4872 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4872, revising school governance, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 28A.04.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 179, Laws of 1980 and RCW 28A.04.010 are each amended to read as follows:

The state board of education shall be ~~((comprised))~~ composed of ((two)) one member((s)) from each congressional district of the state, ~~((not including any congressional district at large, elected by the members of the boards of directors of school districts thereof, as hereinafter in this chapter provided, and))~~ three members at large, one nonvoting member ((elected at large, as hereinafter in this chapter provided, by the members of the boards of directors of)) to represent all private schools in the state meeting the requirements of RCW 28A.02.201, as now

or hereafter amended, and the superintendent of public instruction as provided for under RCW 28A.03.030(6). The members shall be appointed by the governor upon consultation with the superintendent of public instruction and with the advice and consent of the senate of the state of Washington.

Sec. 2. Section 28A.04.030, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 7, Laws of 1982 1st ex. sess. and RCW 28A.04.030 are each amended to read as follows:

(1) The terms of the initial appointed members shall be as follows: Four members of the state board of education shall be appointed for terms of three years commencing with the second Monday in January of 1987, four members shall be appointed for terms of four years commencing with the second Monday in January of 1988, and four members shall be appointed for terms of five years commencing with the second Monday in January of 1989. Thereafter, all members shall serve for terms of six years.

(2) The terms of the members of the state board of education as of the effective date of this 1986 act shall expire as soon as their successors are appointed by the governor and pursuant to the provisions of this subsection as follows:

(a) The terms of the members from the third and sixth congressional districts, one member at large, and the term of the member representing all private schools in the state meeting the requirements of RCW 28A.02.201 shall end on the second Monday in January of 1990;

(b) The terms of the members from the first, fourth, and seventh congressional districts and one member at large shall end on the second Monday in January of 1992; and

(c) The terms of the members from the second, fifth, and eighth congressional districts and one member at large shall end on the second Monday in January of 1994.

(3) Whenever any new and additional congressional district is created, ((except a congressional district at large, the superintendent of public instruction shall call an election in such district at the time of making the call provided for in RCW 28A.04.020. Such election shall be conducted as other elections provided for in this chapter. At the first such election two members of the state board of education shall be elected, one for a term of three years and one for a term of six years. At the expiration of the term of each, a member shall be elected for a term of six years)) the governor shall appoint an individual to represent the district on the state board of education.

((2)) (4) The terms of office of members of the state board of education who are ((elected)) appointed from the various congressional districts shall not be affected by the creation of either new or new and additional districts. In such an event, each board member may continue to serve in office for the balance of the term for which he or she was ((elected-or)) appointed; PROVIDED, That the board member continues to reside within the boundaries of the congressional district as they existed at the time of his or her ((election-or)) appointment. Vacancies which occur in a board member position during the balance of any such term shall be filled pursuant to RCW 28A.04.080, as now or hereafter amended, by a successor who resides within the boundaries of the congressional district from which the member whose office was vacated was ((elected)) appointed as they existed at the time of his or her ((election-At the election)) appointment. Immediately preceding the expiration of the term of office of each board member provided for in this subsection following the creation of either new or new and additional congressional districts, and thereafter, a successor shall be ((elected)) appointed from the congressional district which corresponds in number with the congressional district from which the incumbent was appointed ((or-elected)).

Sec. 3. Section 28A.04.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 7, Laws of 1982 1st ex. sess. and RCW 28A.04.040 are each amended to read as follows:

(1) ((Candidates for membership on the state board of education shall file declarations of candidacy with the superintendent of public instruction on forms prepared by the superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, or later than the sixteenth day of September. The superintendent of public instruction may not accept any declaration of candidacy that is not on file in his office or is not postmarked before the seventeenth day of September, or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of September.)) No person employed in any school, college, university, or other educational institution or any educational service district superintendent's office or in the office of superintendent of public instruction or any officer or employee of any education association or organization that represents school employees, or any school directors shall be eligible for membership on the state board of education and each member ((elected who is not representative of the private schools in this state and thus not running at large)) appointed must be a resident of the congressional district from which he or she was ((elected)) appointed, except the person appointed to represent private schools meeting the requirements of RCW 28A.02.201. No member of a board of directors of a local school district or private school shall continue to serve in that capacity after having been ((elected)) appointed to the state board.

(2) The prohibitions against membership upon the board of directors of a school district or school and against employment, as well as the residence requirement, established by this section, are conditions to the eligibility of state board members to serve as such which apply throughout the terms for which they have been ((elected-or)) appointed. Any state board

member who hereafter fails to meet one or more of the conditions to eligibility shall be deemed to have immediately forfeited his or her membership upon the board for the balance of his or her term: PROVIDED, That such a forfeiture of office shall not affect the validity of board actions taken prior to the date of notification to the board during an open public meeting of the violation.

Sec. 4. Section 28A.04.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.070 are each amended to read as follows:

The term of office of each member of the state board of education shall begin on the second Monday in January next following the ~~((election))~~ time at which he or she was ~~((elected))~~ appointed, and he or she shall hold office for the term for which he or she was ~~((elected))~~ appointed and until his or her successor is ~~((elected and qualified))~~ appointed. Except as otherwise provided in RCW 28A.04.030, each member of the state board of education shall be ~~((elected))~~ appointed for a term of six years.

Sec. 5. Section 28A.04.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.080 are each amended to read as follows:

Whenever there shall be a vacancy upon the state board of education, from any cause whatever, it shall be the duty of the ~~((remaining members of the board))~~ governor to fill such vacancy by appointment, and the person so appointed shall continue in office ~~((until his successor has been specially elected, as hereinafter in this section provided, and has qualified. Whenever a vacancy occurs, the superintendent of public instruction shall call, in the month of August next following the date of the occurrence of such vacancy, a special election to be held in the same manner as other elections provided for in this chapter, at which election a successor shall be elected to hold office for the unexpired term of the member whose office was vacated))~~ for the duration of the term of the position vacated at which time he or she is reappointed or a successor is appointed.

Sec. 6. Section 28A.04.090, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 160, Laws of 1982 and RCW 28A.04.090 are each amended to read as follows:

(1) The state board of education shall ~~((annually))~~ elect annually a ~~((president and))~~ vice president. The superintendent of public instruction shall be an ex officio member and the ~~((chief executive officer))~~ president of the board. As such ex officio member the superintendent shall have the right to vote only when there is a question before the board upon which no majority opinion has been reached among the board members present ~~((and voting thereon and the superintendent's vote is essential for action thereon))~~. The superintendent, as ~~((chief executive officer))~~ president of the board, shall furnish all necessary record books ~~((and)), forms, and support staff~~ for its use, and shall represent the board in directing the work of school inspection.

(2) All members appointed to the state board of education to represent the congressional districts of the state and the members at large shall have full voting privileges on all matters that come before the board.

Sec. 7. Section 28A.04.100, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 160, Laws of 1982 and RCW 28A.04.100 are each amended to read as follows:

The state board of education ~~((shall appoint))~~ may employ some person to be ~~((ex officio secretary))~~ executive director of said board ~~((who shall not be entitled to a vote in its proceedings))~~. The ~~((secretary))~~ executive director shall keep a correct record of board proceedings, which shall be kept in the office of the superintendent of public instruction. He or she shall also, upon request, furnish to interested school officials a copy of such proceedings. The board may employ such clerical staff as it may determine to be necessary.

Sec. 8. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 40, Laws of 1984 and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect

to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) ~~((Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.))~~ Prepare a report to be submitted biennially to the legislature which will specify (a) current short-term, midrange, and long-term goals and objectives of the state school system; (b) current plans and processes instituted to achieve the goals and objectives; (c) current progress being made to achieve the goals and objectives; and (d) recommendations for legislation necessary to achieve the goals and objectives.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(10) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(11) Hear and decide appeals as otherwise provided by law.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.24 RCW to read as follows:

In addition to other powers and duties, the superintendent of public instruction shall adopt rules and regulations governing the training and qualifications of school bus drivers. Such rules and regulations shall be designed to ensure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to operate school buses safely: PROVIDED, That such rules and regulations shall ensure that school bus drivers are provided a due process hearing before any certification required by such rules and regulations is cancelled: PROVIDED FURTHER, That such rules and regulations shall not conflict with the authority of the department of licensing to license school bus drivers in accordance with RCW 46.20.440 through 46.20.470.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 28A.04.020, chapter 223, Laws of 1969 ex. sess., section 1, chapter 38, Laws of 1981 and RCW 28A.04.020;

(2) Section 28A.04.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 38, Laws of 1981 and RCW 28A.04.050;

(3) Section 28A.04.060, chapter 223, Laws of 1969 ex. sess., section 25, chapter 283, Laws of 1969 ex. sess., section 2, chapter 19, Laws of 1975, section 5, chapter 179, Laws of 1980, section 3, chapter 38, Laws of 1981 and RCW 28A.04.060;

(4) Section 1, chapter 19, Laws of 1975, section 6, chapter 179, Laws of 1980 and RCW 28A.04.065; and

(5) Section 4, chapter 153, Laws of 1969 ex. sess., section 89, chapter 158, Laws of 1979, section 1, chapter 200, Laws of 1981 and RCW 28A.04.131.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Senators Gaspard and Bauer: Representatives Ebersole and Peery.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4872 was adopted and the committee was granted the powers of Free Conference.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved that the Senate reconsider the vote by which the powers of Free Conference were granted on Substitute Senate Bill No. 4905 earlier today.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate reconsider the vote by which the powers of Free Conference were granted to Substitute Senate Bill No. 4905.

The motion by Senator Vognild carried and the Senate resumed consideration of Substitute Senate Bill No. 4905, on reconsideration.

MOTION

On motion of Senator Peterson, and there being no objection, the motion to adopt the Report of the Conference Committee on Substitute Senate Bill No. 4905 and to grant the powers of Free Conference was withdrawn.

MOTION

Senator Peterson moved that the Senate adopt the Report of the Conference Committee on Substitute Senate Bill No. 4905.

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Peterson, I'm just a little confused, has the House receded from their amendments and we are now adopting the original Senate Bill or are we adopting the Conference Committee Report which is timed at 4:45?"

Senator Peterson: "Senator Lee, my information is that the House receded from that amendment this morning and sent it back to us, so we're adopting the original supplemental budget."

Senator Lee: "The House has receded from their amendments. We have the original as it passed, so we don't have to pass it again, do we?"

PARLIAMENTARY INQUIRY

Senator Peterson: "Mr. President, are we adopting the Conference Report or working on the bill?"

REPLY BY THE PRESIDENT

President Cherberg: "The question pending is the adoption of the Conference Committee Report."

POINT OF ORDER

Senator Lee: "A point of order, Mr. President. I notice that my Conference Committee Report which the reader just read--the same words--is timed at 4:45 and so I raise the point of order as to whether or not this adoption is timely. I have no objection--in fact I intend to vote for the bill. It's just that I would raise that as a point of order as to whether or not it has been on our desks for twenty-four hours prior to being presented for final adoption."

REPLY BY THE PRESIDENT

President Cherberg: "Senator, if the members decide to vote ahead of time, that's well within their privilege. If they are ready to vote, they might as well expedite business and go ahead. It isn't mandatory that you have to wait twenty-four hours."

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, where does the so-called twenty-four hour rule come from? Is there a rule in our Joint Rules or otherwise that specifies that it must be on our desk for twenty-four hours?"

REPLY BY THE PRESIDENT

President Cherberg: "The President understands that, but if the members of the body wish to proceed it is certainly well within their province."

Senator Pullen: "Would that then take a motion to suspend the rules? Would that not be the proper way to make the motion? And, do we have the authority to

suspend the Joint Rules? We have the authority to suspend our own rules, but I can't see that we have the authority to suspend the Joint Rules."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, we're of the understanding that we would be told when the twenty-four hour rule be strictly adhered to. My understanding was that there was no objection to running this one forty-five minutes early, but if there is we will set it down."

Further debate ensued.

The President suggested that if there was no objection, further consideration of the Conference Committee Report on Substitute Senate Bill No. 4905 be deferred.

MOTION

On motion of Senator Guess, the Senate continued consideration of the Report of the Conference Committee on Substitute Senate Bill No. 4905.

The President declared the question before the Senate to be the motion by Senator Peterson that the Senate adopt the Report of the Conference Committee on Substitute Senate Bill No. 4905.

The motion by Senator Peterson carried and the Senate adopted the Report of the Conference Committee on Substitute Senate Bill No. 4905.

MOTION

On motion of Senator Zimmerman, Senator Johnson was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4905, as amended by the Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4905, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; nays, 8; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vogt, von Reichbauer, Warnke, Williams - 37.

Voting nay: Senators Bauer, Deccio, Halsan, McCaslin, McManus, Talmadge, Wojahn, Zimmerman - 8.

Absent: Senators Barr, Owen - 2.

Excused: Senators Johnson, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4905, as amended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House ruled the Conference Committee Report on ENGROSSED SENATE BILL NO. 4463 beyond the scope and object of the title of the bill and requests further conference. The Speaker has appointed the following members as new conferees: Representatives McMullen, Day and Lundquist. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4463, encouraging the promotion of Washington products, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. The legislature declares that:

(1) The development and sale of Washington business products is a vital element in expanding the state economy.

(2) The marketing of items produced in Washington state contributes substantial benefits to the economic base of the state, provides a large number of jobs and sizeable tax revenues to state and local governments, and provides an important stimulation to the economic strength of Washington companies.

(3) State government should play a significant role in the development and expansion of markets for Washington products.

NEW SECTION, Sec. 2. The department of trade and economic development is directed to develop and promote means to stimulate the expansion of the market for Washington products and shall have the following powers and duties:

(1) To develop a pamphlet for state-wide circulation which will encourage the purchase of items produced in the state of Washington;

(2) To include in the pamphlet a listing of products of Washington companies which individuals can examine when making purchases so they may have the opportunity to select one of those products in support of this program;

(3) To distribute the pamphlets on the broadest possible basis through local offices of state agencies, business organizations, chambers of commerce, or any other means the department deems appropriate;

(4) In carrying out these powers and duties the department shall cooperate and coordinate with other agencies of government and the private sector.

NEW SECTION, Sec. 3. The sum of ten thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the department of trade and economic development for the purposes of sections 1 and 2 of this act.

NEW SECTION, Sec. 4. The legislature acknowledges that other states have successfully promoted the sale of their lottery tickets when the proceeds of a game are used for a specific purpose. People who buy lottery tickets in those states recognize that they are helping to support a particular state program. If the legislature authorizes an additional lottery game which designates the proceeds to be used for a particular purpose, the sales of Washington lottery tickets should increase without any reduction in state general fund moneys. It is the intent of the legislature to help stimulate the sale of Washington state lottery tickets by authorizing the lottery commission to conduct one additional lottery game each year for the benefit of urban parks.

Sec. 5. Section 3, chapter 89, Laws of 1980 and RCW 43.51.380 are each amended to read as follows:

Recognizing the fact that the demand for park services is greatest in our urban areas, that parks should be accessible to all Washington citizens, that the urban poor cannot afford to travel to remotely located parks, that few state parks are located in or near urban areas, that a need exists to conserve energy, and that local governments having jurisdiction in urban areas cannot afford the costs of maintaining and operating the extensive park systems needed to service their large populations, the legislature hereby directs the interagency committee for outdoor recreation to place a high priority on the acquisition, development, redevelopment, and renovation of parks ~~((to be))~~ located in or near urban areas ~~((and to))~~ that will be particularly accessible to and used by the populations of those areas. For purposes of RCW 43.51.380 and 43.51.385, "urban areas" mean any incorporated city with a population of five thousand persons or greater or any county ~~((with a population density of two hundred fifty persons per square mile))~~ of the second class or greater. ~~((This section shall be implemented by January 1, 1981.))~~

Sec. 6. Section 6, chapter 5, Laws of 1965 as last amended by section 54, chapter 57, Laws of 1985 and RCW 43.99.060 are amended to read as follows:

There is created the outdoor recreation account in the state treasury, in which shall be deposited all moneys received from the marine fuel tax refund account pursuant to RCW 43.99.070, the proceeds of the bond issue authorized by chapter 12, Laws of 1963, extraordinary session, all proceeds transferred from the state lottery account pursuant to section 9 of this 1986 act, and any moneys made available to the state of Washington by the federal government for outdoor recreation not specifically designated for another fund or agency. All earnings of investments of balances in the outdoor recreation account shall be credited to the general fund.

Grants, gifts, or other financial assistance awarded or designated for a particular purpose, or proceeds received from public bodies as administrative cost contributions, may be received and, when appropriated by the legislature, may be expended in accordance with the general budget and accounting act.

NEW SECTION, Sec. 7. A new section is added to chapter 43.99 RCW to read as follows:

Moneys transferred to the outdoor recreation account from the state lottery account shall be used solely for the acquisition, development, redevelopment, and renovation of urban area parks as defined in RCW 43.51.380.

Sec. 8. Section 24, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 5, chapter 375, Laws of 1985 and RCW 67.70.240 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for the purpose of making deposits into the outdoor recreation account pursuant to section 9 of this 1986 act; (5) for the purchase and promotion of lottery games and game-related services; and ~~((5))~~ (6) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

NEW SECTION. Sec. 9. A new section is added to chapter 67.70 RCW to read as follows:

The commission may conduct one lottery game each year for the benefit of urban area parks. The commission shall transfer the net proceeds received from the sale of lottery tickets or shares under this game to the outdoor recreation account created by RCW 43.99.060.

NEW SECTION. Sec. 10. A new section is added to chapter 43.31 RCW to read as follows:

The legislature hereby acknowledges the growing importance of trade development services in increasing the promotion and export of Washington products and facilitating trade through the state. It is important for the state to act as a partner to other public and private organizations to provide for a coordinated trade information network for users of trade services.

(1) The department is directed to utilize a sum of up to fifty thousand dollars from the surplus funds in the state trade fair fund, as permitted by RCW 43.31.832, for the purposes of subsection (2) of this section.

(2) The department shall assist in the analysis and development of recommendations to provide for coordinated, accurate, and up-to-date trade information services between users and providers of trade services. A feasibility study shall be conducted of the best and most efficient process available to provide essential trade services to public and private organizations. The department shall encourage private sector involvement and utilize existing resources whenever possible to support product marketing and coordinated trade services.

(3) The department shall report to the legislature by January 1, 1987, on its activities and findings under this section.

(4) This section shall expire on June 30, 1987.

NEW SECTION. Sec. 11. This chapter may be cited as the employee cooperative corporations act. Employee cooperatives have long been a tradition in this state, especially in forestry and agriculture, where many Washington products are produced for export. Assistance to employee cooperatives will affect directly the expansion of markets for Washington products, increase tax revenues and provide stability for the state's base industries.

NEW SECTION. Sec. 12. For the purposes of this chapter, the terms defined in this section have the meanings given:

(1) "Employee cooperative" means a corporation that has elected to be governed by the provisions of this chapter.

(2) "Member" means a natural person who has been accepted for membership in, and owns a membership share issued by, an employee cooperative.

(3) "Patronage" means the amount of work performed as a member of an employee cooperative, measured in accordance with the articles of incorporation and bylaws.

(4) "Written notice of allocation" means a written instrument which discloses to a member the stated dollar amount of the member's patronage allocation and the terms for payment of that amount by the employee cooperative.

NEW SECTION. Sec. 13. Any corporation organized under the laws of this state may elect to be governed as an employee cooperative under the provisions of this chapter, by so stating in its articles of incorporation or articles of amendment filed in accordance with Title 23A RCW.

A corporation so electing shall be governed by all provisions of Title 23A RCW, except chapter 23A.20 RCW, and except as otherwise provided in this chapter.

NEW SECTION. Sec. 14. An employee cooperative may revoke its election under this chapter by a vote of two-thirds of the members and through articles of amendment filed with the secretary of state in accordance with chapter 23A.16 RCW.

NEW SECTION. Sec. 15. An employee cooperative may include the word "cooperative" or "co-op" in its corporate name.

NEW SECTION. Sec. 16. (1) The articles of incorporation or the bylaws shall establish qualifications and the method of acceptance and termination of members. No person may be accepted as a member unless employed by the employee cooperative on a full-time or part-time basis.

(2) An employee cooperative shall issue a class of voting stock designated as "membership shares." Each member shall own only one membership share, and only members may own these shares.

(3) Membership shares shall be issued for a fee as determined from time to time by the directors. RCW 23A.08.140 and 23A.08.200 do not apply to such membership shares.

Members of an employee cooperative shall have all the rights and responsibilities of stockholders of a corporation organized under Title 23A RCW, except as otherwise provided in this chapter.

NEW SECTION. Sec. 17. (1) No capital stock other than membership shares shall be given voting power in an employee cooperative, except as otherwise provided in this chapter.

(2) The power to amend or repeal bylaws of an employee cooperative shall be in the members only.

(3) Except as otherwise required by RCW 23A.16.030, no capital stock other than membership shares shall be permitted to vote on any amendment to the articles of incorporation.

NEW SECTION. Sec. 18. (1) The net earnings or losses of an employee cooperative shall be apportioned and distributed at the times and in the manner as the articles of incorporation or bylaws shall specify. Net earnings declared as patronage allocations with respect to a period of time, and paid or credited to members, shall be apportioned among the members in accordance with the ratio which each member's patronage during the period involved bears to total patronage by all members during that period.

(2) the apportionment, distribution, and payment of net earnings required by subsection (1) of this section may be in cash, credits, written notices of allocation, or capital stock issued by the employee cooperative.

NEW SECTION. Sec. 19. (1) Any employee cooperative may establish through its articles of incorporation or bylaws a system of internal capital accounts to reflect the book value and to determine the redemption price of membership shares, capital stock, and written notices of allocation.

(2) The articles of incorporation or bylaws of an employee cooperative may permit the periodic redemption of written notices of allocation and capital stock and must provide for recall and redemption of the membership share upon termination of membership in the cooperative.

(3) The articles of incorporation or bylaws may provide for the employee cooperative to pay or credit interest on the balance in each member's internal capital account.

(4) The articles of incorporation or bylaws may authorize assignment of a portion of retained net earnings and net losses to a collective reserve account. Earnings assigned to the collective reserve account may be used for any and all corporate purposes as determined by the board of directors.

NEW SECTION. Sec. 20. (1) an internal capital account cooperative is an employee cooperative whose entire net book value is reflected in internal capital accounts, one for each member, and a collective reserve account, and in which no persons other than members own capital stock. In an internal capital account cooperative, each member shall have one and only one vote in any matter requiring voting by stockholders.

(2) An internal capital account cooperative shall credit the paid-in membership fee and additional paid-in capital of a member to the member's internal capital account, and shall also record the apportionment of retained net earnings or net losses to the members in accordance with patronage by appropriately crediting or debiting the internal capital accounts of members. The collective reserve account in an internal capital account cooperative shall reflect any paid-in capital, net losses, and retained net earnings not allocated to individual members.

(3) In an internal capital account cooperative, the balances in all the individual internal capital accounts and collective reserve account, if any, shall be adjusted at the end of each accounting period so that the sum of the balances is equal to the net book value of the employee cooperative.

NEW SECTION. Sec. 21. (1) When any employee cooperative revokes its election in accordance with section 4 of this act, the articles of amendment shall provide for conversion of membership shares and internal capital accounts or their conversion to securities or other property in a manner consistent with Title 23A RCW.

(2) An employee cooperative that has not revoked its election under this chapter may not consolidate or merge with another corporation other than an employee cooperative. Two or more employee cooperatives may consolidate or merge in accordance with chapter 23A.20 RCW.

NEW SECTION. Sec. 22. Sections 11 through 21 of this act shall constitute a new chapter in Title 23 RCW.

NEW SECTION. Sec. 23. The legislature finds that many business closures, especially in traditional industries, have detrimentally affected the well-being of citizens in this state. The legislature further finds that many citizens may need to enter new fields to gain secure, meaningful employment. Employee ownership of new and existing businesses is one method of creating and retaining needed jobs. Since federal approval of employee stock ownership plans under the employee retirement income security act of 1974, approximately five thousand companies nationwide have adopted employee stock ownership plans, and experts estimate that another one hundred thousand businesses could be subject to such plans. Employee cooperatives have

long been a tradition in this state with many forest products companies, agricultural concerns, and other businesses being run on a cooperative basis. Appropriate and effective use of employee-owned businesses in this state can reduce unemployment caused by plant closings; can increase the income and financial security of citizens of this state, assure citizens greater control of their economic future, strengthen productivity; and can produce more efficient businesses, strengthen labor-management relations, and contribute to a more vital state economy.

NEW SECTION. Sec. 24. A new section is added to chapter 43.63A RCW to read as follows:

The department of community development shall, by January 1, 1987, develop educational, training, and technical assistance programs to assist in the formation, development, and management of employee-owned businesses. The department shall publicize these programs throughout the state on a continuing basis through the small business development center under RCW 28B.30.530.

As used in this section, the term "employee-owned businesses" includes employee stock ownership plans and employee cooperatives.

NEW SECTION. Sec. 25. There is appropriated from the general fund to the department of community development for the biennium ending June 30, 1987, the sum of forty-five thousand dollars, or so much thereof as may be necessary to carry out the purposes of sections 23 and 24 of this act.

NEW SECTION. Sec. 26. A new section is added to chapter 82.04 RCW to be codified within RCW 82.04.020 through 82.04.212, to read as follows:

"Plantation Christmas trees" means Christmas trees which are exempt from the timber excise tax under RCW 84.33.170.

Sec. 27. Section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 25, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.050 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), or (d) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar

automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, seedlings, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 28. Section 82.04.100, chapter 15, Laws of 1961 as last amended by section 2, chapter 148, Laws of 1985 and RCW 82.04.100 are each amended to read as follows:

"Extractor" means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees other than plantation Christmas trees, or other natural products, or takes fish, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products. "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others ((or)); persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession; or persons who fell, cut, or take plantation Christmas trees from the person's own land or from land in which the person has a present right or possession.

Sec. 29. Section 82.04.330, chapter 15, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1985 and by section 10, chapter 414, Laws of 1985 and RCW 82.04.330 are each reenacted and amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon the person's own lands or upon land in which the person has a present right of possession, any agricultural or horticultural produce or crop, or of raising upon the person's own lands or upon land in which the person has a present right of possession, any plantation Christmas tree or any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat,

honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising ((Christmas-trees-or)) timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, "fish" means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

NEW SECTION. Sec. 30. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 43.51.380, 43.99.060, 67.70.240, 82.04.050, and 82.04.100; reenacting and amending RCW 82.04.330; adding a new section to chapter 43.99 RCW; adding a new section to chapter 67.70 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 23 RCW; creating new sections; making appropriations; and providing an expiration date."

Signed by Senators Warnke, Vognild and Bailey; Representatives McMullen and Kremen.

MOTION

On motion of Senator Bender, the Report of the Conference Committee on Engrossed Senate Bill No. 4463 was not adopted, the request of the House for a further conference was granted and the present conferees to the bill were discharged.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as new members of the Conference Committee on Engrossed Substitute Senate Bill No. 4463: Senators Warnke, Moore and Bailey.

MOTION

On motion of Senator Bender, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SUBSTITUTE SENATE BILL NO. 4738 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4738, revising provisions relating to juvenile offenders, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 19, chapter 155, Laws of 1979 as last amended by section 7, chapter 257, Laws of 1985 and RCW 13.32A.050 are each amended to read as follows:

A law enforcement officer shall take a child into custody:

(1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(2) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's ((physical)) safety; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW.

Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty-four hours.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

Sec. 2. Section 21, chapter 155, Laws of 1979 as amended by section 5, chapter 298, Laws of 1981 and RCW 13.32A.070 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050 may, at his or her discretion, transport the child to the home of a responsible adult who is other than the child's parent where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a child with a responsible adult other than his or her parent shall immediately notify the department's local community service office of this fact and of the reason for taking the child into custody.

(2) A law enforcement officer acting ~~((reasonably and))~~ in good faith pursuant to this chapter in failing to take a child into custody, in taking a child into custody, or in releasing a child to a person other than a parent of such child is immune from civil or criminal liability for such action.

(3) A person other than a parent of such child who receives a child pursuant to this chapter and who acts reasonably and in good faith in doing so is immune from civil or criminal liability for the act of receiving such child. Such immunity does not release such person from liability under any other law including the laws regulating licensed child care and prohibiting child abuse.

NEW SECTION. Sec. 3. There shall be created a joint select legislative committee to review the implementation and administration of:

(1) Chapter 13.04 RCW, the basic juvenile court act;

(2) Chapter 13.32A RCW, procedures for families in conflict generally, and specifically review the alternative residential placement process and the advisability of granting the juvenile court jurisdiction to make in-house placements. The committee shall consider the establishment of a residential school to address the needs of children who, pursuant to law, may be ordered into an alternative residential placement. A residential school may be funded and operated, in whole or in part by private contributions;

(3) Chapter, 13.34 RCW, the juvenile court act relating to dependency of a child and the termination of a parent and child relationship; and

(4) Chapter 74.13 RCW, child welfare services.

The joint select legislative committee shall be composed of bipartisan members of the house and senate judiciary committee to be selected at the discretion of the committee chairpersons.

The committee established under this section shall meet and conduct hearings as often as is necessary to carry out its responsibilities under this chapter.

In reviewing the implementation and administration of chapters 13.04, 13.32A, 13.34, and 74.13 RCW the joint select legislative committee may inquire into instances where it is alleged that a law enforcement officer, school employee, department employee, judge, or juvenile court employee has either misrepresented a provision of the cited chapters or has failed to follow any such provision.

The joint select legislative committee shall be granted access to all relevant information necessary to monitor behavior of agencies and/or employees: PROVIDED, That any confidential information shall be kept confidential by members of the committee and shall not be further disseminated unless specifically authorized by state or federal law.

The joint select legislative committee shall report its findings and make recommendations regarding implementation of the chapters cited in this section in a report submitted to the legislature before the 1988 regular session of the legislature.

The joint select legislative committee, unless recreated by the legislature, shall cease to exist after submitting the report required under this section.

NEW SECTION. Sec. 4. The legislature finds that there is evidence of failure to implement and enforce juvenile justice laws. This failure may be due to a number of factors, including, but not necessarily limited to, resource limitations within the various units of government charged with responsibility for such implementation and enforcement.

Therefore, commencing with the effective date of this act, and continuing through such time as further legislative direction is enacted into law, any person legally responsible for implementation or enforcement of any provision of chapter 13.04, 13.32A, 13.34, or 74.13 RCW who is unable to implement or enforce any such provision shall file a report on the situation as soon as possible with the oversight committee created under section 3 of this act or, if the oversight committee has ceased to exist, to the judiciary committees of the house of representatives and the senate. Any such report shall include a documented description of the situation and the reason or reasons for failure to implement or enforce the provision in question.

Nothing contained in this section is intended to limit criminal or civil liability or to protect any employee against possible disciplinary action for failure to perform his or her duties.

Sec. 5. Section 74, chapter 291, Laws of 1977 ex. sess. as last amended by section 15, chapter 191, Laws of 1983 and RCW 13.40.200 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a wilful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service.

(3) (a) If the court finds that a respondent has wilfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, penalty assessments, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty-five dollars or eight hours owed.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

Sec. 6. Section 1, chapter 170, Laws of 1975 1st ex. sess. as last amended by section 17, chapter 191, Laws of 1983 and RCW 13.40.300 are each amended to read as follows:

(1) In no case may a juvenile offender be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday. A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) ~~(The juvenile court has committed the juvenile offender to the department of social and health services for a sentence consisting of the standard range of disposition for the offense and the sentence includes a period beyond the juvenile offender's eighteenth birthday; or~~

~~(b) The juvenile court has committed the juvenile offender to the department of social and health services for a sentence outside the standard range of disposition for the offense and the sentence includes a period beyond the juvenile's eighteenth birthday and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile offender for that period; or~~

~~(c)) Proceedings are pending seeking the adjudication of a juvenile offense ((or seeking a disposition order or the enforcement of such an order)) and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday;~~

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition; or

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition. If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period

of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday.

(2) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.

(3) In no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday.

(4) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

NEW SECTION. Sec. 7. It is the policy of this state that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment and that unadjudicated youth remain in the community whenever possible, consistent with public safety and the provisions of chapter 13.40 RCW.

Sec. 8. Section 3, chapter 299, Laws of 1981 as amended by section 11, chapter 287, Laws of 1984 and RCW 13.40.025 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following ~~((eight))~~ nine members appointed by the governor, subject to confirmation by the senate: (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; ~~((and))~~ (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) ~~((The commission's first meeting shall be held prior to January 1, 1982. Thereafter:))~~ The commission shall meet at least once every ~~((six))~~ three months.

Sec. 9. Section 4, chapter 299, Laws of 1981 and RCW 13.40.027 are each amended to read as follows:

(1) It is the responsibility of the commission to: (a) (i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally and (ii) specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion. The committee shall propose modifications to the legislature regarding subsection (1)(a)(ii) of this section by January 1, 1987; (b) solicit the comments and suggestions of the juvenile justice community concerning disposition standards; and (c) develop and propose to the legislature modifications of the disposition standards in accordance with RCW 13.40.030.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; (b) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c) provide the commission with recommendations for modification of the disposition standards.

NEW SECTION. Sec. 10. A new section is added to chapter 13.40 RCW to read as follows:

The commission, in cooperation and consultation with the judiciary committees of the senate and house of representatives, shall propose to the legislature state-wide standards by November 1, 1987, on the following subjects:

(1) The detention intake procedures used and decisions made to release or detain youth in juvenile detention facilities;

(2) The use of punishment, security, and control mechanisms such as isolation, restraints, program restrictions, and the procedures required for their use;

- (3) Availability and quality of health care;
- (4) Inventory and storage of residents' belongings;
- (5) Access to defense counsel;
- (6) Residents' rights to communicate with persons outside the facility; and
- (7) Information gathering and reporting necessary for educated decision-making by the commission and for the proper monitoring of facilities for compliance with commission standards.

The standards proposed under this section shall become effective upon approval by the legislature.

Sec. 11. Section 8, chapter 155, Laws of 1979 and RCW 13.50.010 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, and persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information;

(b) An agency shall take reasonable steps to insure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment, or to individuals or agencies engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "juveniles;" strike the remainder of the title and insert "amending RCW 13.32A.050, 13.32A.070, 13.40.200, 13.40.300, 13.40.025, 13.40.027, and 13.50.010; adding a new section to chapter 13.40 RCW; creating new sections; and declaring an emergency."

Signed by Senators Talmadge and Rinehart: Representatives K. Wilson, Armstrong and G. Nelson.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4738 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SENATE BILL NO. 4725 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4725, revising provisions of the accountability act, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference in order to adopt the following amendments to the committee amendment.

On page 18, line 30 of the Committee Amendment as amended 3/7/86, strike "~~(board)~~ department" and insert "board"

On page 26, beginning on line 1 of the Committee Amendment as amended 3/7/86, strike everything down to and including "RCW." on page 29, line 25 and insert the following:

"Sec. 14. Section 31, chapter 226, Laws of 1949 as amended by section 14, chapter 234, Laws of 1983 and RCW 18.04.320 are each amended to read as follows:

(1) ~~((Proceedings for))~~ In the case of the refusal, revocation, or suspension of ((the certificate, permit or registration of any person, partnership, or corporation may be initiated)) a certificate or a license by the board on its own motion, on the complaint of any person, or on receiving notification from another state board of accountancy of its decision to:

(a) Revoke or suspend practice privileges granted in that state to a holder of a certified public accountant certificate or a public accountant registrant of that state; or

(b) Revoke, suspend, refuse to renew, or censure the holder of a permit to practice in that state who holds a permit to practice under RCW 18.04.215;

(2) Unless the charge or charges are dismissed by the board as unfounded or trivial, the board shall set a date for hearing not later than ninety days after formal charges are filed. A copy of the charge or charges, together with a notice of the time and place of hearing before the board shall be served not less than thirty days prior to the date set for hearing on the accused either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the board;

(3) If after having been so served with a notice of hearing, the accused fails to appear at the hearing, the board may proceed to hear evidence against him and may enter such order as may be justified by the evidence, which shall be final unless the accused petitions for a review thereof. Within thirty days from the date of any such order upon a showing of good cause for failing to appear, the board may reopen the proceedings and may permit the accused to submit evidence in his or her behalf;

(4) At any hearing the accused may appear in person and by counsel, may produce evidence and witnesses on his or her own behalf, and may cross-examine such witnesses as may appear against him. A partnership may be represented before the board by counsel or by a partner. A corporation may be represented before the board by counsel or by a shareholder. The accused shall be entitled on application to the board to the issuance of subpoenas to compel the attendance of witnesses and the production of evidence on his or her behalf;

(5) The board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with or upon hearing under this chapter. To compel obedience to a subpoena the board may invoke the aid of any court of this state in

requiring the attendance and testimony of witnesses and the production of documentary evidence:

(6) The board shall not be bound by technical rules of evidence;

((+)) (7) The decision of the board shall be by majority vote;

((+)) (8) Any person adversely affected by any action of the board may obtain a review thereof by filing a written petition for review in the superior court of the county in which he resides within thirty days after the entry of such order. A copy of the petition shall be served upon any member of the board and thereupon the board shall certify and file in the court a transcript of the record upon which the order complained of was entered. The court will hear the matter de novo, and may sustain, modify, or set aside the board's order in whole or in part, or may remand the matter to the board for further action, and may, in its discretion, stay the effect of the board's order pending its determination of the case. The court's decision has the force and effect of a decree in equity; and

((+)) (9) On rendering a decision to: (a) Revoke or suspend a certificate issued under RCW 18.04.105; (b) revoke or suspend a registration issued under RCW 18.04.195; or (c) revoke, suspend, refuse to renew, or censure the holder of a permit to practice under RCW 18.04.215, the board shall examine its records to determine whether the accused holds a certificate, a registration, or a permit or annual limited permit to practice in any other state. If the board determines that the accused holds a certificate, or a registration in any other state, the board shall notify the board of accountancy of the other state of its decision by mail within thirty days of rendering the decision."

Signed by Senators Warnke, Moore and McDonald: Representatives Belcher and O'Brien.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Senate Bill No. 4725 was adopted and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Lee, Senator von Reichbauer was excused.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Vognild, the appointment of Leo C. Brown, Jr. as a member of the Washington State Housing Finance Commission was confirmed.

APPOINTMENT OF LEO C. BROWN, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Bailey, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Barr, Bauer, Sellar - 3.

Excused: Senators Johnson, Stratton, von Reichbauer - 3.

MOTION

On motion of Senator Thompson, the appointment of Vern Stonecypher as a member of the Personnel Appeals Board was confirmed.

APPOINTMENT OF VERN STONECYPHER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 4; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Barr, DeJarnatt, Kreidler, McCaslin - 4.

Excused: Senators Johnson, Stratton, von Reichbauer - 3.

MOTION

On motion of Senator Goltz, the appointment of Larry Taylor as a member of the Board of Trustees for Western Washington University was confirmed.

APPOINTMENT OF LARRY TAYLOR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Deccio, Moore - 2.

Excused: Senators Johnson, Stratton - 2.

MOTION

On motion of Senator Bender, Senator Bauer was excused.

MOTION

On motion of Senator Rinehart, the appointment of Samuel Stroum as a member of the Board of Regents for the University of Washington was confirmed.

APPOINTMENT OF SAMUEL STROUM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bauer, Johnson, Stratton - 3.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on SENATE BILL NO. 3397 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 3397, revising provisions relating to reimbursements for illegally killed wildlife, have had the same under consideration and we recommend that the House amendments to page 1, line 7; page 1, line 19; page 1, line 22, and page 2, line 16, be adopted; and the amendment to page 2, line 9, not be adopted, and we request the powers of Free Conference in order to further amend the bill as follows:

On page 2, beginning on line 10, after "remitted" strike all material through "treasurer" on line 11

Signed by Senators Owen, Johnson and Peterson: Representatives Lundquist, McMullen and Sutherland.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Senate Bill No. 3397 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on SUBSTITUTE SENATE BILL NO. 5005 and passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5005, providing consumer buyer protection in credit service transactions, have had the same under consideration and we recommend that the House committee amendment be adopted without the following language:

On page 10, after line 14 of the amendment, strike everything through "Act." on line 24

On page 10, beginning on line 29 of the amendment, strike the amendment to the title, and the bill be passed as recommended by the Conference Committee.

Signed by Senators Deccio, Granlund and Moore: Representatives West, Crane and Lux.

MOTION

On motion of Senator Moore, the Report of the Conference Committee on Substitute Senate Bill No. 5005 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 5005, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5005, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senator Rinehart - 1.

Excused: Senators Bauer, Johnson, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 5005, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SUBSTITUTE SENATE BILL NO. 4938 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4938, relating to state boards and commissions, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the committee amendment as follows:

On page 70 of the House committee amendment, after line 5, strike everything down to and including "PART XI" on page 81, line 22

On page 82 of the House committee amendment, after line 1, strike everything down to and including "79.24.320" on line 12

On page 70 of the House committee amendment, after line 5, insert the following:

"Sec. 1001, Section 3, chapter 98, Laws of 1935 as last amended by section 2, chapter 153, Laws of 1984 and RCW 18.64.005 are each amended to read as follows:

The board shall:

(1) Regulate the practice of pharmacy and ~~((administer and))~~ enforce all laws placed under its jurisdiction;

(2) Prepare ~~((and administration))~~ or determine the nature of, and supervise the grading of, examinations for applicants for pharmacists' licenses;

(3) ~~((Examine, inspect, and investigate all applicants for license as))~~ Establish the qualifications for licensure of pharmacists or pharmacy interns ((and grant licenses to all applicants whom it shall judge to be properly qualified));

(4) ~~((Establish reasonable fees for licenses, examinations, and services for other agencies sufficient to cover the cost of the operations of the board, in cases where there are unanticipated demands for services the board may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the board from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management;~~

~~((5) Employ an executive officer, inspectors, investigators, chemists, and other agents as necessary to assist it for any purpose which it may deem necessary;~~

~~((6) Investigate violations of the provisions of law or regulations under its jurisdiction, and cause prosecutions to be instituted in the courts;~~

~~((7) Make inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law;~~

~~((8))~~ Conduct hearings for the revocation or suspension of licenses, permits, registrations, certificates, or any other authority to practice granted by the board, which hearings may also be conducted by an administrative law judge appointed under chapter 34.12 RCW;

~~((9))~~ (5) Issue subpoenas and administer oaths in connection with any ~~((investigation;))~~ hearing, or disciplinary proceeding held under this chapter or any other chapter assigned to the board;

~~((10))~~ (6) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, controlled substances, and the practice of pharmacy, and/or any other laws or rules under its jurisdiction;

~~((11))~~ (7) Promulgate rules for the dispensing, distribution, wholesaling, and manufacturing of drugs and devices and the practice of pharmacy for the protection and promotion of the public health, safety, and welfare. Violation of any such rules shall constitute grounds for refusal, suspension, or revocation of licenses or any other authority to practice issued by the board;

~~((12))~~ (8) Adopt rules establishing and governing continuing education requirements for pharmacists and other licensees applying for renewal of licenses under this chapter;

~~((13))~~ (9) Be immune, collectively and individually, from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed in good faith as members of such board. Such immunity shall apply to employees of the ~~((board when acting at the direction of the board in the course of disciplinary proceedings))~~ department;

~~((14))~~ (10) Establish an interdepartmental coordinating committee on drug misuse, diversion, and abuse, composed of one member from each caucus of the house of representatives and senate, the superintendent of public instruction, the director of licensing, the executive secretary of the criminal justice training commission, the chief of the Washington state patrol, the secretary of social and health services, director of the traffic safety commission, representatives of prescribing, delivering, and dispensing health care practitioner boards, the attorney general, the director of the department of labor and industries, a representative of local law enforcement agencies, and the executive officer of the board of pharmacy, or their designees. The committee shall meet at least twice annually at the call of the executive officer of the board of pharmacy who shall serve as chairperson of the committee. The committee shall advise the board of pharmacy in all matters related to its powers and duties delineated in subsections ~~((15), (16), (17), (18) and (19))~~ (11), (12), (13), (14) and (15) of this section, and shall report to the legislature each biennium on the results of its and the board's activity under those subsections;

((+5)) (11) Provide for the coordination and exchange of information on state programs relating to drug misuse, diversion, and abuse, and act as a permanent liaison among the departments and agencies engaged in activities concerning the legal and illegal use of drugs;

((+6)) (12) Suggest strategies for preventing, reducing, and eliminating drug misuse, diversion, and abuse, including professional and public education, and treatment of persons misusing and abusing drugs;

((+7)) (13) Conduct or encourage educational programs to be conducted to prevent the misuse, diversion, and abuse of drugs for health care practitioners and licensed or certified health care facilities;

((+8)) (14) Monitor trends of drug misuse, diversion, and abuse and make periodic reports to disciplinary boards of licensed health care practitioners and education, treatment, and appropriate law enforcement agencies regarding these trends;

((+9)) (15) Enter into written agreements with all other state and federal agencies with any responsibility for controlling drug misuse, diversion, or abuse and with health maintenance organizations, health care service contractors, and health care providers to assist and promote coordination of agencies responsible for ensuring compliance with controlled substances laws and to monitor observance of these laws and cooperation between these agencies. The department of social and health services, the department of labor and industries, ~~(the department of licensing)~~ and any other state agency including licensure disciplinary boards, shall refer all apparent instances of over-prescribing by practitioners and all apparent instances of legend drug overuse to the ~~(board)~~ department. The ~~(board)~~ department shall also encourage such referral by health maintenance organizations, health service contractors, and health care providers.

NEW SECTION. Sec. 1002. A new section is added to chapter 18.64 RCW to read as follows:

The department shall:

(1) Establish reasonable fees for licenses, examinations, and services for other agencies sufficient to cover the cost of the operations of the department. Fees shall be set in accordance with RCW 43.24.086. In cases where there are unanticipated demands for services, the department may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the department from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management;

(2) Employ an executive officer who shall be a pharmacist licensed in Washington, inspectors, investigators, chemists, and other persons as necessary to assist it for any purpose which it may deem necessary;

(3) Investigate and prosecute, including use of subpoena powers, violations of law or regulations under its jurisdiction;

(4) Make inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law.

Sec. 1003. Section 1, chapter 82, Laws of 1969 ex. sess. as last amended by section 59, chapter 7, Laws of 1985 and RCW 18.64.009 are each amended to read as follows:

Employees of the ~~(Washington state board of pharmacy)~~ department, who are designated by the board as enforcement officers, are declared to be peace officers and shall be vested with police powers to enforce chapters 18.64, 69.04, 69.36, 69.40, 69.41, and 69.50 RCW and all other laws ~~(administered)~~ enforced by the board.

NEW SECTION. Sec. 1004. A new section is added to chapter 18.64 RCW to read as follows:

The board shall designate which employees of the department of licensing shall serve as investigators for the purposes of any investigations that fall within the jurisdiction of the board of pharmacy. The board shall prioritize all investigatory work of employees who are designated as investigators under this section.

NEW SECTION. Sec. 1005. A new section is added to chapter 18.64 RCW to read as follows:

Any person who desires to distribute sample or complimentary controlled substances to practitioners in the state of Washington shall pay a registration fee determined by the director and, thereafter, on or before a date to be determined by the director, a like fee for renewal of the registration. Any person who distributes sample or complimentary controlled substances in this state without having properly registered is guilty of a misdemeanor, and each day such conduct continues is deemed a separate offense.

Sec. 1006. Section 1, chapter 38, Laws of 1963 as last amended by section 3, chapter 153, Laws of 1984 and RCW 18.64.011 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

(1) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(2) "Board" means the Washington state board of pharmacy.

(3) "Drugs" means:

(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.

(4) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or (b) to affect the structure or any function of the body of man or other animals.

(5) "Nonlegend" or "nonprescription" drugs means any drugs which may be lawfully sold without a prescription.

(6) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(7) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.

(8) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(9) "Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

(10) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.

(11) "Practice of pharmacy" includes the practice of and responsibility for: interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(12) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(13) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than man.

(14) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

(15) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(16) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(17) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(18) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

(19) "Wholesaler" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

(20) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

(21) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(22) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

(23) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

(24) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

(25) "Department" means the department of licensing.

(26) "Director" means the director of the department of licensing or the director's designee. Sec. 1007. Section 10, chapter 121, Laws of 1899 as last amended by section 7, chapter 90, Laws of 1979 and RCW 18.64.040 are each amended to read as follows:

Every applicant for license examination under this chapter shall pay the sum determined by the ~~((board))~~ director under RCW 43.24.086 before the examination is attempted.

Sec. 1008. Section 12, chapter 213, Laws of 1909 as last amended by section 4, chapter 153, Laws of 1984 and RCW 18.64.043 are each amended to read as follows:

(1) The owner of each pharmacy shall pay an original license fee to be determined by the ~~((board))~~ director, and annually thereafter, on or before a date to be determined by the ~~((board))~~ director, a fee to be determined by the ~~((board))~~ director, for which he or she shall receive a license of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the ~~((board))~~ director may approve, for the period ending on a date to be determined by the ~~((board))~~ director, and each such owner shall at the time of filing proof of payment of such fee as provided in RCW 18.64.045 as now or hereafter amended, file with the ~~((state board of pharmacy))~~ department on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy mentioned therein.

(2) It shall be the duty of the owner to immediately notify the ~~((board))~~ department of any change of location and/or ownership and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.

(3) Failure to comply with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense.

(4) In the event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the original license fee.

Sec. 1009. Section 17, chapter 90, Laws of 1979 as last amended by section 5, chapter 153, Laws of 1984 and RCW 18.64.044 are each amended to read as follows:

(1) A shopkeeper registered or exempt from registration as provided in this section may sell nonprescription drugs, if such drugs are sold in the original package of the manufacturer. Shopkeepers with fifteen or fewer drugs shall be exempt from the registration requirements of this section and shall not be required to pay any fees required by this section, but shall be considered shopkeepers for any other purposes under chapter 18.64 RCW.

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to register as a shopkeeper through the master license system, and he or she shall pay the fee determined by the ~~((board))~~ director for registration, and on a date to be determined by the ~~((board))~~ director thereafter the fee determined by the ~~((board))~~ director for renewal of the registration; and shall at all times keep said registration or the current renewal thereof conspicuously exposed in the shop to which it applies. In event such shopkeeper's registration is not renewed by the master license expiration date, no renewal or new registration shall be issued except upon payment of the registration renewal fee and the master license delinquency fee under chapter 19.02 RCW. This registration fee shall not authorize the sale of legend drugs or controlled substances.

(3) The registration fees determined by the ~~((board))~~ director under subsection (2) of this section shall not exceed the cost of registering the shopkeeper.

(4) Any shopkeeper who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

Sec. 1010. Section 5, chapter 153, Laws of 1949 as last amended by section 6, chapter 153, Laws of 1984 and RCW 18.64.045 are each amended to read as follows:

The owner of each and every place of business which manufactures drugs shall pay a license fee to be determined by the ~~((board))~~ director, and thereafter, on or before a date to be determined by the ~~((board))~~ director, a fee to be determined by the ~~((board))~~ director, for which the owner shall receive a license of location from the ~~((state board of pharmacy))~~ department, which shall entitle the owner to manufacture drugs at the location specified for the period ending on a date to be determined by the ~~((board))~~ director, and each such owner shall at the time of payment of such fee file with the ~~((state board of pharmacy))~~ department.

on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the ~~((board))~~ department of any change of location and/or ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 1011. Section 18, chapter 90, Laws of 1979 as amended by section 7, chapter 153, Laws of 1984 and RCW 18.64.046 are each amended to read as follows:

The owner of each place of business which sells legend drugs and nonprescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the ~~((board))~~ director, and thereafter, on or before a date to be determined by the ~~((board))~~ director, a like fee to be determined by the ~~((board))~~ director, for which the owner shall receive a license of location from the ~~((state board of pharmacy))~~ department, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the period ending on a date to be determined by the ~~((board))~~ director, and each such owner shall at the time of payment of such fee file with the ~~((state board of pharmacy))~~ department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the ~~((board))~~ department of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 1012. Section 16, chapter 121, Laws of 1899 as last amended by section 8, chapter 153, Laws of 1984 and RCW 18.64.047 are each amended to read as follows:

Any itinerant vendor or any peddler of any nonprescription drug or preparation for the treatment of disease or injury, shall pay a registration fee determined by the ~~((board))~~ director on a date to be determined by the ~~((board))~~ director. The ~~((state board of pharmacy))~~ department may issue a registration to such vendor on an approved application made to the ~~((state board of pharmacy))~~ department. Any itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense. In event such registration fee remains unpaid for sixty days from date due, no renewal or new registration shall be issued except upon payment of the registration renewal fee and a penalty fee equal to the renewal fee. This registration shall not authorize the sale of legend drugs or controlled substances.

Sec. 1013. Section 9, chapter 98, Laws of 1935 as last amended by section 9, chapter 153, Laws of 1984 and RCW 18.64.050 are each amended to read as follows:

In the event that a license or certificate issued by the ~~((board of pharmacy))~~ department is lost or destroyed, the person to whom it was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the ~~((board of pharmacy))~~ department and the payment of a fee determined by the ~~((board of pharmacy))~~ director.

In the event any person desires any certified document to which he is entitled, he shall receive the same upon payment of a fee determined by the ~~((board of pharmacy))~~ director.

Sec. 1014. Section 1, chapter 9, Laws of 1972 ex. sess. as last amended by section 10, chapter 153, Laws of 1984 and RCW 18.64.080 are each amended to read as follows:

(1) The ~~((state board of pharmacy))~~ department may license as a pharmacist any person who has filed an application therefor, subscribed by the person under oath or affirmation, containing such information as the board may by regulation require, and who—

(a) Is at least eighteen years of age and is a citizen of the United States, an alien in an educational pharmacy graduate or residency program for the period of the program, or a resident alien;

(b) Has satisfied the ~~((board))~~ department that he or she is of good moral and professional character, that he or she will carry out the duties and responsibilities required of a pharmacist, and that he or she is not unfit or unable to practice pharmacy by reason of the extent or manner of his or her proven use of alcoholic beverages, drugs, or controlled substances, or by reason of a proven physical or mental disability;

(c) Holds a baccalaureate degree in pharmacy or a doctor of pharmacy degree granted by a school or college of pharmacy which is accredited by the board of pharmacy;

(d) Has completed or has otherwise met the internship requirements as set forth in board rules;

(e) Has satisfactorily passed the necessary examinations ~~((given))~~ approved by the board and administered by the department.

(2) The ~~((state board of pharmacy))~~ department shall, at least once in every calendar year, offer an examination to all applicants for a pharmacist license who have completed their educational and internship requirements pursuant to rules promulgated by the board. The ~~((said))~~ examination shall be determined by the board. In case of failure at a first examination, the applicant shall have within three years the privilege of a second and third examination. In case of failure in a third examination, the applicant shall not be eligible for further examination until he or she has satisfactorily completed additional preparation as directed and approved by the board. The applicant must pay the examination fee determined by the ~~((board))~~ director for each examination taken. Upon passing the required examinations and complying with all the rules and regulations of the board and the provisions of this chapter, the ~~((board))~~ department shall grant the applicant a license as a pharmacist and issue to him or her a certificate qualifying him or her to enter into the practice of pharmacy.

(3) Any person enrolled as a student of pharmacy in an accredited college may file with the ~~((state board of pharmacy))~~ department an application for registration as a pharmacy intern in which ~~((said))~~ application he or she shall be required to furnish such information as the board may, by regulation, prescribe and, simultaneously with the filing of said application, shall pay to the ~~((board))~~ department a fee to be determined by the ~~((board))~~ director. All certificates issued to pharmacy interns shall be valid for a period to be determined by the ~~((board))~~ director, but in no instance shall the certificate be valid if the individual is no longer making timely progress toward graduation, provided however, the ~~((board))~~ department may issue an intern certificate to a person to complete an internship to be eligible for initial licensure or for the reinstatement of a previously licensed pharmacist.

(4) To assure adequate practical instruction, pharmacy internship experience as required under this chapter shall be obtained after registration as a pharmacy intern by practice in any licensed pharmacy or other program meeting the requirements promulgated by regulation of the board, and shall include such instruction in the practice of pharmacy as the board by regulation shall prescribe.

(5) The ~~((board))~~ department may, without examination other than one in the laws relating to the practice of pharmacy, license as a pharmacist any person who, at the time of filing application therefor, is currently licensed as a pharmacist in any other state, territory, or possession of the United States: PROVIDED, That the ~~((said))~~ person shall produce evidence satisfactory to the board of having had the required secondary and professional education and training and who was licensed as a pharmacist by examination in another state prior to June 13, 1963, shall be required to satisfy only the requirements which existed in this state at the time he or she became licensed in such other state: PROVIDED FURTHER, That the state in which ~~((said))~~ the person is licensed shall under similar conditions grant reciprocal licenses as pharmacist without examination to pharmacists duly licensed by examination in this state. Every application under this subsection shall be accompanied by a fee determined by the ~~((board))~~ department.

(6) The ~~((board))~~ department shall provide for, regulate, and require all persons licensed as pharmacists to renew their license periodically, and shall prescribe the form of such license and information required to be submitted by all applicants.

Sec. 1015, Section 11, chapter 121, Laws of 1899 as last amended by section 11, chapter 153, Laws of 1984 and RCW 18.64.140 are each amended to read as follows:

Every licensed pharmacist who desires to practice pharmacy shall secure from the ~~((board))~~ department a license, the fee for which shall be determined by the ~~((board))~~ director. The renewal fee shall also be determined by the ~~((board))~~ director. The date of renewal may be established by the ~~((board))~~ director by regulation and the ~~((board))~~ department may by regulation extend the duration of a licensing period for the purpose of staggering renewal periods. Such regulation may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period. Payment of this fee shall entitle the licensee to a pharmacy law book, subsequent current mailings of all additions, changes, or deletions in the pharmacy practice act, chapter 18.64 RCW, and all additions, changes, or deletions of pharmacy board and department regulations. Pharmacists shall pay the license renewal fee and a penalty equal to the license renewal fee for the late renewal of their license more than sixty days after the renewal is due. The current license shall be conspicuously displayed to the public in the pharmacy to which it applies. Any licensed pharmacist who desires to leave the active practice of pharmacy in this state may secure from the ~~((board))~~ department an inactive license. The initial license and renewal fees shall be determined by the ~~((board))~~ director. The holder of an inactive license may reactivate his or her license to practice pharmacy in accordance with rules adopted by the board.

Sec. 1016, Section 3, chapter 101, Laws of 1977 ex. sess. and RCW 18.64A.030 are each amended to read as follows:

The board shall adopt, in accordance with chapter 34.04 RCW, rules and regulations governing the extent to which pharmacy assistants may perform services associated with the practice of pharmacy during training and after successful completion of a training course.

Such regulations shall provide for the certification by the department of licensing of pharmacy assistants at a ((uniform annual)) fee ((to be)) determined by the ((board)) director of the department of licensing under RCW 43.24.086 according to the following levels of classification:

(1) "Level A pharmacy assistants" may assist in performing, under the immediate supervision and control of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy.

(2) "Level B pharmacy assistants" may perform, under the general supervision of a licensed pharmacist, duties including but not limited to, typing of prescription labels, filing, refilling, bookkeeping, pricing, stocking, delivery, nonprofessional phone inquiries, and documentation of third party reimbursements.

Sec. 1017. Section 5, chapter 319, Laws of 1977 ex. sess. as last amended by section 38, chapter 466, Laws of 1985 and RCW 19.02.050 are each amended to read as follows:

(1) The legislature hereby directs the full participation by the following agencies in the implementation of this chapter:

- (a) Department of agriculture;
- (b) Secretary of state;
- (c) Department of social and health services;
- (d) Department of revenue;
- (e) Department of fisheries;
- (f) Department of employment security;
- (g) Department of labor and industries;
- (h) Department of trade and economic development;
- (i) Liquor control board;
- (j) ~~((board of pharmacy;~~
- ~~((k))~~ Department of licensing;
- ~~((m))~~ ~~((k))~~ Utilities and transportation commission; and
- ~~((n))~~ ~~((l))~~ Other agencies as determined by the governor.

Sec. 1018. Section 3, chapter 139, Laws of 1979 ex. sess. and RCW 69.41.075 are each amended to read as follows:

The state board of pharmacy may make such rules for the enforcement and administration of this chapter as are deemed necessary or advisable. The board shall identify, by rule-making pursuant to chapter 34.04 RCW, those drugs which may be dispensed only on prescription or are restricted to use by practitioners, only. In so doing the board shall consider the toxicity or other potentiality for harmful effect of the drug, the method of its use, and any collateral safeguards necessary to its use. The board shall classify a drug as a legend drug where these considerations indicate the drug is not safe for use except under the supervision of a practitioner.

In identifying legend drugs the board may incorporate in its rules lists of drugs contained in commercial pharmaceutical publications by making specific reference to each such list and the date and edition of the commercial publication containing it. Any such lists so incorporated shall be available for public inspection at the headquarters of the ((state board of pharmacy)) department of licensing and shall be available on request from the ((board)) department of licensing upon payment of a reasonable fee to be set by the ((board)) department of licensing.

Sec. 1019. Section 69.50.201, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.201 are each amended to read as follows:

(a) The state board of pharmacy shall ~~((administer))~~ enforce this chapter and may add substances to or delete or reschedule all substances enumerated in the schedules in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to the rule-making procedures of chapter 34.04 RCW. In making a determination regarding a substance, the board shall consider the following:

- (1) the actual or relative potential for abuse;
- (2) the scientific evidence of its pharmacological effect, if known;
- (3) the state of current scientific knowledge regarding the substance;
- (4) the history and current pattern of abuse;
- (5) the scope, duration, and significance of abuse;
- (6) the risk to the public health;
- (7) the potential of the substance to produce psychic or physiological dependence liability; and
- (8) whether the substance is an immediate precursor of a substance already controlled under this Article.

(b) After considering the factors enumerated in subsection (a) the board may issue a rule controlling the substance if it finds the substance has a potential for abuse.

(c) If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the substance shall be similarly controlled under this chapter after the expiration of thirty days from publication in the Federal

Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty day period, the board objects to inclusion, rescheduling, or deletion. In that case, the board shall proceed pursuant to the rule-making procedures of chapter 34.04 RCW.

(e) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 66 RCW and Title 26 RCW.

(f) The board shall exclude any nonnarcotic substances from a schedule if such substances may, under the Federal Food, Drug and Cosmetic Act, and under regulations of the bureau, and the laws of this state including RCW 18.64.250, be lawfully sold over the counter.

Sec. 1020. Section 69.50.301, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.301 are each amended to read as follows:

The state board of pharmacy may promulgate rules and ~~((charge reasonable))~~ the director may set fees of not less than ten dollars or more than fifty dollars relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

Sec. 1021. Section 69.50.302, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.302 are each amended to read as follows:

(a) Every person who manufactures, prescribes, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, prescription, distribution, or dispensing of any controlled substance within this state, including agents or employees of manufacturers or distributors distributing samples of controlled substances to practitioners must obtain annually a registration issued by the ~~((state board of pharmacy))~~ department in accordance with ~~((the))~~ the board's rules.

(b) Persons registered by the ~~((board))~~ department under this chapter to manufacture, prescribe, distribute, dispense, or conduct research with controlled substances may possess, manufacture, prescribe, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this Article.

(c) The following persons need not register and may lawfully possess controlled substances under this chapter:

(1) an agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment: PROVIDED, That this exemption shall not include any agent or employee distributing sample controlled substances to practitioners ~~((without an order))~~:

(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) an ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

(d) The board may waive by rule the requirement for registration of certain manufacturers, prescribers, distributors, or dispensers if it finds it consistent with the public health and safety: PROVIDED, That personal practitioners licensed or registered in the state of Washington under the respective professional licensing acts shall not be required to be registered under this chapter unless the specific exemption is denied pursuant to RCW 69.50.305 for violation of any provisions of this chapter.

(e) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The ~~((board))~~ department may inspect the establishment of a registrant or applicant for registration in accordance with the board's rule.

Sec. 1022. Section 69.50.303, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.303 are each amended to read as follows:

(a) The ~~((state board of pharmacy))~~ department shall register an applicant to manufacture or distribute controlled substances included in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 unless ~~((it))~~ the board determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable state and local law;

(3) any convictions of the applicant under any federal and state laws relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material in any application filed under this chapter;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

(c) Practitioners must be registered, or exempted under RCW 69.50.302(d), to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the law of this state. The board need not require separate registration under this Article for practitioners engaging in research with nonnarcotic controlled substances in Schedules II through V where the registrant is already registered under this Article in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the board evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration entitles them to be registered under this chapter upon application and payment of the required fee.

Sec. 1023. Section 69.50.304, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.304 are each amended to read as follows:

(a) A registration, or exemption from registration, under RCW 69.50.303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the state board of pharmacy upon a finding that the registrant:

(1) has furnished false or fraudulent material information in any application filed under this chapter;

(2) has been found guilty of a felony under any state or federal law relating to any controlled substance; ~~((or))~~

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or

(4) has violated any state or federal rule or regulation regarding controlled substances.

(b) The board may limit revocation or suspension of a registration to the particular controlled substance or schedule of controlled substances, with respect to which grounds for revocation or suspension exist.

(c) If the board suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

(d) The ~~((board))~~ department shall promptly notify the Bureau of all orders suspending or revoking registration and all forfeitures of controlled substances.

Sec. 1024. Section 1, chapter 197, Laws of 1977 ex. sess. and RCW 69.50.310 are each amended to read as follows:

On and after September 21, 1977, a humane society and animal control agency may apply to the ~~((state board of pharmacy))~~ department for registration pursuant to the applicable provisions of this chapter for the sole purpose of being authorized to purchase, possess, and administer sodium pentobarbital to euthanize injured, sick, homeless, or unwanted domestic pets and animals. Any agency so registered shall not permit a person to administer sodium pentobarbital unless such person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering this drug.

The ~~((board))~~ department may issue a limited registration to carry out the provisions of this section. The board shall promulgate such rules as it deems necessary to insure strict compliance with the provisions of this section. The board may suspend or revoke registration upon determination that the person administering sodium pentobarbital has not demonstrated adequate knowledge as herein provided. This authority is granted in addition to any other power to suspend or revoke registration as provided by law.

Sec. 1025. Section 69.50.500, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.500 are each amended to read as follows:

(a) It is hereby made the duty of the state board of pharmacy, its officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and all other states, relating to controlled substances as defined in this chapter.

(b) Employees of the ~~((Washington state board of pharmacy))~~ department of licensing, who are so designated by the board as enforcement officers are declared to be peace officers and shall be vested with police powers to enforce the drug laws of this state, including this chapter.

Sec. 1026. Section 3, chapter 136, Laws of 1979 and RCW 69.51.030 are each amended to read as follows:

As used in this chapter:

(1) "Board" means the state board of pharmacy;

(2) "Marijuana" means all parts of the plant of the genus *Cannabis* L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin; and

(3) "Practitioner" means a physician licensed pursuant to chapter 18.71 or 18.57 RCW.

(4) "Department" means the department of licensing.

Sec. 1027, Section 4, chapter 136, Laws of 1979 and RCW 69.51.040 are each amended to read as follows:

(1) There is established in the board the controlled substances therapeutic research program. The program shall be administered by the ~~((board))~~ department. The board shall promulgate rules necessary for the proper administration of the Controlled Substances Therapeutic Research Act. In such promulgation, the board shall take into consideration those pertinent rules promulgated by the United States drug enforcement agency, the food and drug administration, and the national institute on drug abuse.

(2) Except as provided in RCW 69.51.050(4), the controlled substances therapeutic research program shall be limited to cancer chemotherapy and radiology patients and glaucoma patients, who are certified to the patient qualification review committee by a practitioner as being involved in a life-threatening or sense-threatening situation: PROVIDED, That no patient may be admitted to the controlled substances therapeutic research program without full disclosure by the practitioner of the experimental nature of this program and of the possible risks and side effects of the proposed treatment in accordance with the informed consent provisions of chapter 7.70 RCW.

(3) The board shall provide by rule for a program of registration with the department of bona fide controlled substance therapeutic research projects.

Sec. 1028, Section 20, chapter 87, Laws of 1980 as amended by section 21, chapter 163, Laws of 1982 and RCW 43.03.028 are each amended to read as follows:

(1) There is hereby created a state committee on salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the president of Washington State University; the chairperson of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; ~~((the board of pharmacy;))~~ the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the commission for vocational education; the advisory council on vocational education; the public disclosure commission; the hospital commission; the state conservation commission; the commission on Mexican-American affairs; the commission on Asian-American affairs; the state board for volunteer firemen; the urban arterial board; the data processing authority; the public employees relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) The committee shall also make a study of the duties and salaries of all state elective officials, including members of the supreme, appellate, superior, and district courts and members of the legislature and report to the governor and the president of the senate and the speaker of the house not later than sixty days prior to the convening of each regular session of the legislature during an odd-numbered year its recommendation for the salaries to be established for each position. Copies of the committee report to the governor shall be provided to the appropriate standing committees of the house and senate upon request.

(4) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 1029, Section 31, chapter 1, Laws of 1973 as last amended by section 8, chapter 414, Laws of 1985 and RCW 42.17.310 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Lists or any records which reveal the location of storage sites or facilities utilized for storing controlled substances by persons registered with the department of licensing pursuant to section 1005 of this act.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION, Sec. 1030. All administrative powers, administrative duties, and administrative functions of the board of pharmacy pertaining to (1) all investigatory and educational activities relating to drugs and (2) the examination of applicants for, the issuance of licenses, certificates, and registrations relating to, and the discipline of persons engaged in the practice of pharmacy are transferred to the department of licensing.

NEW SECTION, Sec. 1031. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the board of pharmacy and pertaining to the powers, functions, and duties transferred by section 1030 of this act shall be delivered to the custody of

the department of licensing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the board of pharmacy in carrying out the powers, functions, and duties transferred by section 1030 of this act shall be made available to the department of licensing. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred by section 1030 of this act shall be assigned to the department of licensing.

Any appropriations made to the board of pharmacy for carrying out the powers, functions, and duties transferred by section 1030 of this act shall, on the effective date of this act, be transferred and credited to the department of licensing.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION, Sec. 1032. All employees of the board of pharmacy engaged in performing the powers, functions, and duties transferred by section 1030 of this act and all employees engaged in activities pertaining to controlled substances are transferred to the jurisdiction of the department of licensing. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of licensing to perform duties within their classifications without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION, Sec. 1033. All rules and all pending business before the board of pharmacy pertaining to the powers, functions, and duties transferred by section 1030 of this act shall be continued and acted upon by the department of licensing. All existing contracts and obligations shall remain in full force and shall be performed by the department of licensing.

NEW SECTION, Sec. 1034. The transfer of the powers, duties, functions, and personnel of the board of pharmacy shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION, Sec. 1035. If apportionments of budgeted funds are required because of the transfers directed by sections 1031 through 1034 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION, Sec. 1036. Nothing contained in sections 1030 through 1035 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION, Sec. 1037. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 1038. Section 19, chapter 38, Laws of 1963, section 3, chapter 90, Laws of 1979 and RCW 18.64.007 are each repealed.

PART XI"

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 16 of the title of the bill, after "70.119.110," strike "and"

On page 1, line 16 of the title of the bill, after "70.119.140" and before the semicolon insert ", 18.64.005, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.080, 18.64.140, 18.64.030, 19.02.050, 69.41.075, 69.50.201, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.500, 69.51.030, 69.51.040, 43.03.028, and 42.17.310"

On page 1, line 17 of the title of the bill, strike "creating a new section;" and insert "adding new sections to chapter 18.64 RCW; creating new sections."

On page 1, line 17 of the title of the bill, strike "and"

On page 1, line 19 of the title of the bill, strike "and 76.09.200." and insert "76.09.200, and 18.64.007; and prescribing penalties."

On page 70 of the amendment, after line 5, insert the following:

"Sec. 1001. Section 27, chapter 290, Laws of 1953 and RCW 68.05.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~(The term)~~ (1) "Board" (~~used in this chapter~~) means the cemetery board.

(2) "Department" means the department of licensing.

(3) "Director" means the director of the department of licensing.

Sec. 1002. Section 34, chapter 290, Laws of 1953 and RCW 68.05.070 are each amended to read as follows:

The board shall elect annually a chairman and vice chairman and such other officers as it shall determine from among its members. ~~(Subject to the provisions of law the board may employ, fix the salaries of and prescribe the duties of, one administrative assistant and such clerical, technical and other employees as are necessary in the carrying out of its duties:)~~

NEW SECTION. Sec. 1003. A new section is added to chapter 68.05 RCW to read as follows:
The department shall employ staff to administer this chapter.

Sec. 1004. Section 39, chapter 290, Laws of 1953 as amended by section 6, chapter 21, Laws of 1979 and RCW 68.05.090 are each amended to read as follows:

The board shall enforce (~~and administer~~) the provisions of chapters 68.04 through 68.46 RCW, subject to provisions of RCW 68.05.280 and shall have standing to seek enforcement of said provisions in the superior court of the state of Washington for the county in which the principal office of the cemetery authority is located. The board or the department may refer such evidence as may be available concerning violations of chapters 68.04 through 68.46 RCW or of any rule or order promulgated by the board to the attorney general or the proper prosecuting attorney, who may in his discretion, with or without such a reference, in addition to any other action the board might commence, bring an action in the name of the board or the department against any person to restrain and prevent the doing of any act or practice prohibited or declared unlawful in chapters 68.04 through 68.46 RCW.

Sec. 1005. Section 36, chapter 290, Laws of 1953 as amended by section 8, chapter 402, Laws of 1985 and RCW 68.05.100 are each amended to read as follows:

The board may establish necessary rules and regulations for the (~~administration and~~) enforcement of this title and the laws subject to its jurisdiction and the department shall prescribe the form of statements and reports provided for in this title: PROVIDED, HOWEVER, The board shall have no jurisdiction with regard to the provisions of chapter 68.48 RCW. Rules regulating the cremation of human remains and establishing (~~fees and~~) permit requirements shall be adopted in consultation with the state board of funeral directors and embalmers.

Sec. 1006. Section 42, chapter 290, Laws of 1953 as last amended by section 7, chapter 21, Laws of 1979 and RCW 68.05.130 are each amended to read as follows:

The (~~board~~) department shall examine the endowment care and prearrangement trust fund or funds of a cemetery authority:

(1) Whenever it deems necessary, but at least once every three years after the original examination except where the cemetery authority is either required by the board to, or voluntarily files an annual financial report for the fund certified by a certified public accountant or a licensed public accountant in accordance with generally accepted auditing standards;

(2) Whenever the cemetery authority in charge of endowment care or prearrangement trust fund or funds fails after reasonable notice from the (~~board~~) department to file the reports required by this chapter; or

(3) Whenever it is requested by verified petition signed by twenty-five lot owners alleging that the endowment care funds are not in compliance with this title, or whenever it is requested by verified petition signed by twenty-five purchasers or beneficiaries of prearrangement merchandise or services alleging that the prearrangement trust funds are not in compliance with this title, in either of which cases, the examination shall be at the expense of the petitioners.

(4) The expense of the endowment care and prearrangement trust fund examination as provided in subdivisions (1) and (2) shall be paid by the cemetery authority. Such examination shall be privately conducted in the principal office of the cemetery authority.

Sec. 1007. Section 43, chapter 290, Laws of 1953 as amended by section 13, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.140 are each amended to read as follows:

If any cemetery authority refuses to pay any examination expenses in advance, the board shall refuse it a certificate of authority and shall revoke any existing certificate of authority. All examination expense moneys collected by the (~~board~~) department shall be paid into the state treasury to the credit of the cemetery (~~fund~~) account.

Sec. 1008. Section 44, chapter 290, Laws of 1953 as last amended by section 8, chapter 21, Laws of 1979 and RCW 68.05.150 are each amended to read as follows:

In making such examination the (~~board~~) department:

(1) Shall have free access to the books and records relating to the endowment care funds, their collection and investment, and the number of graves, crypts, and niches under endowment care;

(2) Shall inspect and examine the endowment care funds to determine their condition and the existence of the investments;

(3) Shall ascertain if the cemetery authority has complied with all the laws applicable to endowment care funds;

(4) Shall have free access to all records required to be maintained pursuant to this chapter and to chapter 68.46 RCW with respect to prearrangement merchandise or services, unconstructed crypts or niches, or undeveloped graves; and

(5) Shall ascertain if the cemetery authority has complied with the laws applicable to prearrangement trust funds.

Sec. 1009. Section 45, chapter 290, Laws of 1953 as last amended by section 9, chapter 21, Laws of 1979 and RCW 68.05.160 are each amended to read as follows:

If any examination made by the (~~board~~) department, or any report filed with it, shows that there has not been collected and deposited in the endowment care funds the minimum amounts required by this title, or if the board finds that the cemetery authority has failed to

comply with the requirements of this chapter and chapter 68.46 RCW with respect to prearrangement contracts, merchandise, or services, unconstructed crypts or niches or undeveloped graves, or prearrangement trust funds, the board shall require such cemetery authority to comply with this chapter or with chapter 68.40 or 68.46 RCW, as the case may be.

Sec. 1010. Section 40, chapter 290, Laws of 1953 as last amended by section 10, chapter 21, Laws of 1979 and RCW 68.05.180 are each amended to read as follows:

Each cemetery authority in charge of cemetery endowment care funds shall annually, and within ninety days after the end of the calendar or fiscal year of the cemetery authority, file with the ((board)) department a written report in form and content prescribed by the ((board)) department.

These reports shall be verified by the president or vice president, one other officer of the cemetery authority, the accountant or auditor preparing the same, and, if required by the ((board)) department for good cause, a certified public accountant in accordance with generally accepted auditing standards.

Sec. 1011. Section 41, chapter 290, Laws of 1953 and RCW 68.05.190 are each amended to read as follows:

The ((board)) department shall examine the reports filed with it as to their compliance with the requirements of the law.

Sec. 1012. Section 47, chapter 290, Laws of 1953 and RCW 68.05.200 are each amended to read as follows:

Applications in writing for a certificate of authority shall be made by a cemetery authority to the ((board)) department accompanied by the regulatory charge provided for in this title. Such application must show that the cemetery authority owns or is actively operating a cemetery which is subject to the provisions of this title.

Sec. 1013. Section 48, chapter 290, Laws of 1953 as amended by section 2, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.210 are each amended to read as follows:

The ((board)) department may require such proof as it deems advisable concerning the compliance by such applicant to all the laws, rules, regulations, ordinances and orders applicable to it. The ((board)) department shall also require proof that the applicant and its officers and directors are financially responsible, trustworthy and have good personal and business reputations, in order that only cemeteries of permanent benefit to the community in which they are located will be established in this state.

Sec. 1014. Section 50, chapter 290, Laws of 1953 as amended by section 3, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.220 are each amended to read as follows:

The regulatory charges for cemetery certificates at all periods of the year are the same as provided in this chapter. All regulatory charges are payable at the time of the filing of the application and in advance of the issuance of the certificates. All certificates shall be issued for the year and shall expire at midnight, the thirtieth day of January of each year, or at whatever time during any year that ownership or control of any cemetery authority is transferred or sold. Cemetery certificates shall not be transferable. Failure to pay the regulatory charge fixed by the ((board)) department prior to the first day of February for any year automatically shall suspend the certificate of authority. Such certificate may be restored upon payment to the ((board)) department of the prescribed charges.

Sec. 1015. Section 51, chapter 290, Laws of 1953 as last amended by section 1, chapter 5, Laws of 1983 1st ex. sess. and RCW 68.05.230 are each amended to read as follows:

Every cemetery authority shall pay for each cemetery operated by it, an annual regulatory charge to be fixed by the ((board)) department of not more than four dollars per interment, entombment, and inurnment made during the preceding full calendar year, which charges shall be deposited in the cemetery account. Upon payment of said charges and compliance with the provisions of Title 68 RCW and the lawful orders, rules, and regulations of the board, the ((board)) department will issue a certificate of authority.

Sec. 1016. Section 5, chapter 99, Laws of 1969 ex. sess. as last amended by section 11, chapter 21, Laws of 1979 and RCW 68.05.255 are each amended to read as follows:

Prior to the sale or transfer of ownership or control of any cemetery authority, any person, corporation or other legal entity desiring to acquire such ownership or control shall apply in writing for a new certificate of authority to operate a cemetery and shall comply with all provisions of Title 68 RCW relating to applications for, and the basis for granting, an original certificate of authority. The ((board)) department shall, in addition, enter any order deemed necessary for the protection of all endowment care funds and/or prearrangement trust fund during such transfer. As a condition of applying for a new certificate of authority, the entity desiring to acquire such ownership or control must agree to be bound by all then existing prearrangement contracts and the ((board)) department shall enter that agreement as a condition of the transfer. Persons and business entities selling and persons and business entities purchasing ownership or control of a cemetery authority shall each file an endowment care fund report and/or a prearrangement trust fund report showing the status of such funds immediately before and immediately after such transfer on a written report form prescribed by the ((board)) department. Failure to comply with this section shall be a gross misdemeanor and any sale or transfer in violation of this section shall be void.

Sec. 1017. Section 4, chapter 402, Laws of 1985 and RCW 68.05.257 are each amended to read as follows:

A permit or endorsement issued by the ~~((cemetery board))~~ department or under chapter 18.39 RCW is required in order to operate a crematory or conduct a cremation. Conducting a cremation without a permit or endorsement is a misdemeanor. Each such cremation is a separate violation. Crematories owned or operated by or located on property licensed as a funeral establishment shall be regulated by the board of funeral directors and embalmers. Crematories not affiliated with a funeral establishment shall be regulated by the cemetery board.

Sec. 1018. Section 29, chapter 290, Laws of 1953 and RCW 68.05.270 are each amended to read as follows:

There shall be, in ~~((the office of))~~ the state ~~((treasurer, a fund))~~ treasury an account to be known and designated as the "cemetery ~~((fund))~~ account." All regulatory fees or other moneys to be paid under this chapter, unless provision be made otherwise, shall be paid at least once a month to the state treasurer to be credited to the cemetery ~~((fund))~~ account. All moneys credited to the cemetery ~~((fund))~~ account shall be used, when appropriated by the legislature, by the ~~((cemetery board))~~ department to carry out the provisions of this chapter.

NEW SECTION. Sec. 1019. All administrative powers, administrative duties, and administrative functions of the cemetery board pertaining to (1) the examination of applicants for, (2) the issuance of licenses, certificates, permits and endorsements relating to, and (3) the discipline of persons engaged in practices regulated under Title 68 RCW are transferred to the department of licensing.

NEW SECTION. Sec. 1020. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the cemetery board and pertaining to the powers, functions, and duties transferred by section 1019 of this act shall be delivered to the custody of the department of licensing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the cemetery board in carrying out the powers, functions, and duties transferred by section 1019 of this act shall be made available to the department of licensing. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred by section 1019 of this act shall be assigned to the department of licensing.

Any appropriations made to the cemetery board for carrying out the powers, functions, and duties transferred by section 1019 of this act shall, on the effective date of this act, be transferred and credited to the department of licensing.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 1021. All employees of the cemetery board engaged in performing the powers, functions, and duties transferred by section 1019 of this act are transferred to the jurisdiction of the department of licensing. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of licensing to perform duties within their classifications without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 1022. All rules and all pending business before the cemetery board pertaining to the powers, functions, and duties transferred by section 1019 of this act shall be continued and acted upon by the department of licensing. All existing contracts and obligations shall remain in full force and shall be performed by the department of licensing.

NEW SECTION. Sec. 1023. The transfer of the powers, duties, functions, and personnel of the cemetery board shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION. Sec. 1024. If apportionments of budgeted funds are required because of the transfers directed by sections 1020 through 1023 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 1025. Nothing contained in sections 1019 through 1024 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 1026. Section 1, chapter 68, Laws of 1973 1st ex. sess. as last amended by section 22, chapter 21, Laws of 1979 and RCW 68.46.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, the following terms as used only in this chapter have the meaning given in this section:

(1) "Prearrangement contract" means a contract for purchase of cemetery merchandise or services, unconstructed crypts or niches, or undeveloped graves to be furnished at a future date for a specific consideration which is paid in advance by one or more payments in one sum or by installment payments.

(2) "Cemetery authority" shall have the same meaning as in RCW 68.04.190, and shall also include any individual, partnership, firm, joint venture, corporation, company, association, or ~~((joint))~~ joint stock company, any of which sells cemetery services or merchandise, unconstructed crypts or niches, or undeveloped graves through a prearrangement contract, but shall not include insurance companies licensed under chapter 48.05 RCW.

(3) "Cemetery merchandise or services" and "merchandise or services" mean those services normally performed by cemetery authorities, including the sale of monuments, markers, memorials, nameplates, liners, vaults, boxes, urns, vases, interment services, or any one or more of them.

(4) "Prearrangement trust fund" means all funds required to be maintained in one or more funds for the benefit of beneficiaries by either this chapter or by the terms of a prearrangement contract, as herein defined.

(5) "Depository" means a qualified public depository as defined by RCW 39.58.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, and a federal credit union or a federal savings and loan association organized, operated, and governed by any act of congress, in which prearrangement funds are deposited by any cemetery authority.

(6) "Board" means the cemetery board established under chapter 68.05 RCW or its authorized representative.

(7) "Undeveloped grave" means any grave in an area which a cemetery authority has not landscaped and groomed to the extent customary in the cemetery industry in that community.

(8) "Department" means the department of licensing.

(9) "Director" means the director of the department of licensing or the director's designee.

Sec. 1027. Section 3, chapter 68, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 53, Laws of 1984 and RCW 68.46.030 are each amended to read as follows:

(1) A cemetery authority shall deposit in its prearrangement trust account a percentage of all funds collected in payment of each prearrangement contract equal to the greater of:

(a) Fifty percent of the contract price; or

(b) The percentage which the total of the wholesale cost of merchandise and the direct cost of services to be provided pursuant to the contract is of the total contract price.

(2) Any cemetery authority which does not file and maintain with the ~~((board))~~ department a bond as provided in subsection (4) of this section shall deposit in its prearrangement trust fund fifty percent, or greater percentage as determined under subsection (1) of this section, of all moneys received in payment of each prearrangement contract, excluding sales tax and endowment care if such charge is made.

(3) Any cemetery authority which files and maintains with the ~~((board))~~ department a bond as provided in subsection (4) of this section shall deposit in its prearrangement trust fund each payment as made on the last fifty percent, or greater percentage as determined under subsection (1) of this section, of each prearrangement contract, excluding sales tax and endowment care, if such charge is made.

(4) Each cemetery authority electing to make payments to its prearrangement trust fund pursuant to subsection (3) of this section shall file and maintain with the ~~((board))~~ department a bond, issued by a surety company authorized to do business in the state, in the amount by which the cemetery authority's contingent liability for refunds pursuant to RCW 68.46.060 exceeds the amount deposited in its prearrangement trust fund. The bond shall run to the state and shall be conditioned that it is for the use and benefit of any person requesting a refund pursuant to RCW 68.46.060 if the cemetery authority does not promptly pay to said person the refund due pursuant to RCW 68.46.060. In addition to any other remedy, every person not promptly receiving the refund due pursuant to RCW 68.46.060 may sue the surety for the refund. The liability of the surety shall not exceed the amount of the bond. Termination or cancellation shall not be effective unless notice is delivered by the surety to the ~~((board))~~ department at least thirty days prior to the date of termination or cancellation. The ~~((board))~~ department shall immediately notify the cemetery authority affected by the termination or cancellation by certified mail, return receipt requested. The cemetery authority shall thereupon obtain another bond or make such other arrangement as may be satisfactory to the board to assure its ability to make refunds pursuant to RCW 68.46.060.

(5) Deposits to the prearrangement trust fund shall be made not later than the twentieth day of each month following receipt of each payment required to be deposited. If a prearrangement contract is sold, pledged, or otherwise encumbered as security for a loan by the cemetery authority, the cemetery authority shall pay into the prearrangement trust fund fifty percent of the total sale price of the prearrangement contract within twenty days of receipt of payment of the proceeds from the sale or loan.

(6) Any failure to fund a prearrangement contract as required by this section shall be grounds for revocation of the cemetery authority's prearrangement sales license.

Sec. 1028. Section 9, chapter 68, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 190, Laws of 1983 and RCW 68.46.090 are each amended to read as follows:

Any cemetery authority selling prearrangement merchandise or other prearrangement services shall file in its office or offices and with the ~~((cemetery board))~~ department a written

report upon forms prepared by the ~~((cemetery board))~~ department which shall state the amount of the principle of the prearrangement trust fund or funds, the depository of such fund or funds, and cash on hand which is or may be due to such fund as well as such other information the board may deem appropriate. All information appearing on such written reports shall be revised at least annually. These reports shall be verified by the president, or the vice president, and one other officer of the cemetery authority, the accountant or auditor who prepared the report, and, if required by the ~~((board))~~ department for good cause, a certified public accountant in accordance with generally accepted auditing standards. Verification of these reports by a certified public accountant in accordance with generally accepted auditing standards shall be required on reports from cemetery authorities which manage prearrangement trust funds totaling in excess of five hundred thousand dollars.

Sec. 1029. Section 37, chapter 21, Laws of 1979 and RCW 68.46.095 are each amended to read as follows:

(1) Each authorized cemetery authority shall within ninety days after the close of its accounting year file with the ~~((board))~~ department a true and accurate statement of its financial condition, transactions, and affairs for the preceding year. The statement shall be on such forms and shall contain such information as required by this chapter and by the board.

(2) The board shall suspend or revoke the prearrangement sales license of any cemetery authority which fails to file such a statement when due or after any extension of time which the board has, for good cause, granted.

Sec. 1030. Section 11, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.110 are each amended to read as follows:

No cemetery authority shall sell, offer to sell or authorize the sale of cemetery merchandise or services or accept funds in payment of any prearrangement contract, either directly or indirectly, unless such acts are performed in compliance with this act, and under the authority of a valid, subsisting and unsuspended certificate of authority to operate a cemetery in this state by the ~~((Washington state cemetery board))~~ department.

Sec. 1031. Section 43, chapter 21, Laws of 1979 and RCW 68.46.130 are each amended to read as follows:

The ~~((cemetery board))~~ department may grant an exemption from any or all of the requirements of this chapter relating to prearrangement contracts to any cemetery authority which:

(1) Sells less than twenty prearrangement contracts per year; and

(2) Deposits one hundred percent of all funds received into a trust fund under RCW 68.46.030, as now or hereafter amended.

Sec. 1032. Section 28, chapter 21, Laws of 1979 and RCW 68.46.140 are each amended to read as follows:

To apply for a prearrangement sales license, a cemetery authority shall:

(1) File with the ~~((board))~~ department its request showing:

(a) Its name, location, and organization date;

(b) The kinds of cemetery business or merchandise it proposes to transact;

(c) A statement of its current financial condition, management, and affairs on a form satisfactory to or furnished by the ~~((board))~~ department; and

(d) Such other documents, stipulations, or information as the board may reasonably require to evidence compliance with the provisions of this chapter; and

(2) Deposit with the ~~((board))~~ department the fees required by this chapter to be paid for filing the accompanying documents, and for the prearrangement sales license, if granted.

Sec. 1033. Section 38, chapter 21, Laws of 1979 and RCW 68.46.160 are each amended to read as follows:

No cemetery authority shall use a prearrangement contract without first filing the form of such contract with the ~~((board))~~ department; PROVIDED, That the board may order the cemetery authority to cease using any prearrangement contract form which:

(1) Is in violation of any provision of this chapter;

(2) Is misleading or deceptive; or

(3) Is being used in connection with solicitation by false, misleading or deceptive advertising or sales practices.

Use of a prearrangement contract form which is not on file with the ~~((board))~~ department or which the board has ordered the cemetery authority not to use shall be a violation of this chapter.

Sec. 1034. Section 23, chapter 21, Laws of 1979 and RCW 68.46.170 are each amended to read as follows:

No cemetery authority shall enter into prearrangement contracts in this state unless the cemetery authority has obtained a prearrangement sales license issued by the ~~((board or its authorized representative))~~ department and such license is then current and valid.

Sec. 1035. Section 29, chapter 21, Laws of 1979 and RCW 68.46.180 are each amended to read as follows:

All prearrangement sales licenses issued under this chapter shall be valid for one year unless extended by the ~~((board or its authorized representative))~~ department for a maximum of

thirty days, or such larger extension as the ~~((board))~~ department shall allow for good cause shown.

The ~~((board))~~ department shall set and shall collect in advance the fees required for licensing.

All fees so collected shall be remitted by the ~~((board))~~ department to the state treasurer and ~~((the funds))~~ shall be credited to the cemetery ~~((board fund))~~ account.

Sec. 1036. Section 30, chapter 21, Laws of 1979 and RCW 68.46.190 are each amended to read as follows:

The board ~~((or its authorized representative))~~ may refuse to renew or may revoke or suspend a cemetery authority's prearrangement sales license, if the cemetery authority:

(1) Fails to comply with any provision of this chapter or any proper order or regulation of the board;

(2) Is found by the board to be in such condition that further execution of prearrangement contracts would be hazardous to purchasers or beneficiaries and the people of this state;

(3) Refuses to be examined, or refuses to submit to examination or to produce its accounts, records, and files for examination by the board when required;

(4) Is found by the board after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued operation hazardous to purchasers, beneficiaries, or the public; or

(5) Is found by the board to use false, misleading, or deceptive advertisements or sales methods.

Sec. 1037. Section 31, chapter 21, Laws of 1979 and RCW 68.46.200 are each amended to read as follows:

The ~~((board or its authorized representative))~~ department shall give a cemetery authority notice of its intention to suspend, revoke, or refuse to renew a prearrangement sales license, and the board shall grant the cemetery authority a hearing, in the manner required for contested cases under chapter 34.04 RCW, before the order of suspension, revocation, or refusal may become effective.

No cemetery authority whose prearrangement sales license has been suspended, revoked, or refused shall subsequently be authorized to enter into prearrangement contracts unless the grounds for such suspension, revocation, or refusal in the opinion of the board no longer exist and the cemetery authority is otherwise fully qualified. Any prearrangement sale by an unlicensed cemetery authority shall be voidable by the purchaser who shall be entitled to a full refund.

Sec. 1038. Section 32, chapter 21, Laws of 1979 and RCW 68.46.220 are each amended to read as follows:

(1) The ~~((board or its authorized representative))~~ department may issue and serve upon a cemetery authority a notice of charges if in the opinion of the ~~((board))~~ department or its authorized representative the cemetery authority:

(a) Is engaging in or has engaged in practices likely to endanger the future delivery of cemetery merchandise or services, unconstructed crypts or niches, or undeveloped graves;

(b) Is violating or has violated any statute of the state of Washington or any rule of the board; or

(c) Is about to do an act prohibited in (1)(a) or (1)(b) of this section when the opinion is based upon reasonable cause.

(2) The notice shall contain a statement of the facts constituting the alleged violation or practice and shall fix a time and place at which a hearing will be held by the board to determine whether an order to cease and desist should issue against the cemetery authority. The hearing shall be set not earlier than ten nor later than thirty days after service of the notice unless a later date is set by the board ~~((or its authorized representative))~~ at the request of the cemetery authority.

Unless the cemetery authority appears at the hearing by a duly authorized representative it shall be deemed to have consented to the issuance of a cease and desist order. In the event of this consent or if upon the record made at the hearing the board finds that any violation or practice specified in the notice of charges has been established, the board may issue and serve upon the cemetery authority an order to cease and desist from the violation or practice. The order may require the cemetery authority and its directors, officers, employees, and agents to cease and desist from the violation or practice and may require the cemetery authority to take affirmative action to correct the conditions resulting from the violation or practice.

(3) A cease and desist order shall become effective at the expiration of ten days after service of the order upon the cemetery authority except that a cease and desist order issued upon consent shall become effective as provided in the order unless it is stayed, modified, terminated, or set aside by action of the board or a reviewing court.

(4) The powers of the board under this section are in addition to the power of the board to refuse to renew or to revoke or suspend a cemetery authority's prearrangement sales license.

Sec. 1039, Section 33, chapter 21, Laws of 1979 and RCW 68.46.230 are each amended to read as follows:

Whenever the board (~~(or its authorized representative)~~) determines that a cemetery authority is in violation of this chapter or that the continuation of acts or practices of the cemetery authority is likely to cause insolvency or substantial dissipation of assets or earnings of the cemetery authority or to otherwise seriously prejudice the interests of the purchasers or beneficiaries of prearrangement contracts, the board (~~(or its authorized representative)~~) may issue a temporary order requiring the cemetery authority to cease and desist from the violation or practice. The order shall become effective upon service on the cemetery authority and shall remain effective unless set aside, limited, or suspended by a court in proceedings under RCW 68.46.240 or until the board dismisses the charges specified in the notice under RCW 68.46.220 or until the effective date of a cease and desist order issued against the cemetery authority under RCW 68.46.220.

PART XI

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1 of the bill, line 16 of the title, after "70.119.110," strike everything through "section;" on line 17 and insert "70.119.140, 68.05.020, 68.05.070, 68.05.090, 68.05.100, 68.05.130, 68.05.140, 68.05.150, 68.05.160, 68.05.180, 68.05.190, 68.05.200, 68.05.210, 68.05.220, 68.05.230, 68.05.255, 68.05.257, 68.05.270, 68.46.010, 68.46.030, 68.46.090, 68.46.095, 68.46.110, 68.46.130, 68.46.140, 68.46.160, 68.46.170, 68.46.180, 68.46.190, 68.46.200, 68.46.220, and 68.46.230; reenacting and amending RCW 46.37.320; adding a new section to chapter 68.05 RCW; creating new sections:"

Signed by Senators Thompson and DeJarnatt; Representatives Belcher and Peery.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4938 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the Senate resumed consideration of Substitute House No. 1722 and the pending motion by Senator Kreidler that the Senate adopt the Report of the Conference Committee and grant the powers of Free Conference, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Vognild, the President finds that Substitute House Bill No. 1722 is a measure entitled 'An Act Relating to the Washington Clean Air Act.'

"The amendment proposed by the Conference Committee relates to woodstove emissions, air pollution source operating permits and smoking restrictions in state owned or leased buildings occupied by state employees and adds these provisions to the Washington Clean Air Act.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the title of the bill and that the point of order is not well taken."

The amendment by the Conference Committee was ruled in order.

The President declared the question before the Senate to be the motion by Senator Kreidler that the Report of the Conference Committee on Substitute House Bill No. 1722 be adopted and that the committee be granted the powers of Free Conference.

Debate ensued.

MOTION

Senator Rasmussen moved that Substitute House Bill No. 1722 be referred to the Committee on Parks and Ecology.

Debate ensued.

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I believe a motion to grant the powers of Free Conference insofar as it is designed to bring the two houses closer together on an issue would take precedence over a motion to send or rerefer a bill to committee. The disposition of the rules being to bring the houses

together as much as possible rather than to frustrate that intention, so I believe the motion to adopt the powers of Free Conference takes precedent."

REPLY BY THE PRESIDENT

President Cherberg: "The President has stated that to Senator Rasmussen, but the President believes that he wants to be certain."

Further debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "The President believes that the remarks by Senator Talmadge, to the effect that what action would bring the two houses together, is more important; therefore, the President rules that the motion to grant the powers of Free Conference is in order."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Kreidler to adopt the Report of the Conference Committee and grant the powers of Free Conference on Substitute House Bill No. 1722.

ROLL CALL

The Secretary called the roll and the motion by Senator Kreidler failed and the Senate did not adopt the Report of the Conference Committee or grant the powers of Free Conference on Substitute House Bill No. 1722 by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bailey, Bender, Bluechel, Cantu, Conner, Deccio, Fleming, Gaspard, Goltz, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Rinehart, Talmadge, Thompson, Williams, Zimmerman - 21.

Voting nay: Senators Barr, Bauer, Benitz, Bottiger, Craswell, DeJarnatt, Garrett, Graniund, Guess, Halsan, Hayner, McCaslin, McDonald, Melcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Vognild, von Reichbauer, Warnke, Wojahn - 27.

Excused: Senator Stratton - 1.

There being no objection, the Senate resumed consideration of House Bill No. 1795 and the pending motion by Senator Talmadge to adopt the Report of the Conference Committee and grant the powers of Free Conference, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Hayner, the President finds that House Bill No. 1795 is a measure entitled 'An Act Relating to Information in Child Support Orders.'"

"The amendment proposed by the Conference Committee requires additional information in child support orders, provides for parenting plans in dissolution action and repeals the existing custody laws.

"The President, therefore, finds that the proposed amendment does change the scope and object of the title of the bill and that the point of order is well taken."

The amendment by the Conference Committee was ruled out of order.

MOTION

On motion of Senator Talmadge, the Conference Committee was relieved of further consideration of House Bill No. 1795.

MOTION

Senator Talmadge moved that the Senate adhere to its position on House Bill No. 1795 and asks the House to concur therein.

Debate ensued.

POINT OF INFORMATION

Senator Pullen: "Mr. President, just as a matter of clarification, I believe Senator Talmadge made the motion to adhere, which is kind of an unusual motion, but when he made his speech in favor of the motion, he was talking about insisting and I just want a clarification as to whether his motion is to insist or to adhere. I

think it does make a difference under the rules as to what the intent is behind that motion and what the significance is for our determination to stick to our position."

MOTIONS

On motion of Senator Talmadge, and there being no objection, the motion to adhere to its position on House Bill No. 1795 and to ask the House to concur therein was withdrawn.

On motion of Senator Talmadge, the Senate insists on its position regarding House Bill No. 1795 and asks the House to concur therein.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1499, revising provisions relating to alcohol breath testing, have had the same under consideration and we recommend that the bill do pass without the Senate amendments.

Signed by Senators Talmadge and Newhouse: Representatives Hargrove, Locke and Tilly.

MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on House Bill No. 1499 was adopted.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1499, as recommended by the Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1499, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Garrett, Halsan - 2.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1499, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Report of the Conference Committee and passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4128 as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4128, revising the authority of the Corrections Standards Board, have had the same under consideration and we recommend that the House amendment not be adopted.

Signed by Senators Kreidler, Granlund and Deccio: Representatives Brekke, Tanner and Lewis.

MOTION

On motion of Senator Wojahn, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4128 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4128, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4128, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Bluechel - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4128, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

March 11, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1992, restricting state investments in countries with apartheid policies, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout sections 1 through 4 and 13 of this act and RCW 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, and 28B.50.090.

(1) "Invest" means the direct purchase of any stocks, bonds, securities, or other evidence of indebtedness or ownership.

(2) "Business firm" means any corporation operating as a nonprofit or for profit entity and organized under the laws of a state or of the United States, or other United States-based business entity and its subsidiary or affiliate. "Business firm" does not include banks, bank holding companies, affiliates, or subsidiaries thereof and financial institutions.

(3) "Bank" means a commercial bank licensed by the state or an agency of the United States.

(4) "Financial institution" means a savings and loan association licensed by the state or an agency of the United States, a credit union licensed by the state or an agency of the United States, or any insurance company, brokerage firm, securities firm, investment company, mortgage banking company, finance company, or consumer credit company licensed to do business in this state.

(5) "Doing business" means maintaining retail facilities, plant and equipment, manufacturing facilities, distribution facilities, warehouses, or making loans. In determining whether an activity constitutes doing business under this definition, reference may be made to the most recent listing of companies with operations in countries with an apartheid policy such as compiled by the investor responsibility research center, inc.

(6) "Apartheid" means an official policy authorizing the denial of equal voting rights or political, educational, or economic rights on the basis of race. This definition includes only the policies of South Africa and Namibia.

(7) "Government" means both the central government of the referenced country and any instrumentality thereof.

NEW SECTION. Sec. 2. (1) The limitations on the investment authority of the state investment board, the state treasurer, and institutions of higher education relating to countries having an apartheid policy shall not apply to investments in any business firm doing business in a country having an apartheid policy if the firm meets each of the following criteria:

(a) It is a category I signatory of the Sullivan principles and is making good progress in complying with these principles. In determining the degree of compliance, reference shall be made to the Sullivan principles performance ratings as measured by Arthur D. Little Inc.; and

(b) It does not provide strategic goods or services which support the practice of apartheid. A business firm shall not be deemed in compliance with this requirement if it provides strategic products or services for use by the government of any country having an apartheid policy or any of its agencies, the military, or police in any such country, or any company which contracts, either directly or through intermediaries, with these agencies or organizations. Strategic products are defined as articles designated as arms, ammunition, and implements of war in 22 Code of Federal Regulations, part 121, and data processing equipment and computers sold for military or police use or for use in connection with the pass system as practiced in the Republic of South Africa.

(2) The state investment board, state treasurer, and the governing bodies of institutions of higher education may require business firms, banks, and financial institutions to provide them with an affidavit indicating that they have followed the restrictions of activity contained in this section. The state investment board, treasurer, and governing bodies may also refer to information compiled by the investor responsibility research center, United Nations center on transnational corporations, the interfaith center on corporate responsibility, or the international council for equality of opportunity principles, inc.

(3) The legislature finds that effective monitoring of compliance with the Sullivan principles depends on information compiled by certain organizations, including the international council for equality of opportunity principles, the organization which created and monitors the Sullivan principles. Without such information, administration of this section will be impractical. Therefore, the provisions of this section shall expire if the organization named above ceases to exist or terminates its monitoring of compliance with the Sullivan principles.

NEW SECTION, Sec. 3. (1) On or after January 1, 1987, subject to RCW 43.33A.140, the state investment board shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such country.

(2) On or after January 1, 1987, subject to RCW 43.33A.140, the state investment board shall not make additional or new investments or renew existing investments in banks and financial institutions that make loans to any corporation or other business entity headquartered in, and whose operations are principally conducted in, a country having an apartheid policy, or to the government of any country having an apartheid policy.

NEW SECTION, Sec. 4. (1) As long as any trust funds or state funds are invested in any business firm, bank, or financial institution doing business in a country having an apartheid policy, the state investment board shall file a report with the governor and the legislature by January 31 of each year.

(2) The report shall include:

- (a) The issuer, by name, of the securities and other evidence of indebtedness or ownership;
- (b) The book value of the stock as of the preceding December 31st; and
- (c) A description of the securities or other evidence of indebtedness or ownership.

(3) If investments are made in business firms, banks, or financial institutions doing business in a country having an apartheid policy, the state investment board must demonstrate that no other investments of comparable yield, maturity, quality, and liquidity were available in business firms, banks, or financial institutions not doing business in a country having an apartheid policy.

Sec. 5. Section 28B.20.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 92, chapter 370, Laws of 1985 and RCW 28B.20.130 are each amended to read as follows:

General powers and duties of the board of regents are as follows:

(1) To have full control of the university and its property of various kinds, except as limited by subsection (7) of this section or as otherwise provided by law.

(2) To employ the president of the university, his assistants, members of the faculty, and employees of the institution, who except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under RCW 28B.80.350(2). Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university, prescribe the course of study in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(6) Grant to students such certificates or degrees as recommended for such students by the faculty. The board, upon recommendation of the faculty, may also confer honorary degrees upon persons other than graduates of this university in recognition of their learning or devotion to literature, art or science: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(7) Accept such gifts, grants, conveyances, bequests and devises, whether real or personal property, or both, in trust or otherwise, for the use or benefit of the university, its colleges, schools, departments, or agencies; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises. The board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises above-mentioned, and shall make full report of the same in the customary biennial report to the governor and members of the legislature, or more frequently if required by law: PROVIDED, HOWEVER, That nothing herein contained shall be construed to repeal, amend or in any way modify any of the provisions of RCW 28B.20.380. The investment authority of the board of regents is limited as follows: After January 1, 1987, the board of regents shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such a country. After January 1, 1987, the board of regents shall not make additional or new investments or renew existing investments in banks or financial institutions that make loans to any corporation or other business entity headquartered in, or whose operations are principally conducted in, a country having an apartheid policy, or to the government of such a country.

(8) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(9) To submit upon request such reports as will be helpful to the governor and to the legislature in providing for the institution.

(10) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

Sec. 6. Section 28B.30.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 93, chapter 370, Laws of 1985 and RCW 28B.30.150 are each amended to read as follows:

The regents of Washington State University, in addition to other duties prescribed by law, shall:

(1) Have full control of the university and its property of various kinds, except as provided by subsection (24) of this section or as otherwise provided by law.

(2) Employ the president of the university, his assistants, members of the faculty, and employees of the university, who, except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under RCW 28B.80.350(2). Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(6) With the assistance of the faculty of the university, prescribe the courses of instruction in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(7) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.

(8) Provide for holding agricultural institutes including farm marketing forums.

(9) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

(10) Provide training in military tactics for those students electing to participate therein.

(11) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing and land surveying.

(12) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep and swine, agriculture

with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

(13) Establish agricultural experiment stations in connection with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

(14) Grant to students such certificates or degrees, as recommended for such students by the faculty.

(15) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(16) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities or improvements as the available funds will warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under regulations established by the board. The board shall require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

(17) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

(18) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture" and organize and conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

(19) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(20) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

(21) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit byproducts and general development of agriculture under irrigation conditions.

(22) Supervise and control the agricultural experiment station at Puyallup.

(23) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, byproducts, marketing, management and general horticultural problems.

(24) Accept such gifts, grants, conveyances, devises and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises; adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises, and make full report thereof in a biennial report to the governor and members of the legislature. The investment authority of the board of regents is limited as follows: After January 1, 1987, the board of regents shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such a country. After January 1, 1987, the board of regents shall not make additional or new investments or renew existing investments in banks or financial institutions that make loans to any corporation or other business entity headquartered in, or whose operations are principally conducted in, a country having an apartheid policy, or to the government of such a country.

(25) Construct when the board so determines a new foundry and a mining, physical, technological building and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant for the extraction of alumina from native clays and other possible light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment for

research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics and similar fields.

(26) Make and transmit to the governor and members of the legislature upon request such reports as will be helpful in providing for the institution.

Sec. 7, Section 48, chapter 169, Laws of 1977 ex. sess. as amended by section 94, chapter 370, Laws of 1985 and RCW 28B.35.120 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

(1) Shall have full control of the regional university and its property of various kinds, except as limited by subsection (10) of this section or as otherwise provided by law.

(2) Shall employ the president of the regional university, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the regional university, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the regional university.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to regional university purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof. The investment authority of the board of trustees is limited as follows: After January 1, 1987, the board of trustees shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such a country. After January 1, 1987, the board of trustees shall not make additional or new investments or renew existing investments in banks or financial institutions that make loans to any corporation or other business entity headquartered in, or whose operations are principally conducted in, a country having an apartheid policy, or to the government of such a country.

(11) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university.

Sec. 8, Section 28B.40.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 95, chapter 370, Laws of 1985 and RCW 28B.40.120 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:

(1) Shall have full control of the state college and its property of various kinds, except as provided by subsection (10) of this section or as otherwise provided by law.

(2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof. The investment authority of the board of trustees is limited as follows: After January 1, 1987, the board of trustees shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such a country. After January 1, 1987, the board of trustees shall not make additional or new investments or renew existing investments in banks or financial institutions that make loans to any corporation or other business entity headquartered in, or whose operations are principally conducted in, a country having an apartheid policy, or to the government of such a country.

(11) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

Sec. 9, Section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 50, Laws of 1982 and RCW 28B.50.090 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community colleges except as provided by subsection (14) of this section. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the community college boards of trustees, prepare a single budget for the support of the state system of community colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090; the coordinating council shall assist with the preparation of the community college budget that has to do with vocational education programs;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the community college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) that each community college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education: PROVIDED, That notwithstanding any other provisions of this chapter, a community college shall not be required to offer a program of vocational-technical training, when such a program as approved by the coordinating council for occupational education is already operating in the district;

(b) that each community college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of his residence or because of his educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, he would not be competent to profit from the curriculum offerings of the community college, or would, by his presence or conduct, create a disruptive atmosphere within the community college not consistent with the purposes of the institution;

(4) Prepare a comprehensive master plan for the development of community college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate community college facilities in all areas of the state;

(5) Define and administer criteria and guidelines for the establishment of new community colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community colleges with respect to:

(a) qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) the content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) standard admission policies,

(e) eligibility of courses to receive state fund support;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various community college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community college real and personal property, except such property as is received by a community college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community college system;

(13) In order that the treasurer for the state board for community college education appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community college education as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly by the state board treasurer in accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(14) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof. The investment authority of the college board is limited as follows: After January 1, 1987, the college board shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such a country. After January 1, 1987, the college board shall not make additional or new investments or renew existing investments in banks or financial institutions that make loans to any corporation or other business entity headquartered in, or whose operations are principally conducted in, a country having an apartheid policy, or to the government of such a country.

The college board shall have the power of eminent domain.

NEW SECTION. Sec. 10. A new section is added to chapter 24.44 RCW to read as follows:

The provisions of this chapter governing investments are subject to any restrictions on investments found in RCW 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, or 28B.50.090, as applicable.

Sec. 11. Section 11, chapter 3, Laws of 1981 as amended by section 4, chapter 219, Laws of 1981 and RCW 43.33A.110 are each amended to read as follows:

The state investment board may make appropriate rules and regulations for the performance of its duties. The board shall establish investment policies and procedures designed exclusively to maximize return at a prudent level of risk, except as limited by sections 2 and 3 of this 1986 act. The board shall adopt rules to ensure that its members perform their functions in compliance with chapter 42.18 RCW. Rules adopted by the board shall be adopted pursuant to chapter 34.04 RCW.

Sec. 12. Section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 98, Laws of 1981 and RCW 43.84.150 are each amended to read as follows:

Except where otherwise specifically provided by law, the state investment board shall have full power to invest, reinvest, manage, contract, or sell or exchange investments acquired. Investments shall be made in accordance with RCW 43.33A.140 and sections 2 and 3 of this 1986 act and investment policy duly established and published by the state investment board. All funds shall be sufficiently diversified and no corporate fixed income issue or common stock holding may exceed three percent of the cost or six percent of the market value of the assets of any fund.

NEW SECTION. Sec. 13. A new section is added to chapter 39.58 RCW to read as follows:

(1) In order to be a qualified public depository for deposits by the state treasurer, a state agency, or a state institution of higher education, a financial institution, in addition to any other requirements, shall file with the public deposit protection commission a certificate signed by the president or other duly authorized officer of the financial institution setting forth that it does not provide the following services, either directly or through a subsidiary or agent, to the government of any country having an apartheid policy: (a) Advertising or otherwise promoting the sale, outside of the country, of coins minted in the country; (b) underwriting securities of the government of the country; or (c) making loans to such government, other than loans for educational, housing, or health facilities available to all persons on a totally nondiscriminatory basis and located in geographic areas accessible to all population groups without any legal or administrative restrictions.

(2) The commission may approve a financial institution as a qualified public depository that does not meet the criteria set forth in subsection (1) of this section upon a determination, made in writing and forwarded to the legislature, that deposit of public moneys in such financial institution is necessary to obtain essential services that are not reasonably obtainable from another financial institution.

(3) If the commission by majority vote finds, after giving a financial institution an opportunity to be heard, that such policy not to provide services to the government of a country having an apartheid policy has been violated, the commission shall revoke its approval upon giving thirty days' notice.

(4) The provisions of this section apply only to financial institutions holding deposits by the state treasurer, a state agency, or a state institution of higher education.

Sec. 14. Section 43.84.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 148, Laws of 1982 and RCW 43.84.080 are each amended to read as follows:

(1) Except as limited by subsection (2) of this section, wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state treasurer may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments:

((1)) (a) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States;

((2)) (b) In state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state treasurer may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

((3)) (c) In motor vehicle fund warrants when authorized by agreement between the state treasurer and the department of transportation requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction;

((4)) (d) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

((5)) (e) Bankers' acceptances purchased on the secondary market;

((6)) (f) Negotiable certificates of deposit of any national or state commercial or mutual savings bank or savings and loan association doing business in the United States: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board;

((?)) (g) Commercial paper: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board.

(2) On or after January 1, 1987, the state treasurer shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such country. On or after January 1, 1987, the state treasurer shall not make additional or new investments or renew existing investments in banks and financial institutions that make loans to any corporation or other business entity headquartered in, and whose operations are principally conducted in, a country having an apartheid policy, or to the government of such country. The definitions contained in section 1 of this 1986 act shall apply to this subsection.

NEW SECTION. Sec. 15. Sections 1 through 4 of this act are each added to chapter 43.33A RCW."

On page 1, line 2 of the title, after "policies;" strike the remainder of the title and insert "amending RCW 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, 28B.50.090, 43.33A.110, 43.84.150, and 43.84.080; adding a new section to chapter 24.44 RCW; adding new sections to chapter 43.33A RCW; and adding a new section to chapter 39.58 RCW."

Signed by Senators Fleming and McDermott; Representatives Locke and Wineberry.

MOTION

Senator Vognild moved that the Senate adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1992 and that the committee be granted the powers of Free Conference.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Vognild that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1992 be adopted and that the committee be granted the powers of Free Conference.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild carried and the Senate adopted the Report of the Conference Committee and granted the powers of Free Conference on Engrossed Substitute House Bill No. 1992 by the following vote: Yeas, 24; nays, 23; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator Hansen - 1.

Excused: Senator Stratton - 1.

MESSAGE FROM THE HOUSE

March 10, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3419,

SUBSTITUTE SENATE BILL NO. 3453,

SENATE BILL NO. 3636,

SUBSTITUTE SENATE BILL NO. 4425,

SUBSTITUTE SENATE BILL NO. 4553,

SUBSTITUTE SENATE BILL NO. 4664,

SUBSTITUTE SENATE BILL NO. 4682,

SENATE BILL NO. 4708,

SUBSTITUTE SENATE BILL NO. 4926,

SUBSTITUTE SENATE BILL NO. 4933,

SENATE JOINT MEMORIAL NO. 113,

SENATE JOINT MEMORIAL NO. 126,

SENATE JOINT MEMORIAL NO. 143, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on HOUSE BILL NO. 1631, and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1631, modifying provisions relating to nursing home cost reimbursement, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on House Bill No. 1631 read in on March 10, 1986)

Signed by Senators McDermott, Fleming and Deccio; Representatives Grimm, Sommers and Tilly.

MOTION

On motion of Senator Vognild, the Report of the Free Conference Committee on House Bill No. 1631 was adopted.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1631, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1631, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senator Sellar - 1.

Excused: Senator Stratton - 1.

HOUSE BILL NO. 1631, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447, and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447, modifying accounting and reporting requirements for public works contracts, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1447, read in on March 10, 1986)

Signed by Senators Saling, McManus and Goltz; Representatives Haugen and Brough.

POINT OF ORDER

Senator Rasmussen: "Mr. President, a point of order. I wish to raise the question of scope and object on this particular report. It started out as a small works roster and ended up with garbage. They've added another bill to it, so I would hope that the President would take a good look at that and find out if they've added garbage when they shouldn't have."

Further debate ensued.

MOTION

At 5:35 p.m., on motion of Senator Vognild, the Senate recessed until 6:00 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 6:00 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1447 and the pending Report of the Free Conference Committee, deferred before the last recess.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Engrossed Substitute House Bill No. 1447 is a measure entitled 'An Act Relating to Public Works Contracts.'

"The amendment proposed by the Free Conference Committee modifies accounting and report requirements for public works contacts and authorizes contracts for municipal resource recovery facilities and solid waste handling systems. All provisions relate to public works contracts.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the title of the bill and that the point of order is not well taken.

"The President would like to take this opportunity to remind the members that 'new proposed items' in the Free Conference Reports need only fit the scope and object of the title of the bill in conference. This is a broader rule than used in proceedings prior to conference."

The amendment by the Free Conference Committee was ruled in order.

The President declared the question before the Senate to be adoption of the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1447.

Debate ensued.

Senator Vognild demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1447.

ROLL CALL

The Secretary called the roll and the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1447 was adopted by the following vote: Yeas, 35; nays, 5; absent, 8; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Rinehart, Saling, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 35.

Voting nay: Senators McDermott, Moore, Rasmussen, Talmadge, Williams - 5.

Absent: Senators Cantu, Garrett, Hayner, McManus, Owen, Peterson, Pullen, Sellar - 8.

Excused: Senator Stratton - 1.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1447, as amended by the Free Conference Committee.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, I presume you're aware of what's in the bill here. A peculiar section that I don't understand--maybe you could explain it. I understand that cities and counties can let contracts, but this provides in this bill that, 'There shall be included in the contract specifications allocations of financial responsibility in cases where the amount of solid waste handled during the contract period falls below the minimum level.' This means that you have to pay whether you use it or not. Isn't that rather peculiar that the state should tell counties and cities what they have to include in a contract?"

Senator Thompson: "Senator Rasmussen, what you've described is what we call the put or pay arrangement or what has come to be called that. These substantial investments can only be realized or attracted if there is some assurance of a sufficient flow of solid waste to the facility. No one is going to build a facility if there isn't that assurance, but because the stream may be unpredictable, the assurance will be backed up by a contractual arrangement to pay in effect for the difference if there is a decline in the volume of solid waste to the facility. So, you either put the solid waste in the facility or you pay for what you do not put. It's a reasonable contractual arrangement to attract investments in these facilities."

Senator Rasmussen: "Can you recall any other time that the state has put that provision in that you 'shall contract?'"

Senator Thompson: "We have never before in the history of our state reached the point where we had to deal with the problem of solid waste in these volumes, Senator Rasmussen. It calls for some unique arrangement to solve the problem."

Further debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Pullen was excused.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1447, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcaif, Newhouse, Owen, Patterson, Peterson, Saling, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 38.

Voting nay: Senators Fleming, McDermott, Moore, Rasmussen, Rinehart, Talmadge, Williams, Wojahn - 8.

Absent: Senator Sellar - 1.

Excused: Senators Pullen, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SUBSTITUTE SENATE BILL NO. 4917, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4917, modifying provisions of title 30 RCW, have had the same under consideration and report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follow:

On page 82 of the house committee amendment by the Committee on Financial Institutions and Insurance, after line 21, insert the following:

NEW SECTION, Sec. 55. It is the intent of the legislature to provide to the public current information on the condition of financial institutions conducting business in the state of Washington.

NEW SECTION, Sec. 56. A new section is added to chapter 43.19 RCW to read as follows:

The director of general administration shall annually, or by request, make available to the legislature the list of financial institutions designated by the federal reserve system or by the comptroller of the currency, known as the "watch list."

NEW SECTION, Sec. 57. Sections 55 and 56 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 83 of the house committee amendment by Committee on Financial Institutions and Insurance, line 13 of the title amendment, after "30.12 RCW;" insert "adding a new section to chapter 43.19 RCW:"

On page 83 of the house committee amendment by Committee on Financial Institutions and Insurance, line 22 of the title amendment, after "30.40.060" insert "; and declaring an emergency"

Signed by Senators Moore and Bender: Representatives Zellinsky, Nutley and West.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4917 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on HOUSE BILL NO. 1633, and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1633, providing for the taxation of timber harvested by public entities, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on House Bill No. 1633 read in earlier today)

Signed by Senators McDermott, Halsan and Lee: Representatives Grimm and Appelwick.

MOTION

Senator McDermott moved the Report of the Free Conference Committee on House Bill No. 1633 be adopted.

POINT OF ORDER

Senator Lee: "Mr. President, a point of order. I had asked a little earlier about the time requirement and you clearly pointed-out to me at that point that we were on a Conference Committee Report. This is a Free Conference Committee Report and I believe it takes a two-thirds suspension of the rules to consider it before 7:50 p.m. today."

MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1633 was deferred.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, encouraging employers to hire recipients of unemployment insurance benefits and public assistance, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1754 read in on March 10, 1986)

Signed by Senators Bottiger, Warnke and Hayner: Representatives McMullen and Schoon.

MOTION

Senator Warnke moved that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1754 be adopted.

POINT OF ORDER

Senator Rasmussen: "Mr. President, a point of order. I would like to raise the scope and object on this particular bill. It deals with economic development which is a separate department and then it jumps over into the revenue department on sales tax. I think this clearly enlarges the scope and object. I hate to put the President to the work all the time, but this paper hanging job is really something. I would agree with Senator Warnke, he probably has good intentions, but it just doesn't fit on this bill. I don't know how you can defer sales tax from the revenue department when it doesn't relate at all to the economic department. I would urge you to take a close look at it, Mr. President."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Engrossed Substitute House Bill No. 1754 is a measure entitled 'An Act Relating to Economic Development.'

"The amendments proposed by the Free Conference Committee encourage employers, wishing to expand in our state, to hire recipients of unemployment insurance and public assistance, and authorizes sales and use tax deferrals on new projects from out-of state or projects in distressed areas. All provisions relate to economic development.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the title of the bill and that the point of order is not well taken."

The amendments by the Free Conference Committee were ruled in order.

The President declared the question before the Senate to be the motion by Senator Warnke that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1754 be adopted.

The motion by Senator Warnke carried and the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1754 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1754, as amended by the Free Conference Committee.

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Zimmerman, did you mislead me last year with all the statistics and all the money that he said was spent down there? Could you answer that question for me?"

Senator Zimmerman: "Mr. President and Senator McCaslin, I would mislead you not in any way. I would like to correct a few of those things that were said, namely, that RCA/Sharp is going to be paying a very good salary. I don't know what attorneys make, but they are going to be averaging somewhere close to forty thousand and that's not too shabby. They also came here, Senator Guess, really because of the fact that they had looked very carefully at all of the aspects and obviously one of them was the income tax that we do not have and that Oregon does have. They also covered very thoroughly the fact that we have lower property taxes, that we have lower utility rates, that we are close to the airport and that we have exceptional water in Camas, but there was no question that they also had in their computer as to their reasons for coming that amount of money they would save because of the sales tax deferral--and it is a deferral, let's remember that. Let's not go beyond that, but certainly these companies are ones that we all want. There will be more. We have made contact with companies around the world. There are many of them that are looking. We have presented the facts as to why they should come to Washington and obviously the sales tax deferral will give one more exceptional tool. Thank you for that question."

Further debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1754, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 39.

Voting nay: Senators Craswell, McDermott, Metcalf, Moore, Rinehart, Talmadge, Williams - 7.

Absent: Senator McDonald - 1.

Excused: Senators Pullen, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on SUBSTITUTE HOUSE BILL NO. 1709, and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1709, consolidating agencies into the Department of Community Development, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1709, read in earlier today)

Signed by Senators Thompson, Vognild and Benitz; Representatives Peery, Belcher and Hankins.

MOTION

On motion of Senator Thompson, the Report of the Free Conference Committee on Substitute House Bill No. 1709 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1709, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1709, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams; Wojahn, Zimmerman - 44.

Voting nay: Senator Moore - 1.

Absent: Senators Kiskaddon, McDonald - 2.

Excused: Senators Pullen, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1709, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Zimmerman, Senators Kiskaddon, McDonald, Pullen and von Reichbauer were excused.

On motion of Senator Bender, Senator Granlund was excused.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on SUBSTITUTE HOUSE BILL NO. 1829, and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1829, requiring a study of categorical educational services, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1829, read in March 10, 1986)

Signed by Senators Gaspard, Kiskaddon and Bauer: Representatives Valle and Ebersole.

MOTION

Senator Gaspard moved that the Report of the Free Conference Committee on Substitute House Bill No. 1829 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard that the Report of the Free Conference Committee on Substitute House Bill No. 1829 be adopted.

The motion by Senator Gaspard carried and the Report of the Free Conference Committee on Substitute House Bill No. 1829 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1829, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1829, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Craswell, Metcalf - 2.

Excused: Senators Granlund, Kiskaddon, McDonald, Pullen, Stratton, von Reichbauer - 6.

SUBSTITUTED HOUSE BILL NO. 1829, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on HOUSE BILL NO. 1851, and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1851, modifying the taxation of ingredients, components, and chemicals used in processing, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on House Bill No. 1851, read in earlier today)

Signed by Senators McDermott, Goltz and Barr: Representatives Bristow, Grimm and L. Smith.

MOTION

On motion of Senator Goltz, the Report of the Free Conference Committee on House Bill No. 1851 was adopted.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1851, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1851, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent, 1; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Rinehart, Talmadge - 2.

Absent: Senator Moore - 1.

Excused: Senators Granlund, Kiskaddon, McDonald, Pullen, Stratton, von Reichbauer - 6.

HOUSE BILL NO. 1851, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870, and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870, requiring charter and tour operators to maintain an escrow account, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1870, read in March 10, 1986)

Signed by Senators Moore and Pullen; Representatives McMullen, Rayburn and Schmidt.

MOTION

On motion of Senator Zimmerman, Senator Deccio was excused.

MOTION

On motion of Senator Warnke, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1870 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1870, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1870, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 42.

Excused: Senators Deccio, Granlund, Kiskaddon, McDonald, Pullen, Stratton, von Reichbauer - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House insists on its position regarding the Senate amendment to SUBSTITUTE HOUSE BILL NO. 803 and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate receded from the amendment to Substitute House Bill No. 803.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, the Senate amendment which the House won't accept would have provided a religious defense for parents under certain circumstances. What will be the effect of leaving out that language from this bill?"

Senator Talmadge: "I don't believe it will have any substantial impact, Senator Metcalf, because that exemption or defense is already in the law, as a matter of constitutional law. The language of Section 5 of the Senate amendments to Substitute House Bill No. 803 provided that it was a defense if the parent relied on treatment by spiritual means alone through prayer for healing in accordance with bonafide religious beliefs, which were genuinely held by such parents unless the parent had reasonable cause to believe that the life of the child was substantially and seriously threatened or permanent physical damage could result to the child if the failure to provide medical treatment occurred.

"I believe that the present constitutional law requires that a similar kind of religious or spiritual defense would be present to any prosecution under this proposed statute."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 803, without the Senate amendment.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 803, without the Senate amendment, and the bill passed the Senate by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senator Fleming - 1.

Excused: Senators Deccio, Granlund, Kiskaddon, McDonald, Pullen, Stratton, von Reichbauer - 7.

SUBSTITUTE HOUSE BILL NO. 803, without the Senate amendment, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Metcalf moved to reconsider the vote by which the Report of the Conference Committee was not adopted and the powers of Free Conference were not granted on House Bill No. 1722, earlier today.

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, if further action on this bill is deferred at this point, would the motion to reconsider then be available tomorrow?"

President Cherberg: (No response)

EDITOR'S NOTE: See President's Ruling before adjournment today.

MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1722 was deferred.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on REENGROSSED SUBSTITUTE SENATE BILL NO. 3498, and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred REENGROSSED SUBSTITUTE SENATE BILL NO. 3498, regulating recreational water contact facilities, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Reengrossed Substitute Senate Bill No. 3498, read in earlier today)

Signed by Senators Warnke, Williams and Cantu: Representatives Brekke, Day and Lewis.

MOTION

On motion of Senator Warnke, the Report of the Free Conference Committee on Reengrossed Substitute Senate Bill No. 3498 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3498, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3498, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; nays, 3; absent, 1; excused, 7.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Barr, Bluechel, Craswell - 3.

Absent: Senator McCaslin - 1.

Excused: Senators Deccio, Granlund, Kiskaddon, McDonald, Pullen, Stratton, von Reichbauer - 7.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3498, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on SUBSTITUTE SENATE BILL NO. 4990 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4990, regulating river running, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 4990, read in earlier today)

Signed by Senators Goltz and Kreidler: Representatives Rust, Unsoeld and Brough.

MOTION

On motion of Senator Warnke, the Report of the Free Conference Committee on Substitute Senate Bill No. 4990 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4990, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4990, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; nays, 15; absent, 2; excused, 7.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Metcalf, Newhouse, Patterson, Saling, Sellar, Williams, Zimmerman - 15.

Absent: Senators Hansen, McCaslin - 2.

Excused: Senators Deccio, Granlund, Kiskaddon, McDonald, Pullen, Stratton, von Reichbauer - 7.

SUBSTITUTE SENATE BILL NO. 4990, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on SUBSTITUTE SENATE BILL NO. 4486, and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4486, authorizing county legislative authorities to designate certain violations as civil, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 4486, read in earlier today)

Signed by Senators Thompson, Garrett and Zimmerman: Representatives Haugen, Nutley and Brough.

MOTION

On motion of Senator Thompson, the Report of the Free Conference Committee on Substitute Senate Bill No. 4486 was adopted.

MOTION

On motion of Senator Zimmerman, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4486, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4486, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; nays, 3; absent, 1; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators McDermott, Moore, Talmadge - 3.

Absent: Senator Fleming - 1.

Excused: Senators Deccio, Granlund, Kiskaddon, McCaslin, McDonald, Pullen, Stratton, von Reichbauer - 8.

SUBSTITUTE SENATE BILL NO. 4486, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on ENGROSSED SUBSTITUTE SENATE BILL NO. 4741, and has passed the bill as amended by

the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4741, relating to commercial fishing licenses, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 4741, read in earlier today)

Signed by Senators Owen, Metcalf and Halsan; Representatives Basich, Haugen and Thomas.

MOTION

Senator Owen moved that the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4741 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Owen, this Whiting, is that the fish that is commonly known as Hake?"

Senator Owen: "Yes, it is, Senator Rasmussen."

Senator Rasmussen: "And Hake has an unlimited supply out in the ocean?"

Senator Owen: "Evidently."

Senator Rasmussen: "This is what the Russian ships and the Chinese and Japanese are catching?"

Senator Owen: "You are speaking out in the ocean. The license limitation is on the Puget Sound. I don't know what the condition is in the ocean."

Senator Rasmussen: "Would the results of this bill lock in those people who have licenses and close the door to anyone else who wanted to get a license?"

Senator Owen: "In the Puget Sound, that's correct."

Senator Rasmussen: "And they have to catch fifty thousand pounds in order to get their license each year?"

Senator Owen: "They will have to have caught that amount and have been licensed prior to this time in order to have a Whiting license."

Senator Rasmussen: "This is another 'I'm in--lock you out' bill then?"

Senator Owen: "This is an issue very similar to the Crab moratorium that we have in the Puget Sound."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Owen that the Report of the Free Conference Committee on Engrossed Second Substitute Senate Bill No. 4741 be adopted.

The motion by Senator Owen carried and the Report of the Free Conference Committee on Engrossed Second Substitute Senate Bill No. 4741 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4741, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4741, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; nays, 2; absent, 1; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogt, Warnke, Williams, Wojahn - 38.

Voting nay: Senators Rasmussen, Zimmerman - 2.

Absent: Senator Fleming - 1.

Excused: Senators Deccio, Granlund, Kiskaddon, McCaslin, McDonald, Pullen, Stratton, von Reichbauer - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4741, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Goltz: "Mr. President, a point of personal privilege. I appreciate Senator Rasmussen's thoughts. If I had thought about this earlier, I would have added a license for myself and it would have given me something to do next year."

MOTIONS

On motion of Senator Zimmerman, Senator Patterson was excused.

On motion of Senator Talmadge, Senator Fleming was excused.

There being no objection, the Senate resumed consideration of House Bill No. 1633 and the pending motion by Senator McDermott that the Senate adopt the Report of the Free Conference Committee, deferred earlier today.

The President declared the question before the Senate to be the motion by Senator McDermott that the Report of the Free Conference Committee on House Bill No. 1633 be adopted.

The motion by Senator McDermott carried and the Report of the Free Conference Committee on House Bill No. 1633 was adopted.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1633, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1633, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; absent, 2; excused, 10.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 37.

Absent: Senators Benitz, Bottiger - 2.

Excused: Senators Deccio, Fleming, Granlund, Kiskaddon, McCaslin, McDonald, Patterson, Pullen, Stratton, von Reichbauer - 10.

HOUSE BILL NO. 1633, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Benitz was excused.

MOTION FOR RECONSIDERATION

On motion of Senator Vognild, having voted on the prevailing side, the Senate reconsidered the vote by which the Report of the Conference Committee was adopted and the powers of Free Conference were granted on Engrossed Substitute House Bill No. 1598 on March 10, 1986.

MOTION

On motion of Senator Vognild, and there being no objection, the motion to adopt the Report of the Conference Committee and to grant powers of Free Conference on Engrossed Substitute House Bill No. 1598 was withdrawn.

MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1598 was adopted.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1598, read in on March 10, 1986)

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1598, as amended by the Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1598, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 38.

Excused: Senators Benitz, Deccio, Fleming, Granlund, Kiskaddon, McCaslin, McDonald, Paterson, Pullen, Stratton, von Reichbauer - 11.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598, as amended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1765, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate insists on its position regarding Substitute House Bill No. 1765 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on SUBSTITUTE SENATE BILL NO. 4814 and has passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4814, relating to child abuse prevention, have had the same under consideration and we recommend that the House Ways and Means amendment, as amended and adopted on March 7, 1986, be adopted and the bill, as amended, do pass.

Signed by Senators Talmadge, Gaspard and Bailey; Representatives Hargrove, Locke and West.

MOTION

Senator Talmadge moved that the Report of the Conference Committee on Substitute Senate Bill No. 4814 be adopted.

Debate ensued.

POINT OF ORDER

Senator Craswell: "Mr. President, a point of order. I would challenge this on scope and object. The bill is still in the exact same form that it was in when it was challenged before and the President ruled that it was not within the scope and object, so I presume that it still is not within the scope and object."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 4814 was deferred.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on ENGROSSED SENATE BILL NO. 4738, and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4738, revising provisions relating to juvenile offenders, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed Senate Bill No. 4738, read in earlier today)

Signed by Senators Talmadge and Rinehart: Representatives K. Wilson, Armstrong and G. Nelson.

MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Engrossed Senate Bill No. 4738 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4738, as amended by the Free Conference Committee.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, is this another corrective measure for the Juvenile Justice Law that we passed?"

Senator Talmadge: "In some respects yes, Senator, and it also includes in it something that I know you would be very supportive of and that is the Joint Select Legislative Committee is to review the implementation and administration of certain very key aspects of the Juvenile Justice Act."

Further debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4738, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 35; absent, 3; excused, 11.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, DeJarnatt, Garrett, Gaspard, Goltz, Guess, Halsan, Hayner, Johnson, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 35.

Absent: Senators Bottiger, Conner, Hansen - 3.

Excused: Senators Benitz, Deccio, Fleming, Granlund, Kiskaddon, McCaslin, McDonald, Paterson, Pullen, Stratton, von Reichbauer - 11.

ENGROSSED SENATE BILL NO. 4738, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1722 and the pending motion by Senator Metcalf for reconsideration of the vote by which the Report of the Conference Committee was not adopted and the powers of Free Conference were not granted, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In reply to the parliamentary inquiry made by Senator Vognild earlier today, in regard to the point that the motion for reconsideration would be available tomorrow, the President believes it is necessary to act upon the motion to reconsider the vote by which House Bill 1722 failed to obtain Free Conference approval. However, if the motion prevails, further consideration could be held over until tomorrow."

PARLIAMENTARY INQUIRY

Senator Metcalf: "Mr. President, the record shows that I did make the point to reconsider at that time, is that correct?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Metcalf to reconsider the vote by which the Report of the Conference Committee was not adopted and the powers of Free Conference not granted on House Bill No. 1722.

The motion by Senator Metcalf carried and the Senate will reconsider the vote by which the Report of the Conference Committee was not adopted and the powers of Free Conference were not granted on House Bill No. 1722.

MOTION

On motion of Senator Vognild, further consideration of House Bill No. 1722, on reconsideration, was deferred.

MESSAGES FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on HOUSE BILL NO. 1708, and has passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1630, and has passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The House concurred in the Senate amendments to HOUSE BILL NO. 1795 and has passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 495 and has passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 160 and has passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The House has receded from its amendments to REENGROSSED SUBSTITUTE SENATE BILL NO. 4541 and has passed the bill without the House amendments, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The House has passed HOUSE BILL NO. 1505 with the Senate amendments to page 5 and page 1, and without the amendment to page 3 from which the Senate receded.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The House has concurred in the Senate amendment to HOUSE BILL NO. 1462 and has passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4590,

SUBSTITUTE SENATE BILL NO. 4674,

SENATE BILL NO. 4906,

SENATE BILL NO. 4927,

SUBSTITUTE SENATE BILL NO. 4949,

SENATE BILL NO. 4968,

SENATE BILL NO. 4982,

SUBSTITUTE SENATE BILL NO. 5026,

SENATE BILL NO. 5033,

SENATE JOINT RESOLUTION NO. 136, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

March 11, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4630,

SUBSTITUTE SENATE BILL NO. 4762, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 588,

SUBSTITUTE HOUSE BILL NO. 1688, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 4705.

MOTION

At 8:11 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Wednesday, March 12, 1986.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 12, 1986

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Guess, McCaslin, Stratton, Talmadge and Thompson. On motion of Senator Bottiger, Senators Stratton and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jason Koski and Jason Weinmeister, presented the Colors. Reverend Vincent Smith, pastor of the College Street Christian Church of Lacey, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

March 10, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 10, 1986, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 4443

Relating to absentee voters.

Senate Bill No. 4521

Relating to death investigations.

Senate Bill No. 4593

Relating to deposit of public funds.

Senate Bill No. 4609

Relating to county rail districts.

Substitute Senate Bill No. 4629

Relating to psychologists.

Substitute Senate Bill No. 4696

Relating to state ferry revenues.

Senate Bill No. 4747

Relating to the Model Traffic Ordinance.

Substitute Senate Bill No. 4757

Relating to motor vehicle licensing reciprocity.

Substitute Senate Bill No. 4758

Relating to tax on special fuel dispensed from a keylock metered pump.

Senate Bill No. 4781

Relating to public disclosure.

Sincerely,

TERRY SEBRING, Counsel to the Governor

MESSAGES FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447 and passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on HOUSE BILL NO. 1631 and passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on SUBSTITUTE HOUSE BILL NO. 1709 and passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870 and passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754 and passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3498,
 SUBSTITUTE SENATE BILL NO. 4128,
 SUBSTITUTE SENATE BILL NO. 4486,
 SUBSTITUTE SENATE BILL NO. 4541,
 SENATE BILL NO. 4628,
 SUBSTITUTE SENATE BILL NO. 4738,
 SUBSTITUTE SENATE BILL NO. 4741,
 SUBSTITUTE SENATE BILL NO. 4905,
 SUBSTITUTE SENATE BILL NO. 4990,
 SUBSTITUTE SENATE BILL NO. 5005,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 132.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 588,
 SUBSTITUTE HOUSE BILL NO. 1688.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on SENATE BILL NO. 3397, and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 3397, revising provisions relating to reimbursements for illegally killed wildlife, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Senate Bill No. 3397, read in on March 11, 1986)

Signed by Senators Owen, Johnson and Peterson: Representatives Lundquist, McMullen and Sutherland.

MOTION

On motion of Senator Owen, the Report of the Free Conference Committee on Senate Bill No. 3397 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3397, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3397, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bender, Guess, McCaslin, McDonald, Thompson - 5.

Excused: Senators Stratton, Talmadge - 2.

SENATE BILL NO. 3397, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on SUBSTITUTE SENATE BILL NO. 4531 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4531, modifying provisions relating to mental health insurance coverage, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 4531, read in on March 11, 1986)

Signed by Senators Moore and Granlund: Representatives Lux, Niemi and Barrett.

MOTION

On motion of Senator Moore, the Report of the Free Conference Committee on Substitute Senate Bill No. 4531 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4531, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4531, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, Kreidler, Pullen, Sellar - 4.

Absent: Senator McCaslin - 1.

Excused: Senators Stratton, Talmadge - 2.

SUBSTITUTE SENATE BILL NO. 4531, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator McCaslin was excused.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted House Concurrent Resolution No. 22, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 22 by Representatives Wang, Barrett, Brekke and Jacobsen (by request of Governor's Committee on Employment of the Handicapped)

Creating a joint select committee on disability employment and economic participation.

MOTIONS

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 22 was advanced to second reading and read the second time.

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 22 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Concurrent Resolution No. 22.

ROLL CALL

The Secretary called the roll on final passage of House Concurrent Resolution No. 22 and the resolution passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Loe, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators McCaslin, Stratton, Talmadge - 3.

HOUSE CONCURRENT RESOLUTION NO. 22, having received the constitutional majority, was declared passed.

There being no objection, the President returned the Senate to the fourth order of business.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1825, authorizing the use of the local hotel/motel tax to develop strategies to expand tourism, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 14, chapter 236, Laws of 1967 as last amended by section 5, chapter 222, Laws of 1979 ex. sess. and RCW 67.28.210 are each amended to read as follows:

All taxes levied and collected under RCW 67.28.180 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the

purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. In addition such taxes may be used to develop strategies to expand tourism in distressed areas, as defined in RCW 43.165.010: PRO-VIDED, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to the effective date of this 1986 act.

Sec. 2. Section 2, chapter 300, Laws of 1981 as last amended by section 1, chapter 439, Laws of 1985 and RCW 39.84.020 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (1) "Board of directors" means the board of directors of a public corporation.
- (2) "Construction" or "construct" means construction and acquisition, whether by devise, purchase, gift, lease, or otherwise.
- (3) "Facilities" means land, rights in land, buildings, structures, docks, wharves, machinery, transmission equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.
- (4) "Financing document" means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.
- (5) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement; and "to improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.
- (6) "Industrial development facilities" means manufacturing, processing, research, production, assembly, warehousing, transportation, pollution control, solid waste disposal, energy facilities, sports facilities, parking facilities associated with industrial development facilities as defined in this section or with historic properties as defined in RCW 84.26.020 and industrial parks. For the purposes of this section, the term "sports facilities" shall not include facilities which are constructed for use by members of a private club or as integral or subordinate parts of a hotel or motel, or which are not available on a regular basis for general public use.
- (7) "Industrial park" means acquisition and development of land as the site for an industrial park. For the purposes of this chapter, "development of land" includes the provision of water, sewage, drainage, or similar facilities, or of transportation, energy, or communication facilities, which are incidental to the use of the site as an industrial park, but does not include the provision of structures or buildings.
- (8) "Municipality" means a city, town, county, or port district of this state.
- (9) "Ordinance" means any appropriate method of taking official action or adopting a legislative decision by any municipality, whether known as a resolution, ordinance, or otherwise.
- (10) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in an industrial development facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of an industrial development facility, including costs of studies assessing the feasibility of an industrial development facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.
- (11) "Revenue bond" means a nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of financing an industrial development facility on an interim or permanent basis.
- (12) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "areas;" strike the remainder of the title and insert "and amending RCW 67.28.210 and 39.84.020."

Signed by Senators McDermott and Warnke: Representatives Vekich, McMullen and Doty.

MOTION

On motion of Senator McDermott, the Report of the Conference Committee on House Bill No. 1825 was adopted and the powers of Free Conference were granted.

MOTION

At 9:31 a.m., on motion of Senator Vognilid, the Senate was declared to be at ease.

The Senate was called to order at 10:35 a.m. by President Cherberg.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Thompson, the appointment of Charles Huey as Chairman of the Human Rights Commission was confirmed.

APPOINTMENT OF CHARLES HUEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Barr, Metcalf, Peterson - 3.

Excused: Senators McCaslin, Stratton, Talmadge - 3.

MOTION

On motion of Senator Halsan, the appointment of Rosalyn Oreskovich as a member of the Juvenile Disposition Standards Commission was confirmed.

APPOINTMENT OF ROSALYN ORESKOVICH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 5; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Absent: Senators Barr, Benitz, Peterson, Sellar, Wojahn - 5.

Excused: Senators McCaslin, Stratton, Talmadge - 3.

MOTION

On motion of Senator Rinehart, the appointment of Virginia P. Apodaca as a member of the Higher Education Personnel Board was confirmed.

APPOINTMENT OF VIRGINIA P. APODACA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 7; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Zimmerman - 39.

Absent: Senators Barr, Benitz, Goltz, Lee, McDonald, Peterson, Wojahn - 7.

Excused: Senators McCaslin, Stratton, Talmadge - 3.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted the Conference Committee Report on HOUSE BILL NO. 1337, and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1337, repealing the conflict-of-interest exemption for the Washington State Development Loan Fund Committee, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on House Bill No. 1337, read in on March 11, 1986)

Signed by Senators Warnke, Halsan and Lee: Representatives McMullen and Fisher.

MOTION

On motion of Senator Warnke, the Report of the Free Conference Committee on House Bill No. 1337 was adopted.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1337, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1337, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Absent: Senators Barr, Benitz, Wojahn - 3.

Excused: Senators McCaslin, Stratton - 2.

HOUSE BILL NO. 1337, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1992, and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1992, restricting state investments in countries with apartheid policies, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1992, read in on March 11, 1986)

Signed by Senators Fleming and McDermott: Representatives Locke and Wineberry.

MOTION

Senator Fleming moved that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1992 be adopted.

Debate ensued.

Senators Bottiger, Conner and DeJarnatt demanded the previous question.

PARLIAMENTARY INQUIRY

Senator Kiskaddon: "Mr. President, I believe there was a request for the previous question. Is that where we are now?"

REPLY BY THE PRESIDENT

President Cherberg: "I'll put the previous question, if you so desire, Senator Kiskaddon. However, Senator Fleming will be permitted, under the Senate Rules, to close debate."

The demand for the previous question was sustained.

Senator Fleming closed debate.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Fleming to adopt the Free Conference Committee Report on Engrossed Substitute House Bill No. 1992.

ROLL CALL

The Secretary called the roll and the motion by Senator Fleming carried, the President voting 'aye,' and the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1992 was adopted by the following vote: Yeas, 24; nays, 24; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 24.

Excused: Senator Stratton - 1.

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute House Bill No. 1992 was deferred.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 32 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted. The same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, providing collective bargaining for institutions of higher education, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 32, read in on March 11, 1986)

Signed by Senators Warnke and Vognild: Representatives D. King and Wang.

MOTION

Senator Warnke moved that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 32 be adopted.

Debate ensued.

Senator Warnke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Warnke that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 32 be adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Warnke failed and the Report of the Free Conference Committee was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 25.

Excused: Senator Stratton - 1.

PARLIAMENTARY INQUIRY

Senator von Reichbauer: "Mr. President, a point of parliamentary inquiry. Can it now be made for that bill to be put down to second reading?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator, do you wish to make such a motion?"

Senator von Reichbauer: "Yes, Mr. President."

President Cherberg: "You may do so."

MOTION

Senator von Reichbauer moved that the rules be suspended and Engrossed Substitute House Bill No. 32 be returned to second reading.

MOTION

Senator Bottiger moved that further consideration of Engrossed Substitute House Bill No. 32 be deferred.

Debate ensued.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that further consideration of Engrossed Substitute House Bill No. 32 be deferred.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried and further consideration of Engrossed Substitute House Bill No. 32 was deferred by the following vote: Yeas, 26; nays, 21; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Absent: Senator Bender - 1.

Excused: Senator Stratton - 1.

Further consideration of Engrossed Substitute House Bill No. 32 was deferred.

POINT OF INQUIRY

Senator von Reichbauer: "Would Senator Bottiger yield to a question?"

Senator Bottiger did not yield.

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Engrossed House Bill No. 1614.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED HOUSE BILL NO. 1614 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1614, delaying certain new prerequisites for the issuance of vehicle licenses, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed House Bill No. 1614, read in on March 10, 1986)

Signed by Senators Peterson, Patterson and Vognild; Representatives Walk, Fisher and Van Luven.

MOTION

Senator Peterson moved that the Report of the Free Conference Committee on Engrossed House Bill No. 1614 be adopted.

Debate ensued.

Senator Sellar demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Peterson that the Report of the Free Conference Committee on Engrossed House Bill No. 1614 be adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Peterson carried and the Report of the Free Conference Committee on Engrossed House Bill No. 1614 was adopted by the following vote: Yeas, 29; nays, 14; absent, 5; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Bailey, Barr, Craswell, Deccio, Guess, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Pullen, Saling, Zimmerman - 14.

Absent: Senators Benitz, Bluechel, Hansen, Newhouse, Sellar - 5.

Excused: Senator Stratton - 1.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1614, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1614, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Pullen, Sellar - 2.

Absent: Senators Bluechel, McCaslin - 2.

Excused: Senator Stratton - 1.

ENGROSSED HOUSE BILL NO. 1614, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted the Conference Committee Report on SUBSTITUTE SENATE BILL NO. 4639 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 11, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4639, revising procedures for filling vacancies for elected offices, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 36.32.070, chapter 4, Laws of 1963 and RCW 36.32.070 are each amended to read as follows:

Whenever there is a vacancy in the board of county commissioners, it shall be filled as follows:

(1) If there are three vacancies, the governor of the state shall appoint two of the officers. The two commissioners thus appointed shall then meet and select the third commissioner. The vacancies shall be filled in accordance with Article II, section 15 of the state Constitution and section 3 of this 1986 act. ~~((If the two appointed commissioners fail to agree upon selection of the third after the expiration of five days from the day they were appointed, the governor shall appoint the remaining commissioner.))~~

(2) Whenever there are two vacancies in the office of county commissioner, the governor shall appoint one commissioner, and the two commissioners then in office shall appoint the third commissioner. The vacancies shall be filled in accordance with Article II, section 15 of the state Constitution and section 3 of this 1986 act. ~~((If they fail to agree upon a selection after the expiration of five days from the day of the governor's appointment, the governor shall appoint the third commissioner.))~~

(3) Whenever there is one vacancy in the office of county commissioner, the two remaining commissioners shall fill the vacancy in accordance with Article II, section 15 of the state Constitution and section 3 of this 1986 act. ~~((If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the governor shall appoint the third commissioner.))~~

NEW SECTION. Sec. 2. A new section is added to chapter 42.12 RCW to read as follows:

When a vacancy occurs in the office of senator or representative of a legislative district comprising more than one county, the legislative authorities of the counties partially and entirely within the district shall, in joint action, fill the vacancy. The chairperson of the legislative authority of the county whose population residing within the district is greatest shall chair the meeting. Members of each legislative authority, not disqualified from voting under Article II, section 15 of the state Constitution, shall cast individual votes that together amount to the percentage, rounded to the nearest whole number, that the population of the county within the legislative district bears to the population of the entire district. Populations shall be determined by the last decennial census or special census conducted by the bureau of the census of the United States department of commerce and shall exclude nonresident military personnel. The person who receives a majority percentage of the votes shall be appointed to fill the vacancy.

NEW SECTION. Sec. 3. A new section is added to chapter 42.12 RCW to read as follows:

(1) A state or county central committee submitting a list of nominees under Article II, section 15 of the state Constitution shall do so within fourteen days of the occurrence of the vacancy.

(2) A county legislative authority or jointly meeting county legislative authorities making an appointment under Article II, section 15 of the state Constitution shall do so within twenty-eight days of the occurrence of the vacancy.

(3) Except as provided in subsection (4) of this section, an appointment made by the governor under Article II, section 15 of the state Constitution shall be made within forty-two days of the occurrence of the vacancy.

(4) An appointment made by the governor under Article II, section 15 of the state Constitution to establish a majority of filled positions on a county legislative authority shall be made within twenty-eight days of the occurrence of each vacancy.

NEW SECTION, Sec. 4. Sections 1 through 3 of this act shall take effect December 15, 1986, if the proposed amendment to Article II, section 15 of the state Constitution, Substitute Senate Joint Resolution No. 138, modifying methods for filling vacancies in the legislature or county elective office, is validly submitted to and is approved and ratified by the voters at a general election held in November 1986. If the proposed amendment is not so approved and ratified, sections 1 through 3 of this act shall be null and void in their entirety."

On page 1, line 2 of the title, strike "and adding a new section to chapter 42.12 RCW." and insert "adding new sections to chapter 42.12 RCW; and providing an effective date."

Signed by Senators Thompson, Granlund and Zimmerman: Representatives Fisher and Fisch.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute Senate Bill No. 4639 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1134, requiring Department of Social and Health Services to screen employees dealing with children and developmentally disabled, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall investigate the conviction records or pending charges of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons. The investigation may include an examination of state and national criminal identification data and the child abuse and neglect register established under chapter 26.44 RCW. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose. If necessary, persons may be employed on a conditional basis pending completion of the background investigation.

NEW SECTION, Sec. 2. A new section is added to chapter 41.06 RCW to read as follows:

The state personnel board shall adopt rules, in cooperation with the secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons.

Sec. 3, Section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 6, chapter 97, Laws of 1984 and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of reported cases of child abuse or abuse of an adult dependent person and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter in the course of an investigation of alleged abuse or neglect; (2) protective services workers or juvenile court personnel who are investigating reported incidents of abuse or neglect; (3) department of social and health services personnel who are investigating the character and/or suitability of an agency and other persons who are applicants for licensure, registration, or certification, or applicants for employment with such an agency or persons, or under contract to or employed by an agency or persons directly responsible for the care and treatment of children, expectant mothers, or adult dependent persons pursuant to chapter 74.15 RCW; (4) department of social and health services personnel who are investigating the character, suitability, and competence of persons being considered for employment with the department in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons pursuant to chapters 43.20A and 41.06 RCW; (5) department of social and health services personnel who are investigating the character or suitability of any persons with whom children may be placed under the interstate compact on the placement of children, chapter 26.34 RCW; ((5)) (6) physicians who are treating the child or adult dependent person or family; ((6)) (7) any child or adult dependent person named in the registry who is alleged to be

abused or neglected, or his or her guardian ad litem and/or attorney; ~~((f))~~ (8) a parent, guardian, or other person legally responsible for the welfare and safety of the child or adult dependent person named in the registry; ~~((f))~~ (9) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and ~~((f))~~ (10) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor.

NEW SECTION, Sec. 4. A new section is added to chapter 72.01 RCW to read as follows:

(1) For purposes of this section only, "assault" means an unauthorized touching of an employee by a resident, patient, or juvenile offender resulting in physical injury to the employee.

(2) In recognition of the hazardous nature of employment in state institutions, the legislature hereby provides a supplementary program to reimburse institutional care employees of the department of social and health services for some of their costs attributable to their being the victims of assault by residents, patients, or juvenile offenders. This program shall be limited to the reimbursement provided in this section.

(3) An employee is only entitled to receive the reimbursement provided in this section if the secretary of social and health services, or the secretary's designee, finds that each of the following has occurred:

(a) A resident or patient has assaulted the employee and as a result thereof the employee has sustained demonstrated physical injuries which have required the employee to miss days of work;

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(c) The department of labor and industries has approved the employee's workers' compensation application pursuant to chapter 51.32 RCW.

(4) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(5) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(6) The employee shall not be entitled to the reimbursement provided in subsection (4) of this section for any workday for which the secretary or secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(7) The reimbursement shall only be made for absences which the secretary or secretary's designee, believes are justified.

(8) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(9) While the employee is receiving reimbursement under this section, the employee shall continue to receive service credit under chapter 41.32 or 41.40 RCW, whichever is appropriate, and the respective employee and employer contributions to the retirement system shall also continue to be made, under the appropriate chapter, on the regular compensation the employee would have received had not the disability occurred.

(10) All reimbursement payments required to be made to employees under this section shall be made by the department of social and health services. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(11) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

NEW SECTION, Sec. 5. Section 5, chapter 151, Laws of 1981 and RCW 43.20A.700 are each repealed."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 26.44.070; adding a new section to chapter 43.20A RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 72.01 RCW; and repealing RCW 43.20A.700."

Signed by Senators Wojahn, Kreidler and Johnson: Representatives Brekke, Leonard and Lewis.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute House Bill No. 1134 was adopted and the powers of Free Conference were granted.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted the Second Conference Committee Report on ENGROSSED SENATE BILL NO. 4463 and has granted said committee the powers of Free Conference. The Report of the Second Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF SECOND CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Second Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4463, encouraging the promotion of Washington products, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference so that the bill may be amended as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature declares that:

(1) The development and sale of Washington business products is a vital element in expanding the state economy.

(2) The marketing of items produced in Washington state contributes substantial benefits to the economic base of the state, provides a large number of jobs and sizeable tax revenues to state and local governments, and provides an important stimulation to the economic strength of Washington companies.

(3) State government should play a significant role in the development and expansion of markets for Washington products.

NEW SECTION, Sec. 2. The department of trade and economic development is directed to develop and promote means to stimulate the expansion of the market for Washington products and shall have the following powers and duties:

(1) To develop a pamphlet for state-wide circulation which will encourage the purchase of items produced in the state of Washington;

(2) To include in the pamphlet a listing of products of Washington companies which individuals can examine when making purchases so they may have the opportunity to select one of those products in support of this program;

(3) To distribute the pamphlets on the broadest possible basis through local offices of state agencies, business organizations, chambers of commerce, or any other means the department deems appropriate;

(4) In carrying out these powers and duties the department shall cooperate and coordinate with other agencies of government and the private sector.

NEW SECTION, Sec. 3. The sum of ten thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the department of trade and economic development for the purposes of sections 1 and 2 of this act.

NEW SECTION, Sec. 4. A new section is added to chapter 43.31 RCW to read as follows:

The legislature hereby acknowledges the growing importance of trade development services in increasing the promotion and export of Washington products and facilitating trade through the state. It is important for the state to act as a partner to other public and private organizations to provide for a coordinated trade information network for users of trade services.

(1) The department is directed to utilize a sum of up to fifty thousand dollars from the surplus funds in the state trade fair fund, as permitted by RCW 43.31.832, for the purposes of subsection (2) of this section.

(2) The department shall assist in the analysis and development of recommendations to provide for coordinated, accurate, and up-to-date trade information services between users and providers of trade services. A feasibility study shall be conducted of the best and most

efficient process available to provide essential trade services to public and private organizations. The department shall encourage private sector involvement and utilize existing resources whenever possible to support product marketing and coordinated trade services.

(3) The department shall report to the legislature by January 1, 1987, on its activities and findings under this section.

(4) This section shall expire on June 30, 1987.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.*

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "adding a new section to chapter 43.31 RCW: creating new sections; making an appropriation; and providing an expiration date."

Signed by Senators Warnke, Moore and Bailey; Representatives McMullen, Day and Lundquist.

MOTION

On motion of Senator Vognild, the Second Report of the Conference Committee on Engrossed Senate Bill No. 4463 was adopted and the powers of Free Conference were granted.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on ENGROSSED SUBSTITUTE SENATE BILL NO. 4917 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4917, modifying provisions of title 30 RCW, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 4917, read in on March 11, 1986)

Signed by Senators Moore and Bender; Representatives Zellinsky, Nutley and West.

MOTION

On motion of Senator Moore, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4917 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4917, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4917, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarmatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Fleming - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4917, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House failed to pass the Conference Committee Report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598, insists on its position and asks the Senate to recede therefrom.

SHARON L. CASE, Assistant Chief Clerk

MOTION

Senator Talmadge moved that the Senate refuse to recede, insist on its position on Engrossed Substitute House Bill No. 1598 and request that the House reconsider the Conference Committee Report and pass the bill as recommended by the Conference Committee.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate refuse to recede and insist on its position regarding the Conference Committee Report on Engrossed Substitute House Bill No. 1598.

The motion by Senator Talmadge carried and the Senate refuses to recede and insists on its position regarding the Conference Committee Report of Engrossed Substitute House Bill No. 1598.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 6, 1986

GA 124 DONALEE RUTLEDGE, to the position of member of the High-Technology Coordinating Board, appointed by the Governor on April 10, 1985, for the term ending June 30, 1987.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Cantu, Lee, Moore, Newhouse, Williams.

Hold.

March 11, 1986

GA 193 MARJORIE REDMAN, to the position of member of the Puget Sound Water Quality Authority, appointed by the Governor on July 5, 1985, for the term ending July 5, 1987.
Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Hansen, Kiskaddon, Williams.

Hold.

March 6, 1986

GA 209 JUDITH LONNQUIST, to the position of member of the Lottery Commission, appointed by the Governor on August 14, 1985, for the term ending August 2, 1991.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Cantu, Lee, Moore, Newhouse, Williams.

Hold.

March 6, 1986

GA 211 MARY CHRISTOPHERSON, to the position of member of the Lottery Commission, appointed by the Governor on August 14, 1985, for the term ending August 2, 1990.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Cantu, Lee, Moore, Newhouse, Williams.

Hold.

March 6, 1986

GA 275 MARVIN LEKSTRUM, to the position of member of the Export Assistance Center Board of Directors, appointed by the Governor on December 13, 1985, for the term ending October 25, 1991.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Cantu, Lee, Moore, Newhouse, Williams.

Hold.

March 10, 1986

GA 293 DR. GREGORY TRUJILLO, to the position of member of the Board of Trustees for Yakima Community College District 16, appointed by the Governor on February 13, 1986, for the term ending September 30, 1990.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Granlund, Kiskaddon, McDermott, Warnke.

Hold.

MOTION

On motion of Senator Vognild, the rules were suspended and Gubernatorial Appointment Nos. 124, 193, 209, 211, 275 and 293 were advanced to second reading and placed on the second reading calendar.

MOTION

At 12:03 p.m. on motion of Senator Vognild, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:15 p.m. by President Cherberg.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Owen, the appointment of Claudia Craig as a member of the Forest Practices Appeals Board was confirmed.

APPOINTMENT OF CLAUDIA CRAIG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 33; absent, 15; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hayner, Kreidler, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Williams - 33.

Absent: Senators Conner, Granlund, Guess, Hansen, Johnson, Kiskaddon, Lee, McDermott, McManus, Owen, Peterson, Sellar, Warnke, Wojahn, Zimmerman - 15.

Excused: Senator Stratton - 1.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

Mr. President:

March 12, 1986

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 29, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 29 by Representatives Sutherland, Vekich, Belcher, Lundquist, S. Wilson and Holland

Directing the Board of Natural Resources to prepare a report on the sales of timber from trust lands to meet the needs of the common school construction account.

MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 29 was advanced to second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, House Concurrent Resolution No. 29 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

MOTION

On motion of Senator Zimmerman, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on final passage of House Concurrent Resolution No. 29.

ROLL CALL

The Secretary called the roll on final passage of House Concurrent Resolution No. 29 and the resolution passed the Senate by the following vote: Yeas, 35; nays, 6; absent, 6; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Benitz, Bluechel, Hayner, Kiskaddon, Rinehart, Thompson - 6.

Absent: Senators Conner, Hansen, Johnson, McDonald, Owen, Sellar - 6.

Excused: Senators McCaslin, Stratton - 2.

HOUSE CONCURRENT RESOLUTION NO. 29, having received the constitutional majority, was declared passed.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on HOUSE BILL NO. 1633 and passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted the Conference Committee Report on HOUSE BILL NO. 1825 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1825, authorizing the use of the local hotel/motel tax to develop strategies to expand tourism, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on House Bill No. 1825, read in earlier today)

Signed by Senators McDermott and Warnke; Representatives Vekich, McMullen and Doty.

MOTION

Senator Vognild moved that the Report of the Free Conference Committee on House Bill No. 1825 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate adopt the Report of the Free Conference Committee on House Bill No. 1825.

The motion by Senator Vognild carried and the Senate adopted the Report of the Free Conference Committee on House Bill No. 1825.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1825, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1825, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Cantu, Garrett, McDonald, Pullen, Rasmussen - 6.

Absent: Senators Guess, Owen - 2.

Excused: Senators McCaslin, Stratton - 2.

HOUSE BILL NO. 1825, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 4814 and the pending Report of the Conference Committee, deferred March 11, 1986.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Craswell, the President finds that Engrossed Senate Bill No. 4814 is a measure establishing an education and training program in the common schools to prevent child abuse and neglect.

"The amendment proposed by the Conference Committee provides for the education and training program, makes unlawful any use of force on a child unless the force is reasonable and moderate, and defines unreasonable force.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken.

"The President once again would like to remind the members that 'new proposed items' in Free Conference Reports need only fit the scope and object of the title of the bill in conference. In all other circumstances, amendments must fit the scope and object of the original bill."

The amendment proposed by the Conference Committee on Engrossed Senate Bill No. 4814 was ruled out of order.

MOTION

Senator Talmadge moved that the Report of the Conference Committee on Engrossed Senate Bill No. 4814 be returned to the Conference Committee.

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, a point of parliamentary inquiry. Would not the proper procedure be to return the bill to committee now?"

REPLY BY THE PRESIDENT

President Cherberg: "That will be for the Senate to decide, Senator."

The President declared the question before the Senate to be the motion by Senator Talmadge that Engrossed Senate Bill No. 4814 be returned to the Conference Committee.

The motion by Senator Talmadge carried and Engrossed Senate Bill No. 4814 was returned to the Conference Committee.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rinehart, the appointment of E. Anne Winchester as a member of the State Board for Community College Education was confirmed.

APPOINTMENT OF E. ANNE WINCHESTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Owen - 1.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Kreidler, the appointment of Terry Williams as a member of the Puget Sound Water Quality Authority was confirmed.

APPOINTMENT OF TERRY WILLIAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Bauer, Vognild - 2.

Excused: Senators McCaslin, Stratton - 2.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 4, 1986

Mr. President:

The House has passed REENGROSSED SENATE BILL NO. 4875 with the following amendments:

On page 7, after line 9, strike everything down to and including "thereof." on line 14

On page 1, line 3 of the title after "43.51 RCW," insert "and" and on line 4, after "section" strike everything down to and including "people" on line 5

On page 6, line 24, after "Sec. 8." strike everything down to and including "resources;" on page 7, line 2, and insert:

"The governor shall appoint a temporary committee of nine members which shall consist of persons with knowledge of the structure and operation of Washington state government and expertise in public sector management. The committee shall:

(1) Review (a) appropriate organizational models for managing state agencies and resources, (b) the powers and duties of the transportation commission and the secretary of transportation, the game commission and the director of game, and the parks and recreation commission and the director of parks and recreation, and (c) the appointing and reporting relationships between the governor and the above named commissions and chief executive officers;

(2) Determine whether the commission form of government is the most efficient and effective means of managing state agencies and resources. The committee shall then develop recommendations designed to achieve clear lines of authority, accountability, and efficient and effective management of the agencies identified under subsection (1) of this section and the applicable resources;".

the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

Senator Thompson moved that the Senate do concur in the House amendments to Reengrossed Senate Bill No. 4875.

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Thompson, if this bill were to pass, would then the Governor have the immediate authority to remove these three officials from office, the Directors of Transportation, Game and Parks?"

Senator Thompson: "Well, upon the effective day of this act it is certainly my understanding that the appointees would serve at the pleasure of the Governor. May I plea to elaborate by saying that the Governor has been very clear in his support of the persons now occupying those positions and his satisfaction with the way they are conducting their responsibilities. This change is proposed in relationship to create an opportunity for the Office of Governor to have control over these appointments which he feels is appropriate and which many of us here in the Senate do as well."

Further debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Thompson that the Senate do concur in the House amendments to Reengrossed Senate Bill No. 4875.

ROLL CALL

The Secretary called the roll and the motion by Senator Thompson failed and the Senate did not concur in the House amendments to Reengrossed Senate Bill No. 4875 by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bender, Bottiger, Conner, DeJarmatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vogndild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 25.

Excused: Senator Stratton - 1.

MOTIONS

On motion of Senator Thompson, the motion to concur in the House amendments to Reengrossed Senate Bill No. 4875 was withdrawn.

On motion of Senator Thompson, the Senate refuses to concur in the House amendments to Reengrossed Senate Bill No. 4875 and asks the House to recede therefrom.

MOTION

On motion of Senator Vogndild, the Senate commenced consideration of Engrossed Senate Bill No. 4463.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on ENGROSSED SENATE BILL NO. 4463 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4463, encouraging the promotion of Washington products, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed Senate Bill No. 4463, read in earlier today)

Signed by Senators Warnke, Moore and Bailey; Representatives McMullen, Day and Lundquist.

MOTION

Senator Warnke moved that the Report of the Free Conference Committee on Engrossed Senate Bill No. 4463 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate do adopt the Report of the Free Conference Committee on Engrossed Senate Bill No. 4463.

The motion by Senator Warnke carried and the Senate adopted the Report of the Free Conference Committee on Engrossed Senate Bill No. 4463.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4463, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4463, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Craswell - 1.

Absent: Senator Deccio - 1.

Excused: Senator Stratton - 1.

ENGROSSED SENATE BILL NO. 4463, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on ENGROSSED SUBSTITUTE SENATE BILL NO. 4938 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4938, relating to state boards and commissions, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 4938, read in on March 11, 1986)

Signed by Senators Thompson and DeJarnatt: Representatives Belcher and Peery.

MOTION

Senator Thompson moved that the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4938 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, I heard you referring to some report. Is this the Mardesich/Polk report you're referring to?"

Senator Bottiger: "I thought it was the institute for conservative think tanks staffed by former Ways and Means Committee staff under former Speaker Polk. I understand Senator Mardesich attended two meetings."

Further debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Thompson that the Senate adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4938.

ROLL CALL

The Secretary called the roll and the motion by Senator Thompson failed and the Senate did not adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4938 by the following vote: Yeas, 21; nays, 26; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams - 21.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Goltz, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Wojahn, Zimmerman - 26.

Absent: Senator McCaslin - 1.

Excused: Senator Stratton - 1.

MOTION

On motion of Senator Vognild, further consideration of Engrossed Substitute Senate Bill No. 4938 was deferred.

MOTION

On motion of Senator Vognild, the Senate commenced consideration of Substitute House Bill No. 1399.

REPORT OF FREE CONFERENCE COMMITTEE

March 9, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1399, revising sentencing of adult felons, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1399, read in on March 10, 1986)

Signed by Senators Talmadge, Halsan and Newhouse: Representatives Armstrong, Locke and Padden.

MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Substitute House Bill No. 1399 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1399, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1399, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McCaslin - 1.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1399, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Guess, Senator McCaslin was excused.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted the Conference Committee Report on SUBSTITUTE SENATE JOINT RESOLUTION NO. 138 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 11, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE JOINT RESOLUTION NO. 138, revising procedures for filling vacancies in elective offices, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the resolution as follows:

On page 1, after line 7, strike all material through line 29, page 3, and insert the following:

*Article II, section 15. ~~((Such)) (1) Vacancies ((as may)) that occur in either house of the state legislature or in any partisan county elective office shall be filled by appointment by the ((board of county commissioners)) legislative authority of the county in which the vacancy occurs((-PROVIDED, That)). The person appointed to fill the vacancy must be from the same legislative district, county, or county ((commissioner)) legislative authority district ((and the same political party)) as the legislator or partisan county elective officer whose office has been vacated((-and)). The person appointed shall also be one of three persons ((who shall be)) nominated by the county central committee of ((that)) the political party((-and)) of the partisan officer whose office has been vacated if the nominations are received by the county legislative authority within the time prescribed by statute. In case a majority of ((said)) the members of the county ((commissioners)) legislative authority do not agree upon the appointment within ((sixty days after the vacancy occurs)) the time prescribed by statute, the governor shall ((within thirty days thereafter, and)), from the list of nominees ((provided for herein)) submitted to the county legislative authority if the list was timely received, appoint a person who shall be from the same legislative district, county, or county ((commissioner)) legislative authority district ((and of the same political party)) as the legislator or partisan county elective officer whose office has been vacated((-and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: PROVIDED, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated)).~~

(2) If the majority of the positions of a county legislative authority are vacant, the governor shall appoint to the legislative authority that number of persons necessary to establish a majority of filled positions. A person appointed to fill such a vacancy shall be from the same county legislative authority district as the officer whose office has been vacated. If the positions are partisan elective offices, a person appointed to fill such a vacancy shall also be one of three persons nominated by the county central committee of the same political party as the officer whose office has been vacated if the nominations are received by the governor within the time prescribed by statute.

(3) In case of a vacancy occurring in a nonpartisan county elective office, other than a judicial office, the county legislative authority shall appoint a person to fill the vacancy from the same county or county legislative authority district as the officer whose office has been vacated. If a majority of the members of the county legislative authority do not agree upon the appointment within the time prescribed by statute, the governor shall appoint a person from the same county or county legislative authority district.

(4) Vacancies that occur in the office of senator or representative of a state legislative district comprising more than one county shall be filled by appointment by the joint action of the legislative authorities of the counties within the district. The person appointed to fill the vacancy shall be from the same legislative district as the legislator whose office has been vacated. The person appointed shall also be one of three persons nominated by the state central committee of the political party of the legislator whose office has been vacated if the nominations are received by the county legislative authorities within the time prescribed by statute. In joint action, the individual vote of each county legislative authority member, not disqualified from voting under subsection (5) of this section, shall collectively amount to the percentage, rounded to the nearest whole number, that the population of the county or portion of the county within the legislative district bears to the population of the entire district. The population shall be determined by the most recent federal census and shall exclude nonresident military personnel. The vacancy shall be filled if one person receives a majority percentage of the votes of the county legislative authorities. If the members of the jointly meeting county legislative authorities do not agree upon an appointment to fill the vacancy within the time prescribed by statute, the governor shall, from the list of nominees submitted to the county legislative authorities if the list was timely received, make the appointment within the time prescribed by statute.

(5) An otherwise qualified member of a county legislative authority is eligible to be appointed to fill a vacancy governed by this section only if the member does not vote in an action or joint action to fill the vacancy.

(6) The legislature shall prescribe the time limits within which the state and county central committees must submit lists of nominees, within which a county legislative authority or county legislative authorities must agree upon an appointment, and within which the governor must make appointments under the terms of this section. If lists of nominees are not timely received, the appointing authority may appoint any qualified person to fill the vacancy.

(7) A person appointed to fill a vacancy in a partisan office under this section shall hold office until a successor is elected at the next state general election as specified by statute and has been qualified."

Signed by Senators Thompson, Granlund and Zimmerman: Representatives Fisher, Vekich and Barnes.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Substitute Senate Joint Resolution No. 138 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 12, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, creating Washington health care project commission, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Good health care for indigent persons is of importance to the state;

(b) To ensure the availability of a good level of health care, efforts must be made to encourage cost consciousness on the part of providers and consumers, while maintaining medical assistance recipients within the mainstream of health care delivery;

(c) Managed health care systems have been found to be effective in controlling costs while providing good health care services;

(d) By enrolling medical assistance recipients within managed health care systems, the state's goal is to ensure that medical assistance recipients receive at least the same quality of care they currently receive.

(2) It is the intent of the legislature to develop and implement new strategies that promote the use of managed health care systems for medical assistance recipients by establishing prepaid capitated programs for both in-patient and out-patient services.

NEW SECTION, Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) For the purposes of this section, "managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under RCW 74.09.520 and rendered by licensed providers, on a prepaid capitated case management basis.

(2) No later than July 1, 1991, the department of social and health services shall enter into agreements with managed health care systems to provide health care services to recipients of aid to families with dependent children under the following conditions:

(a) Agreements shall be made within one class A county in the eastern part of the state for at least ten thousand recipients; and one class AA county for at least fifteen thousand recipients in the western part of the state; and one first class county of at least five thousand recipients in the western part of the state;

(b) At least one of the agreements shall include enrollment of all recipients of aid to families with dependent children residing in a defined geographical area;

(c) The department shall, to the extent possible, ensure that recipients have a choice of systems in which to enroll and, if necessary and medically appropriate treatment for a recipient is not available from or through a participating managed health care system, the department shall exempt the recipient from any requirement to receive some or all of their medical services from such a system;

(d) To the extent possible, the department shall ensure that participating managed health care systems do not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems;

(e) Prior to negotiating with any managed health care system, the department shall estimate, on an actuarially sound basis, the expected cost of providing the health care services expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems the department shall adopt a uniform procedure that includes at least request for proposals, including standards regarding the quality of services to be provided; and financial integrity of the responding system. The department may negotiate with respondents to the extent necessary to refine any proposals;

(f) The department shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The department shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the department may enter into prepaid capitation contracts that do not include inpatient care;

(h) The department shall define those circumstances under which a managed health care system is responsible for out-of-system services and assure that recipients shall not be charged for such services; and

(i) Nothing in this section prevents the department from entering into similar agreements in additional counties or for other groups of people eligible to receive services under chapter 74.09 RCW.

The department shall seek to obtain a large number of contracts with providers of health services to medicaid recipients. The department shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems are seriously considered as providers in the project.

(3) The department shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

NEW SECTION, Sec. 3. The department shall report to the legislature not later than January 1, 1987, on progress toward implementation of the requirements of this chapter, but shall not delay implementation on account of this reporting requirement.

The report shall also include an analysis of the possible expansion of the use of managed health care within other medical assistance programs, including making it available to certain recipients of general assistance and supplemental security income.

NEW SECTION, Sec. 4. There is created the Washington health care project commission composed of fifteen members; four members shall be state representatives, two from each

political party appointed by the speaker of the house of representatives; four members shall be state senators, two from each political party appointed by the president of the senate.

The legislative members of the commission shall select seven public members, to serve on the commission, that are representative of health care professionals, health care providers, those directly involved in the purchase, provision, or delivery of health care services, industry, consumers, and those knowledgeable of the ethical issues involved with health care public policy.

The legislative members shall select from among the public members one to serve as chairman and from among the legislative members four to serve, together with the chairman, as an executive committee of the commission.

(1) The commission may hire staff or contract for professional assistance with funds made available for their activities. To the extent possible, the department of social and health services, the house of representatives, and the senate shall provide staff support. The commission may apply for and receive and accept grants, gifts, and other payments, including property and services, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs or access to health care.

The public members of the commission shall receive no compensation for their service as members, but shall be reimbursed for their expenses while attending any meetings of the commission in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.

The commission may establish ad hoc technical advisory committees to assist it with any particular matters deemed necessary and any person serving in such capacity may be reimbursed for their expenses while attending any meetings of such committee or the commission in the same manner as public members of the commission.

(2) The commission shall have the following responsibilities:

(a) To review and estimate the following information about persons in the state of Washington who do not have health care coverage:

- (i) The numbers of such persons;
- (ii) Their age and geographic distribution;
- (iii) Their employment status;
- (iv) Their family size;
- (v) Their economic status; and
- (vi) Such other information as the commission deems relevant.

(b) To define basic health care coverage, using the following guidelines:

(i) The schedule of services shall emphasize preventive primary health care, including necessary physician services, and inpatient and outpatient hospital services;

(ii) The schedule of services shall include all services necessary for prenatal, postnatal, and well-child care;

(iii) The schedule of services shall include a separate schedule of basic health care services for children eighteen years of age and younger, for those who might choose to secure basic coverage only for their dependent children;

(iv) In designing the schedule of services, the commission shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080; and

(v) The schedule of services shall be based upon an estimated cost not exceeding fifty dollars per month per person enrolled. The commission may develop alternative schedules of services based on higher or lower monthly costs as it deems appropriate.

(c) After establishing at least a tentative schedule of basic health care services, obtain the following information about persons identified in (a) of this subsection:

(i) An estimate of demand for basic health coverage expressed in terms of numbers of potential enrollees if such a program were made available to them, including the basis upon which such an offering should be made; and

(ii) The characteristics of likely enrollees including demographic and economic data, likely utilization and such other actuarial information as needed to estimate the likely cost of the benefit schedule defined by the commission.

(3) The commission shall then use the information obtained pursuant to this section to develop plans that includes:

(a) Methods of delivery for the schedule of basic health care services by managed health care systems;

(b) Methods of soliciting and accepting application for participation in the program to deliver such basic health care services on a demonstration basis from managed health care systems, including payment methods, rates, and any risk sharing provisions;

(c) Methods whereby the delivery of such services could be integrated with the managed health care systems that may be participating in the medical assistance program of the department of social and health services;

(d) A structure of periodic payments, based upon gross family income, that would be the responsibility of any person or subscriber within the identified groups, or that might be made the responsibility of another private party;

(e) Establishing necessary eligibility standards and guidelines for person seeking such health care coverage, and whatever administrative structure may be needed to enroll such persons;

(f) Methods of monitoring the provision of services to enrollees and the quality of care provided; and

(g) Methods of funding the reasonably anticipated costs of such plans, collectively or individually.

(4) For the purposes of this section, "managed health care systems" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract the schedule of services by duly licensed providers, on a prepaid capitated basis.

(5) The commission shall submit a final report to the legislature no later than December 1, 1986. The report shall include plans that address the needs for such a basic health care program for any identified groups of persons and an analysis of any alternatives considered, but not adopted.

(6) The commission shall terminate upon the submission of their final report.

NEW SECTION. Sec. 5. The sum of one hundred fifty thousand dollars, of which ninety thousand is from the general fund—state and sixty thousand is from the general fund—federal, or so much thereof as may be necessary, is appropriated to the department of social and health services for the biennium ending June 30, 1987, for the purposes identified in sections 2 and 3 of this act.

The sum of one hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the Washington health care project commission for the purposes identified in this act: PROVIDED, That the house executive rules committee and senate facilities and operations committee may jointly authorize expenditures for necessary expenses directly related to commission activities or studies on health care issues conducted by any legislative committee during 1986 or 1987.

NEW SECTION. Sec. 6. The following state agencies are directed to cooperate with the office of financial management in order to establish appropriate health care information systems in their programs: The department of social and health services, the department of labor and industries, the state employees' insurance board, the department of veterans affairs, and the department of corrections.

The office of financial management, in conjunction with such agencies, shall determine:

- (1) Definitions of health care services;
- (2) Health care data elements common to all agencies;
- (3) Health care data elements unique to each agency;
- (4) A mechanism for program and budget review of health care data; and
- (5) Executive review of health care data.

NEW SECTION. Sec. 7. Each of the agencies listed in section 6 of this act, with the exception of the department of labor and industries, which expends more than five hundred thousand dollars annually of state funds for purchase of health care shall identify the availability and costs of nonfee for service providers of health care, including preferred provider organizations, health maintenance organizations, managed health care or case management systems, or other nonfee for service alternatives. In each case where feasible in which an alternative health care provider arrangement, of similar scope and quality, is available at lower cost than fee for service providers, such state agencies shall make the services of the alternative provider available to clients, consumers, or employees for whom state dollars are spent to purchase health care. As consistent with other state and federal law, requirements for copayments, deductibles, the scope of available services, or other incentives shall be used to encourage clients, consumers, or employees to use the lowest cost providers, except that copayments or deductibles shall not be required where they might have the impact of denying access to necessary health care in a timely manner.

NEW SECTION. Sec. 8. Plans for establishing or improving utilization review procedures for purchased health care services shall be developed by each agency listed in section 6 of this act. The plans shall specifically address such utilization review procedures as prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and the obtaining of second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers.

NEW SECTION. Sec. 9. The state agencies listed in section 6 of this act shall review the feasibility of establishing prospective payment approaches within their health care programs. Work plans or timetables shall be prepared for the development of prospective rates. The agencies shall identify legislative actions that may be necessary to facilitate the adoption of prospective rate setting methods.

NEW SECTION. Sec. 10. (1) Each agency listed in section 6 of this act shall individually or in cooperation with other agencies take any necessary actions to control costs without reducing the quality of care when reimbursing for or purchasing drugs. To accomplish this purpose, each agency shall investigate the feasibility of and may establish a drug formulary designating which drugs may be paid for through their health care programs. For purposes of this

section, a drug formulary means a list of drugs, either inclusive or exclusive, that defines which drugs are eligible for reimbursement by the agency.

(2) In developing the drug formulary authorized by this section, agencies:

- (a) Shall prohibit reimbursement for drugs that are determined to be ineffective by the United States food and drug administration;
 - (b) Shall adopt rules in order to ensure that less expensive generic drugs will be substituted for brand name drugs in those instances where the quality of care is not diminished;
 - (c) Where possible, may authorize reimbursement for drugs only in economical quantities;
 - (d) May limit the prices paid for drugs by such means as central purchasing, volume contracting, or setting maximum prices to be paid;
 - (e) Shall consider the approval of drugs with lower abuse potential in substitution for drugs with significant abuse potential; and
 - (f) May take other necessary measures to control costs of drugs without reducing the quality of care.
- (3) Agencies may provide for reasonable exceptions to the drug formulary required by this section.

(4) Agencies may establish medical advisory committees, or utilize committees already established, to assist in the development of the drug formulary required by this section.

NEW SECTION, Sec. 11. A new section is added to chapter 43.41 RCW to read as follows:

(1) It is the purpose of this section to ensure implementation and coordination of chapter 70.-- RCW (sections 6 through 10 of this act) as well as other legislative and executive policies designed to contain the cost of health care that is purchased or provided by the state. In order to achieve that purpose, the director may:

- (a) Establish within the office of financial management a health care cost containment program in cooperation with all state agencies;
- (b) Implement lawful health care cost containment policies that have been adopted by the legislature or the governor, including appropriation provisos;
- (c) Coordinate the activities of all state agencies with respect to health care cost containment policies;
- (d) Study and make recommendations on health care cost containment policies;
- (e) Monitor and report on the implementation of health care cost containment policies;
- (f) Appoint a health care cost containment technical advisory committee that represents state agencies that are involved in the direct purchase, funding, or provision of health care; and

(g) Engage in other activities necessary to achieve the purposes of this section.

(2) All state agencies shall cooperate with the director in carrying out the purpose of this section.

(3) By December 15 of each even-numbered year, the office of financial management shall submit to the ways and means committees of the senate and house of representatives a report covering total expenditures over the past two years for the purchase or provision of health care services, together with an estimate of such future expenditures during the ensuing four years. The reports, together with any suitable recommendations, shall be consistent with the provisions of section 17, chapter 288, Laws of 1984 (uncodified).

NEW SECTION, Sec. 12. Not later than January 1, 1988, the superintendent of public instruction shall report to the legislature on proposed methods of controlling school employee health care costs consistent with the policies and goals of this act.

NEW SECTION, Sec. 13. Sections 6 through 10 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION, Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "health care;" strike the remainder of the title and insert "adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.41 RCW; adding a new chapter to Title 70 RCW; creating new sections; making appropriations; and declaring an emergency."

Signed by Senators McDermott and Talmadge; Representatives J. King and Ballard.

MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2021 was adopted and the committee was granted the powers of Free Conference.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1134, requiring Department of Social and Health Services to screen employees dealing with children and developmentally disabled, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1134, read in earlier today)

Signed by Senators Wojahn, Kreidler and Johnson: Representatives Brekke, Leonard and Lewis.

MOTION

On motion of Senator Wojahn, the Report of the Free Conference Committee on Substitute House Bill No. 1134 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1134, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1134, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senators Bottiger, Halsan, McDermott - 3.

Excused: Senators McCaslin, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1134, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on ENGROSSED SUBSTITUTE SENATE BILL NO. 4872 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4872, revising school governance, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 4872, read in on March 11, 1986)

Signed by Senators Gaspard and Bauer: Representatives Ebersole and Peery.

MOTION

Senator Gaspard moved that the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4872 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, is this the Conference Report that has the Governor appointing all the Board of Education?"

Senator Gaspard: "That is correct, Senator Rasmussen, and if you give me an opportunity I will explain that."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Hayner, can you name three members of the State School Board right now?"

Senator Hayner: "I've been off the school board for some time, but when I was on the school board in our community I certainly could."

Further debate ensued.

Senators Vognild, Bottiger and Fleming demanded the previous question and the demand was sustained.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Gaspard that the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4872 be adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard carried and the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4872 was adopted by the following vote: Yeas, 24; nays, 23; excused, 2.

Voting yea: Senators Bauer, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Excused: Senators McCaslin, Stratton - 2.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4872, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4872, as amended by the Free Conference Committee, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 23; absent, 1; excused, 2.

Voting yea: Senators Bauer, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator Conner - 1.

Excused: Senators McCaslin, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4872, as amended by the Free Conference Committee, having failed to receive the constitutional majority, was declared lost.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has granted the request of the Senate for further conference on SUBSTITUTE SENATE BILL NO. 4814. The House has adopted the Second Conference Committee Report and has again granted said committee the powers of Free Conference. The Report of the Second Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SECOND REPORT OF CONFERENCE COMMITTEE

March 12, 1986

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4814 for the second time, relating to child abuse prevention, have had the same under consideration and report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

That the House Ways and Means Committee amendment, as amended, and adopted on March 7, 1986, be adopted and that the bill, as amended, do pass.

Signed by Senators Talmadge, Gaspard and Bailey; Representatives Hargrove, Locke and West.

MOTION

Senator Talmadge moved that the Second Report of the Conference Committee on Substitute Senate Bill No. 4814 be adopted.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, a parliamentary inquiry. Will the twenty-four hour rule start being clocked from this time?"

REPLY BY THE PRESIDENT

President Cherberg: "The report has been on the floor since about 3:00."

Senator Pullen: "O.K. So the twenty-four hour time starts being clocked from 3:00?"

President Cherberg: "Yes, Senator."

Senator Pullen: "O.K. It's a little confusing. There are two reports out here. One says 'revised' and has 3:30; 3/11--I guess that's yesterdays and then we have a second revised report and it says, 'The Conference/Free Conference Committee' and there's no time on it at all."

President Cherberg: "The bill went out about fifteen minutes ago."

Senator Pullen: "So would this motion not be in order until 3:00 tomorrow?"

MOTION

Senator Vognild moved that the the twenty-four hour rule be suspended for the consideration of Substitute Senate Bill No. 4814.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Pullen: "A point of parliamentary inquiry, Mr. President. It appears to me that this is a debatable motion, because it's really not a suspension of the rules since the rules specifically allow this to be done with a two-thirds vote. Therefore, I would contend that pursuant to Rule 11 of the Joint Rules this is a debatable motion since the rules specifically say that by a two-thirds vote we can consider this in less than twenty-four hours. It's technically not a suspension of the rules as it is a special motion to allow consideration in less than twenty-four hours by a two-thirds vote."

POINT OF ORDER

Senator Rasmussen: "My point of order, Mr. President, I have in my hand here Substitute Senate Bill No. 4814 Conference and then Free Conference Second Revised. Now, I presume that that's what we're working on, but I don't know. It doesn't have a date on it. It has no time and so it's twenty-four hours from what? It's March 12th he says--yes, but there's no time on it. You know technically we should have it in perfect form."

REPLY BY THE PRESIDENT

President Cherberg: "Two reports have been sent out that are on the desks and this is about 3:00 p.m. today, Senator."

REMARKS BY SENATOR PULLEN

Senator Pullen: "Again I can make a brief rebuttal as to the fact that we should be considering this. Mr. President and members of the Senate, suspending the twenty-four hour rule is virtually unprecedented. Also, I would draw your attention to the fact that the Conference Committee has not really been made up of those who have concerns pro and con on this particular bill. Basically, the conferees were reflecting a viewpoint that represents not the pro and con on the controversial matters within the bill.

"As evidence of that, I would suggest that we take a look at the roll call I just passed out from when Senate Bill No. 4704 was before us. Senator Talmadge, at

that time, who was one of the conferees moved that we delete the word 'substantial' before 'bodily harm.' His motion was soundly defeated on the floor of the Senate and you can look at the roll call to see if your name was one of those who helped defeat his motion. And yet in Conference Committee and Free Conference Committee, one of the first things they did was to delete the word 'substantial' so we really aren't having a Free Conference Committee Report that reflects the will of this body."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, Senator Pullen started debating whether this required a suspension of the rules and was even debatable and now he's off into the roll call votes on prior occasions. The issue is, is it debatable at all?"

RULING BY THE PRESIDENT

President Cherberg: "The President will read the portion of Rule 11 of the Joint Rules: 'The foregoing provisions relating to twenty-four hour intervals may be suspended by the Senate or the House of Representatives by a two-thirds vote of the members present, and such suspension shall apply only to the house voting to suspend these provisions.'

"The President rules that Senator Vognild's motion is properly before the Senate."

Senator Bottiger demanded a roll call on the the motion to suspend the twenty-four hour rule for consideration of Substitute Senate Bill No. 4814 and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Vognild that the twenty-four hour rule be suspended for consideration of Substitute Senate Bill No. 4814.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild carried, having received a two-thirds majority, by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 38.

Voting nay: Senators Benitz, Cantu, Conner, Craswell, Guess, Lee, Metcalf, Pullen, Zimmerman - 9.

Excused: Senators McCaslin, Stratton - 2.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Second Report of the Conference Committee on Substitute Senate Bill No. 4814 be adopted and the committee be granted the powers of Free Conference.

Debate ensued.

The motion by Senator Talmadge carried and the Report of the Conference Committee on Substitute Senate Bill No. 4814 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House failed to adopt the Conference Committee Report on SUBSTITUTE SENATE BILL NO. 4779, insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

Senator Bottiger moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4779.

Debate ensued.

Senator Bottiger demands a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger that the Senate do concur in the House amendments to Substitute Senate Bill No. 4779.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 4779 by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kreidler, McDermott, McManus, Metcalf, Patterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Williams, Wojahn - 29.

Voting nay: Senators Bailey, Barr, Benitz, Craswell, Deccio, Guess, Hansen, Kiskaddon, Lee, McDonald, Moore, Newhouse, Owen, Peterson, Pullen, von Reichbauer, Warnke, Zimmerman - 18.

Excused: Senators McCaslin, Stratton - 2.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4779, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4779, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kreidler, Lee, McDermott, McManus, Metcalf, Patterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Williams, Wojahn - 31.

Voting nay: Senators Barr, Benitz, Craswell, Deccio, Guess, Hansen, Kiskaddon, McDonald, Moore, Newhouse, Owen, Peterson, Pullen, von Reichbauer, Warnke, Zimmerman - 16.

Excused: Senators McCaslin, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4779, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House insists on its position on SUBSTITUTE HOUSE BILL NO. 1765 and again requests the Senate to recede from its position, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

Senator McDermott moved that the Senate do recede from its amendments to Substitute House Bill No. 1765.

Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator McDermott, would you mind telling me what we gave into and what the bill is?"

Senator McDermott: "Substitute House Bill No. 1765 comes out of a court case that says if a person is on SSI and his or her spouse is on GAU, they can't double dip and get a one-person grant each. The Senate had an amendment which said that at least they got medical care and now the House has refused to give them medical care."

The President declared the question before the Senate to be the motion by Senator McDermott that the Senate do recede from the amendments to Substitute House Bill No. 1765.

The motion by Senator McDermott carried and the Senate receded from the amendments to Substitute House Bill No. 1765.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1765, without the Senate amendments.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1765, without the Senate amendments, and the bill failed to pass the Senate by the following vote: Yeas, 9; nays, 37; absent, 1; excused, 2.

Voting yea: Senators Bluechel, Bottiger, Cantu, Goltz, Granlund, Hansen, Saling, Vognild, Zimmerman - 9.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Benitz, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn - 37.

Absent: Senator Guess - 1.

Excused: Senators McCaslin, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1765, without the Senate amendments, having failed to receive the constitutional majority, was declared lost.

MESSAGES FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted the Report of the Free Conference Committee on HOUSE BILL NO. 1337 and passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1614 and passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

March 12, 1986

Mr. President:

The House reconsidered the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598, adopted said report and passed the bill as recommended by the Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

March 11, 1986

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4705, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 12, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 588,

SUBSTITUTE HOUSE BILL NO. 1688, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 588,

SUBSTITUTE HOUSE BILL NO. 1688.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

Senator Thompson moved the appointment of Evelyn J. Whitney as a member of the State Personnel Board be confirmed.

Debate ensued.

APPOINTMENT OF EVELYN J. WHITNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 29; nays, 16; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, McDonald, Metcalf, Newhouse, Pullen, Saling, Sellar, Zimmerman - 16.

Absent: Senators McDermott, Patterson - 2.

Excused: Senators McCaslin, Stratton - 2.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4814 and has passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 12, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4814, relating to child abuse prevention, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Substitute House Bill No 4814 read in earlier today)

Signed by Senators Talmadge, Gaspard and Bailey; Representatives Hargrove, Locke and West.

MOTION

Senator Talmadge moved that the Report of the Free Conference Committee on Substitute Senate Bill No. 4814 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, the bill is exactly as it came out of the House, originally?"

Senator Talmadge: "Yes."

Senator Metcalf: "Is the phrase 'minor temporary mark' intended to include minor temporary bruises, redness and welts?"

Senator Talmadge: "Senator Metcalf, yes it is, however, I would emphasize the word 'minor.'"

Senator Metcalf: "O.K. Another question. We've all been deeply concerned about the CPS going in and taking children out of homes and the Child Protective Services removing children from homes without due process or insufficient provocation. There's great concern that this language will allow CPS even wider latitude in removing children. How do you answer this concern?"

Senator Talmadge: "Senator, this deals with the standard for criminal prosecutions and the defense thereof. This is more of guidance to prosecuting attorneys. I believe, than will be the case with Child Protective Services."

Senator Metcalf: "So it would not allow them wider latitude in removing children?"

Senator Talmadge: "I don't believe so. No."

Senator Metcalf: "Thank you, very much, Senator Talmadge."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Report of the Free Conference Committee on Substitute Senate Bill No. 4814 be adopted.

The motion by Senator Talmadge carried and the Report of the Free Conference Committee on Substitute Senate Bill No. 4814 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4814, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4814, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 36.

Voting nay: Senators Barr, Cantu, Craswell, Deccio, Owen, Pullen, Rasmussen, Saling, Zimmerman - 9.

Absent: Senators Benitz, McDermott - 2.

Excused: Senators McCaslin, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4814, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTION SENATE JOINT RESOLUTION NO. 138 and passed the resolution as amended by the Free Conference Committee, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTION SENATE JOINT RESOLUTION NO. 138, revising procedures for filling vacancies in elective offices, have had the same under consideration and we recommend that the resolution do pass as amended by the Conference Committee.

(See Report of Conference Committee on Substitute Senate Joint Resolution No. 138, read in earlier today)

Signed by Senators Thompson, Granlund and Zimmerman: Representatives Fisher, Vekich and Barnes.

MOTION

Senator Thompson moved that the Report of the Free Conference Committee on Substitute Senate Joint Resolution No. 138 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Thompson that the Report of the Free Conference Committee on Substitute Senate Joint Resolution No. 138 be adopted.

The motion by Senator Thompson carried and the Free Conference Committee Report on Substitute Senate Joint Resolution No. 138 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Resolution No. 138, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Resolution No. 138, as amended by the Free Conference Committee, and the resolution passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Metcalf, Pullen, Rasmussen - 4.

Absent: Senators Benitz, McDermott - 2.

Excused: Senators McCaslin, Stratton - 2.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 138, as amended by the Free Conference Committee, having received the constitutional two-thirds majority, was declared passed.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House refuses to adopt the Report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 4725, returned the bill to second reading and amended the bill as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 234, Laws of 1983 and RCW 18.04.025 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Board' means the board of accountancy created by RCW 18.04.035.

(2) 'Certified public accountant' or 'CPA' means a person holding a certified public accountant certificate issued under this chapter or the accountancy act of any state.

(3) 'State' includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

(4) 'Opinions on financial statements' are any reports prepared by certified public accountants, based on examinations in accordance with generally accepted auditing standards as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting.

(5) The 'practice of public accounting' means performing services as one skilled in the knowledge and practice of public accounting and preparing reports designated as 'audit reports,' 'review reports,' and 'compilation reports.'

(6) 'Firm' means a sole proprietorship, a corporation, or a partnership.

(7) 'CPE' means continuing professional education.

(8) 'Certificate' means a certificate as a certified public accountant issued under this chapter, or a corresponding certificate issued by another state.

(9) 'Licensee' means the holder of a certificate who also holds a valid license issued under this chapter.

(10) 'License' means a biennial license issued to an individual or firm under this chapter.

(11) 'Quality assurance review' means a study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

(12) 'Rule' means any rule adopted by the board under authority of this chapter.

Sec. 2. Section 4, chapter 234, Laws of 1983 and RCW 18.04.035 are each amended to read as follows:

(1) There is created a board of accountancy for the state of Washington to be known as the Washington board of accountancy. The board shall consist of five members appointed by the governor. Members of the board shall include four persons who hold certified public accountant certificates and have been in public practice as certified public accountants in this state continuously for the previous ten years. The fifth member shall be the public member and shall be a person who is qualified to judge whether the qualifications, activities, and professional practice of those regulated under this chapter conform with standards to protect the public interest.

(2) The members of the board of accountancy (~~existing immediately prior to July 1, 1983; shall serve out their existing terms as members of the board created under this act. Thereafter, each member of the board~~) shall be appointed by the governor to a term of three years.

~~((Their successors shall be appointed for terms of three years.))~~ Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of a member's term of office, the member shall continue to serve until a successor has been appointed and has assumed office. The governor shall remove from the board any member whose certificate or ~~((permit))~~ license to practice has been revoked or suspended and may, after hearing, remove any member of the board for neglect of duty or other just cause. No person who has served two successive complete terms is eligible for reappointment. Appointment to fill an unexpired term is not considered a complete term.

Sec. 3. Section 5, chapter 234, Laws of 1983 and RCW 18.04.045 are each amended to read as follows:

(1) The board shall annually elect a chairman, a vice chairman, and a secretary from its members.

(2) The board may adopt and amend rules under chapter 34.04 RCW for the orderly conduct of its affairs and for the administration of this chapter.

(3) A majority of the board constitutes a quorum for the transaction of business.

(4) The board shall have a seal which shall be judicially noticed.

(5) The board shall keep records of its proceedings, and of any proceeding in court arising from or founded upon this chapter. Copies of these records certified as correct under the seal of the board are admissible in evidence as tending to prove the content of the records.

(6) The board may employ personnel and arrange for assistance as it requires to perform its duties. Individuals or committees assisting the board under this subsection (6) constitute volunteers for purposes of chapter 4.92 RCW.

~~((2))~~ (7) Each member of the board shall receive compensation as provided under RCW 18.04.080.

~~((3))~~ (8) The board shall file an annual report of its activities with the governor. The report shall include, but not be limited to, a statement of all receipts and disbursements ~~((and a listing of all certified public accountants who are registered, or who have offices registered, or permits to practice issued under this chapter))~~. Upon request, the board shall mail a copy of each annual report ~~((to any person, office, partnership, or corporation listed, or))~~ to any member of the public.

Sec. 4. Section 6, chapter 234, Laws of 1983 and RCW 18.04.055 are each amended to read as follows:

The board shall prescribe rules consistent with this chapter as necessary to implement this chapter. Included may be:

(1) Rules of procedure to govern the conduct of matters before the board;

(2) Rules of professional conduct to establish and maintain high standards of competence and integrity in the profession;

(3) Educational requirements to set for an examination or for the issuance of the certificate or license of certified public accountant;

(4) Rules designed to ensure that certified public accountants' 'opinions on financial statements' meet the definitional requirements for that term as specified in RCW 18.04.025;

(5) Requirements for continuing professional education to maintain or improve the professional competence of ~~((permit))~~ certificate and license holders ~~((to practice under RCW 18.04.215))~~ as a condition to maintaining their ~~((continuing in the practice of public accounting))~~ certificate or license to practice under RCW 18.04.215;

(6) Regulations governing sole proprietors, partnerships, and corporations practicing public accounting including, but not limited to, rules concerning their style, name, title, and affiliation with any other organization, and establishing reasonable practice standards to protect the public interest;~~((and))~~

(7) The board may by rule implement a quality assurance review program as a means to monitor licensees' quality of practice and compliance with professional standards. The board may exempt from such program, licensees who undergo periodic peer reviews in programs of the American Institute of Certified Public Accountants, National Association of State Boards of Accountancy, or other programs recognized and approved by the board by rule.

~~((8))~~ The board may by rule require firms to obtain professional liability insurance if in the board's discretion such insurance provides additional and necessary protection for the public; and

~~((9))~~ Any other rule which the board finds necessary or appropriate to implement this chapter.

Sec. 5. Section 24, chapter 234, Laws of 1983 and RCW 18.04.065 are each amended to read as follows:

The board shall set its fees at a level adequate to pay the costs of administering this chapter. All fees shall be deposited into an account in the state treasury known as the certified public accountants' account.

Sec. 6. Section 7, chapter 234, Laws of 1983 as amended by section 3, chapter 57, Laws of 1985 and RCW 18.04.105 are each amended to read as follows:

(1) The certificate of 'certified public accountant' shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has ~~((a baccalaureate degree conferred by a college or university recognized by the board, and whose educational program included an accounting concentration or its equivalent, and related subjects)) met such educational standards established by rule as the board determines to be appropriate; and~~

(c) Who has passed a written examination in accounting, auditing, and related subjects the board determines to be appropriate.

(2) ~~((The board may, in its discretion, waive the educational requirement for any person if it is satisfied, by appropriate means of evaluation, that the person's educational qualifications are an acceptable substitute for the requirements of subsection (1)(b) of this section;~~

(3)) The examination described in subsection (1)(c) of this section shall be held by the board and shall take place as often as the board determines to be desirable, but at least once a year. The board may use all or any part of the examination ~~((and)) or grading service of the American Institute of Certified Public Accountants or National Association of State Boards of Accountancy to assist it in performing its duties under this chapter.~~

~~((4) A person who has met the educational requirements of subsection (1)(b) of this section, or who expects to meet it within one hundred twenty days following the examination, or with respect to whom it has been waived under subsection (2) of this section, is eligible to take the examination if the person also meets the requirements of subsection (1)(a) of this section. If a person is admitted to the examination on the expectation that he or she will complete the educational requirement within one hundred twenty days, no certificate may be issued, nor credit for the examination or any part of it be given, unless this requirement is in fact completed within that time or within such time as the board in its discretion may determine upon application.~~

(5)) (3) The board may, by rule, provide for granting credit to a person for satisfactory completion of a written examination in any one or more of the subjects specified in subsection (1)(c) of this section given by the licensing authority in any other state. These rules shall include requirements the board determines to be appropriate in order that any examination approved as a basis for any credit shall, in the judgment of the board, be at least as thorough as the most recent examination given by the board at the time credit is granted.

(4) The board may, by rule, prescribe the terms and conditions under which a person who passes the examination in one or more of the subjects indicated in subsection (1)(c) of this section may be reexamined in only the remaining subjects, giving credit for the subjects previously passed. It may also provide by rule for a reasonable waiting period for a person's reexamination in a subject he or she has failed. A person is entitled to any number of reexaminations, subject to this subsection and any other rules adopted by the board.

(5) A person passing the examination in any one or more subjects specified in subsection (1)(c) of this section shall meet the educational requirements of subsection (1)(b) of this section in effect on the date the person successfully completes the requirements of subsection (1)(c) of this section. The board may provide, by rule, for exceptions to prevent what it determines to be undue hardship to applicants.

(6) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under ~~subsection ((5)) (4) of this section for each subject in which the applicant is reexamined ((or for evaluation of a person's educational qualifications under subsection (2) of this section)).~~ The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' ~~((examination))~~ account. All fees received from candidates to take any or all sections of the certified public accountant examination ~~((shall be deposited by the board into this account, and funds appropriated from the account))~~ shall be used only for costs ~~((directly))~~ related to the examination. All earnings of investments of balances in the certified public accountants' ~~((examination))~~ account shall be credited to the general fund.

(7) Persons who on ~~((July 1, 1983)) June 30, 1986,~~ held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(8) ~~((a) Persons who on July 1, 1983, hold registrations as licensed public accountants and annual permits to practice previously issued under the laws of this state shall be entitled to~~

~~practice public accounting and be known as certified public accountants and to use the designation 'CPA' provided that these persons continue to hold permits to practice under this chapter.~~

~~(b)) Persons who held qualifications as licensed public accountants but who do not hold annual permits to practice on July 1, 1983, are not entitled to engage in the practice of public accounting under this chapter ((unless they meet the requirements imposed by this chapter for certified public accountants)). ((These)) No person((s)) shall ((not)) use the term 'licensed public accountant((s))' or the designation 'LPA.'~~

~~(9) A certificate of a 'certified public accountant' under this chapter is issued on a biennial basis with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.~~

~~(10) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:~~

~~(a) Provide that a certified public accountant holding a certificate on the effective date of this act shall verify to the board that he or she has completed at least ten days or an accumulation of eighty hours of continuing professional education during the last two-year period to maintain the certificate;~~

~~(b) Establish continuing professional education requirements;~~

~~(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; and~~

~~(d) Establish proceedings for revocation, suspension, and reinstatement of certificates for failure to meet the continuing professional education requirement.~~

~~(11) Failure to furnish verification of the completion of the continuing professional education requirement constitutes grounds for revocation, suspension, or failure to renew the certificate, unless the board determines that the failure was due to reasonable cause or excusable neglect.~~

Sec. 7. Section 8, chapter 234, Laws of 1983 and RCW 18.04.185 are each amended to read as follows:

(1) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.

(2) Application for a biennial ((~~permit~~)) license to practice public accounting in this state by a certified public accountant or CPA firm who holds a license or permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the biennial ((~~permit~~)) license to practice.

Sec. 8. Section 9, chapter 234, Laws of 1983 and RCW 18.04.195 are each amended to read as follows:

~~(1) A sole proprietorship engaged in this state in the practice of public accounting shall license biennially with the board as a firm.~~

~~(a) The principal purpose and business of the firm shall be to furnish services to the public which are consistent with this chapter and the rules of the board.~~

~~(b) The person shall be a certified public accountant holding a license to practice under RCW 18.04.215.~~

~~(c) Each resident licensee in charge of an office of the sole proprietorship engaged in this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.~~

~~(2) A partnership engaged in this state in the practice of public accounting shall ((register)) license biennially with the board as a partnership of certified public accountants, and shall meet the following requirements:~~

~~(a) The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;~~

~~(b) At least one general partner of the partnership shall be a certified public accountant holding a ((~~permit~~)) license to practice under RCW 18.04.215;~~

~~(c) Each resident ((~~manager~~)) licensee in charge of an office of the partnership in this state and each resident partner personally engaged within this state in the practice of public accounting ((~~as a member in the office~~)) shall be a certified public accountant holding a ((~~permit~~)) license to practice under RCW 18.04.215.~~

~~((2)) (3) A corporation organized for the practice of public accounting and engaged in this state in the practice of public accounting shall ((register)) license biennially with the board as a corporation of certified public accountants and shall meet the following requirements:~~

~~(a) The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and~~

(b) Each shareholder of the corporation shall be a certified public accountant of some state holding a ~~((permit))~~ license to practice and shall be principally employed by the corporation or actively engaged in its business. No other person may have any interest in the stock of the corporation. The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation shall be a certified public accountant of some state holding a ~~((permit))~~ license to practice;

(c) At least one shareholder of the corporation shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215;

(d) Each resident ~~((manager))~~ licensee in charge of an office of the corporation in this state and each shareholder or director personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215;

(e) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; and

(f) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe.

~~((3))~~ (4) Application for ~~((registration of))~~ a license as a ((partnership or corporation)) firm shall be made upon the affidavit of ~~((a general))~~ the proprietor or person designated as managing partner or shareholder ((who is)) for Washington. This person shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215. The board shall determine in each case whether the applicant is eligible for ~~((registration))~~ a license. A partnership or corporation which is ~~((so registered and which holds a permit))~~ licensed to practice under RCW 18.04.215 may use the designation 'certified public accountants' or 'CPAs' in connection with its partnership or corporate name. The board shall be given notification within ~~((thirty))~~ ninety days after the admission or withdrawal of a partner or shareholder engaged in this state in the practice of public accounting from any partnership or corporation so ~~((registered))~~ licensed.

~~((4))~~ (5) Fees for the ~~((registration of partnerships or corporations))~~ license as a firm and for notification of the board of the admission or withdrawal of a partner or shareholder shall be determined by the board. Fees shall be paid by the ~~((applicant))~~ firm at the time the ~~((registration))~~ license application form or notice of admission or withdrawal of a partner or shareholder is filed with the board.

Sec. 9. Section 10, chapter 234, Laws of 1983 and RCW 18.04.205 are each amended to read as follows:

(1) Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or a partnership or corporation of certified public accountants, shall register with the board under this chapter biennially.

(2) Each office shall be under the direct supervision of a resident ~~((manager))~~ licensee holding a ~~((permit))~~ license to practice under RCW 18.04.215 who may be ~~((either))~~ a sole proprietor, partner, principal shareholder, or a staff employee.

~~((2))~~ (3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the practice of public accounting.

~~((3))~~ (4) Fees for the registration of offices shall be determined by the board. Fees shall be paid by the applicant at the time the registration form is filed with the board.

Sec. 10. Section 11, chapter 234, Laws of 1983 and RCW 18.04.215 are each amended to read as follows:

(1) Biennial ~~((permits))~~ licenses to engage in the practice of public accounting in this state shall be issued by the board:

(a) To holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent;

(b) To ~~((partnerships and corporations registered))~~ firms under RCW 18.04.195, if all offices of the ~~((partnerships and corporations))~~ firm in this state are maintained and registered as required under RCW 18.04.205.

(2) All ~~((permits))~~ licenses to practice ~~((for))~~ issued to persons born in an even-numbered year expire on the last day of June ~~((1984 shall be for one year and may be renewed for a period of two years))~~ of each even-numbered year. All ~~((permits))~~ licenses to practice ~~((for))~~ issued to persons born in an odd-numbered year expire on the last day of June ~~((1985 shall be for two years and may be renewed for a period of two years))~~ of each odd-numbered year. Renewals of ~~((permits))~~ licenses to practice issued to individuals under subsection (1) (a) ~~((or b))~~ of this section shall be issued in accordance with subsection ~~((3))~~ (4) of this section.

Applicants for issuance or renewal of ~~((permits))~~ licenses shall, at the time of filing their applications, list with the board all states in which they hold or have applied for permits or licenses to practice.

~~((2))~~ (3) A certified public accountant who holds a permit or license issued by another state, and applies for a ~~((permit))~~ license in this state, may practice ~~((accounting))~~ in this state from the date of filing a completed application with the board, until the board has acted upon the application.

~~((3))~~ (4) As a prerequisite to renewal of a ~~((permit))~~ license, a person practicing public accounting shall submit to the ~~((Washington state))~~ board ~~((of accountancy))~~ satisfactory proof of having completed ten days or an accumulation of eighty hours of continuing education recognized and approved by the board during the preceding two years. Failure to furnish this evidence as required constitutes grounds for revocation, suspension, or refusal to renew the ~~((permit))~~ license in a proceeding under RCW 18.04.295, unless the board determines the failure to have been due to reasonable cause or excusable neglect.

The board~~(:)~~ in its discretion~~(:)~~ may renew a biennial ~~((permit))~~ license to practice despite failure to furnish evidence of compliance with requirements of continuing professional education upon condition that the applicant follow a particular program of continuing professional education. In issuing rules and individual orders with respect to continuing professional education requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and ~~((shall))~~ may take into account the accessibility of continuing education to applicants and instances of individual hardship.

~~((4))~~ (5) Fees for biennial ~~((permits))~~ licenses to engage in the practice of public accounting in this state shall be determined by the board under chapter 18.04 RCW. Fees shall be paid by the applicant at the time the ~~((registration))~~ application form is filed with the board. The board, by rule, may provide for proration of fees for licenses issued between normal renewal dates.

Sec. 11. Section 12, chapter 234, Laws of 1983 and RCW 18.04.295 are each amended to read as follows:

~~((After notice and hearing as provided in RCW 18.04.320, the board may revoke or suspend any certificate issued under RCW 18.04.105, or may revoke, suspend, or refuse to renew any permit to practice, or may censure the holder of a permit for one or a combination))~~ The board of accountancy shall have the power to revoke, suspend, or refuse to renew the license of any certified public accountant for any of the following causes:

(1) Fraud or deceit in obtaining a certificate as a certified public accountant, ~~((or in obtaining registration under this act))~~ or in obtaining a ~~((permit))~~ license to practice public accounting under RCW 18.04.215;

(2) Dishonesty, fraud, or ~~((gross))~~ negligence in the practice of public accounting;

(3) A violation of any provision of this ~~((act))~~ chapter;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this ~~((act))~~ chapter;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state;

(7) Suspension or revocation of the right to practice before any state or federal agency~~(: or))~~;

Sec. 12. Section 13, chapter 234, Laws of 1983 and RCW 18.04.305 are each amended to read as follows:

~~((After notice and hearing under RCW 18.04.320, the board shall revoke the registration issued to a partnership or corporation under RCW 18.04.195 and permit to practice issued to a partnership or corporation under RCW 18.04.215 if at any time the partnership or corporation does not have all the qualifications prescribed under this chapter for registration. After notice and hearing as provided in RCW 18.04.320, the board may revoke or suspend the registration of a partnership or corporation, may revoke, suspend, or refuse to renew its permit to practice))~~ The board of accountancy may revoke, suspend, or refuse to renew the license issued to a firm if at any time the firm does not meet the requirements of this chapter for licensing, or for any of the causes enumerated in RCW 18.04.295, or for any of the following additional causes:

(1) The revocation or suspension of the certificate as a certified public accountant or the revocation or suspension or refusal to renew the ~~((permit))~~ license of any partner or shareholder; or

(2) The ~~((cancellation))~~ revocation, suspension, or refusal to renew the ~~((authority))~~ license or permit of the ~~((partnership or corporation))~~ firm, or any partner or shareholder thereof, to

practice public accounting in any other state for any cause other than failure to pay a fee or to meet the requirements of continuing professional education in the other state.

Sec. 13. Section 31, chapter 226, Laws of 1949 as amended by section 14, chapter 234, Laws of 1983 and RCW 18.04.320 are each amended to read as follows:

~~((1) Proceedings for))~~ In the case of the refusal, revocation, or suspension of ((the certificate, permit, or registration of any person, partnership, or corporation may be initiated)) a certificate or a license by the board ((on its own motion, on the complaint of any person, or on receiving notification from another state board of accountancy of its decision to:

(a) ~~Revoke or suspend practice privileges granted in that state to a holder of a certified public accountant certificate or a public accountant registrant of that state; or~~

(b) ~~Revoke, suspend, refuse to renew, or censure the holder of a permit to practice in that state who holds a permit to practice under RCW 18.04.215;~~

~~(2) Unless the charge or charges are dismissed by the board as unfounded or trivial, the board shall set a date for hearing not later than ninety days after formal charges are filed. A copy of the charge or charges, together with a notice of the time and place of hearing before the board shall be served not less than thirty days prior to the date set for hearing on the accused either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the board;~~

~~(3) If after having been so served with a notice of hearing, the accused fails to appear at the hearing, the board may proceed to hear evidence against him and may enter such order as may be justified by the evidence, which shall be final unless the accused petitions for a review thereof. Within thirty days from the date of any such order upon a showing of good cause for failing to appear, the board may reopen the proceedings and may permit the accused to submit evidence in his or her behalf;~~

~~(4) At any hearing the accused may appear in person and by counsel, may produce evidence and witnesses on his or her own behalf, and may cross-examine such witnesses as may appear against him. A partnership may be represented before the board by counsel or by a partner. A corporation may be represented before the board by counsel or by a shareholder. The accused shall be entitled on application to the board to the issuance of subpoenas to compel the attendance of witnesses and the production of evidence on his or her behalf;~~

~~(5) The board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with or upon hearing under this chapter. To compel obedience to a subpoena the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence;~~

~~(6) The board shall not be bound by technical rules of evidence;~~

~~(9) The decision of the board shall be by majority vote;~~

~~(10) Any person adversely affected by any action of the board may obtain a review thereof by filing a written petition for review in the superior court of the county in which he resides within thirty days after the entry of such order. A copy of the petition shall be served upon any member of the board and thereupon the board shall certify and file in the court a transcript of the record upon which the order complained of was entered. The court will hear the matter de novo, and may sustain, modify, or set aside the board's order in whole or in part, or may remand the matter to the board for further action, and may, in its discretion, stay the effect of the board's order pending its determination of the case. The court's decision has the force and effect of a decree in equity; and~~

~~(11) On rendering a decision to: (a) Revoke or suspend a certificate issued under RCW 18.04.105; (b) revoke or suspend a registration issued under RCW 18.04.195; or (c) revoke, suspend, refuse to renew, or censure the holder of a permit to practice under RCW 18.04.215, the board shall examine its records to determine whether the accused holds a certificate, a registration, or a permit or annual limited permit to practice in any other state. If the board determines that the accused holds a certificate, or a registration in any other state, the board shall notify the board of accountancy of the other state of its decision by mail within thirty days of rendering the decision)) under the provisions of this chapter, such proceedings and any appeal therefrom shall be taken in accordance with the administrative procedure act, chapter 34.04 RCW.~~

Sec. 14. Section 15, chapter 234, Laws of 1983 and RCW 18.04.335 are each amended to read as follows:

Upon application in writing and after hearing pursuant to notice, the board may:

(1) Reissue a certificate to a certified public accountant whose certificate has been revoked or suspended; or

(2) Modify the suspension of or reissue any ~~((permit))~~ license to practice which has been revoked, suspended, or which the board has refused to renew.

Sec. 15. Section 16, chapter 234, Laws of 1983 and RCW 18.04.345 are each amended to read as follows:

(1) No person may hold himself or herself out to the public, or assume or use the designation 'certified public accountant' or 'CPA' or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person has received a certificate as a certified public accountant, holds a valid ((~~permit~~) license) to practice under RCW 18.04.215, and all of the person's offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(2) No ((~~partnership or corporation~~) firm) may hold itself out to the public, or assume or use the designation 'certified public accountant' or 'CPA' or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the ((~~partnership or corporation~~) firm) is composed of certified public accountants or CPAs, unless the ((~~partnership or corporation~~) firm) is ((~~registered as a partnership or corporation of certified public accountants~~) licensed) under RCW 18.04.195, holds a valid ((~~permit~~) license) to practice under RCW 18.04.215, and all offices of the ((~~partnership or corporation~~) firm) in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(3) No person, partnership, or corporation may hold himself, herself, or itself out to the public, or assume or use alone, or in connection with his, hers, or its name, or any other name the title or designation 'certified accountant,' 'chartered accountant,' ((~~enrolled accountant~~)) 'licensed accountant,' ((~~registered accountant~~, ~~accredited accountant~~)) 'public accountant,' or any other title or designation likely to be confused with 'certified public accountant' or any of the abbreviations 'CA,' ((~~EA~~, ~~RA~~)) 'LA,' ((~~AA~~)) or 'PA,' or similar abbreviations likely to be confused with 'CPA.' However, nothing in this chapter prohibits use of the title 'accountant' by any person regardless of whether the person has been granted a certificate or holds a ((~~permit~~) license) under this chapter.

(4) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an 'audit,' 'review,' or 'compilation,' unless the person holds a biennial ((~~permit~~) license) to practice under RCW 18.04.215 and all of the person's offices in this state for the practice of public accounting are maintained and ((~~registered~~) licensed) under RCW 18.04.205.

(5) No person may sign, affix, or associate a ((~~partnership or corporate~~) firm) name to any report designated as an 'audit,' 'review,' or 'compilation,' unless the ((~~partnership or corporation~~) firm) is ((~~registered~~) licensed) under RCW 18.04.195 ((~~holds a permit to practice under RCW~~) and 18.04.215, and all of its offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(6) No person, partnership, or corporation not holding a ((~~permit~~) license) to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an 'auditor' with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

(7) Nothing contained in this chapter prohibits any person who is the holder of a valid certified public accountant certificate from assuming or using the designation 'certified public accountant' or 'CPA' or any other title, designation, words, letters, sign, card, or device tending to indicate that the person is a certified public accountant.

(8) No person may assume or use the designation 'certified public accountant' or 'CPA' in conjunction with names indicating or implying that there is a partnership or corporation, ((~~or in conjunction with the designation 'and Company' or 'and Co.' or a similar designation~~)) if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.

(9) No person, partnership, or corporation holding a ((~~permit~~) license) under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation 'and Associates' or 'and Assoc.' unless he or she has in fact a partner or employee who holds a ((~~permit~~) license) under RCW 18.04.215.

(10) No person, partnership, or corporation may hold himself, herself, or itself out to the public for the practice of public accounting unless the person, partnership, or corporation holds a ((~~permit~~) license) to practice under RCW 18.04.215 and all of his or its offices in this state are maintained and registered under RCW 18.04.205.

Sec. 16. Section 34, chapter 226, Laws of 1949 as last amended by section 17, chapter 234, Laws of 1983 and RCW 18.04.350 are each amended to read as follows:

(1) Nothing in this chapter prohibits any person not a certified public accountant from serving as an employee of, or as assistant to, a certified public accountant or partnership composed of certified public accountants or corporation of certified public accountants holding a valid ((~~permit~~) license) under RCW 18.04.215. However, the employee or assistant shall not issue any accounting or financial statement over his or her name.

(2) Nothing in this chapter prohibits a certified public accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice.

(3) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in

confidence to other certified public accountants, peer review teams, partnerships, or corporations of public accountants engaged in conducting peer reviews, or any one of their employees in connection with peer reviews of that accountant's accounting and auditing practice conducted under the auspices of recognized professional associations.

(4) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to any employee, representative, officer, or committee member of a recognized professional association, or to the board of accountancy, or any of its employees or committees in connection with a professional (~~(ethics)~~) investigation held under the auspices of recognized professional associations or the board of accountancy.

(5) Nothing in this chapter prohibits any officer, employee, partner, or principal of any organization:

(a) From affixing his or her signature to any statement or report in reference to the affairs of the organization with any wording designating the position, title, or office which he or she holds in the organization; or

(b) From describing himself or herself by the position, title, or office he or she holds in such organization.

(6) Nothing in this chapter prohibits any person, or partnership or corporation composed of persons not holding a (~~(permit)~~) license under RCW 18.04.215 from offering or rendering to the public bookkeeping, accounting, and tax services, including devising and installing systems, financial information or data, or preparing financial statements, written statements describing how such financial statements were prepared, or similar services, provided that persons, partnerships, or corporations not holding a (~~(permit)~~) license under RCW 18.04.215 who offer or render these services do not designate any written statement as an 'audit report,' 'review report,' or 'compilation report,' do not issue any written statement which purports to express or disclaim an opinion on financial statements which have been audited, and do not issue any written statement which expresses assurance on financial statements which have been reviewed.

(7) Nothing in this chapter prohibits any act of or the use of any words by a public official or a public employee in the performance of his or her duties.

Sec. 17. Section 37, chapter 226, Laws of 1949 as amended by section 20, chapter 234, Laws of 1983 and RCW 18.04.380 are each amended to read as follows:

The display or presentation by a person of a card, sign, advertisement, or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words 'certified public accountant' or any abbreviation thereof, or 'licensed public accountant' or any abbreviation thereof, or 'public accountant' or any abbreviation thereof, shall be prima facie evidence in any action brought under this chapter that the person whose name is so displayed, caused or procured the display or presentation of the card, sign, advertisement, or other printed, engraved, or written instrument or device, and that the person is holding himself or herself out to be a certified public accountant or a public accountant holding a (~~(permit)~~) license to practice under this chapter. In any such action, evidence of the commission of a single act prohibited by this chapter is sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

Sec. 18. Section 38, chapter 226, Laws of 1949 as amended by section 21, chapter 234, Laws of 1983 and RCW 18.04.390 are each amended to read as follows:

(1) In the absence of an express agreement between the certified public accountant and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a certified public accountant incident to or in the course of professional service to clients, except reports submitted by a certified public accountant to a client, are the property of the certified public accountant.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the accountant or corporation, or any combined or merged partnership or corporation, or successor in interest (~~(to the partnership or corporation)~~).

(3) A licensee shall furnish to his or her client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account; the licensee may make and retain copies of such documents of the client when they form the basis for work done by him or her.

Sec. 19. Section 23, chapter 234, Laws of 1983 and RCW 18.04.405 are each amended to read as follows:

(1) A certified public accountant, a partnership or corporation of certified public accountants, or any of their employees shall not disclose any confidential information obtained in the

course of a professional transaction except with the consent of the client or former client or as disclosure may be required by law, legal process, the standards of the profession, or as disclosure of confidential information is permitted by RCW 18.04.350 ~~((a))~~ (3) and ~~((b))~~ (4) in connection with peer reviews and ~~((ethics))~~ investigations.

(2) This section shall not be construed as limiting the authority of this state or of the United States or an agency of this state or of the United States to subpoena and use such information in connection with any investigation, public hearing, or other proceeding, nor shall this section be construed as prohibiting a certified public accountant whose professional competence has been challenged in a court of law or before an administrative agency from disclosing confidential information as a part of a defense to the court action or administrative proceeding.

Sec. 20. Section 34, chapter 234, Laws of 1983 and RCW 18.04.901 are each amended to read as follows:

If any provision of this ~~((act))~~ chapter or its application to any person or circumstance is held invalid, the remainder of the ~~((act))~~ chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 30, chapter 234, Laws of 1983 and RCW 43.131.311; and

(2) Section 31, chapter 234, Laws of 1983 and RCW 43.131.312.

Sec. 22. Section 1, chapter 234, Laws of 1983 and RCW 18.04.920 are each amended to read as follows:

This chapter may be cited as the public accountancy act ~~((of 1983))~~.

NEW SECTION, Sec. 23. RCW 18.04.930, 18.04.931, 18.04.932, 18.04.933, and 18.04.934 are each decodified.

NEW SECTION, Sec. 24. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1986, except as provided in this section. Section 5 of this act shall not become effective if sections 90(1) and 4 of Engrossed Substitute House Bill No. 1758 become law."

On page 1, line 1 of the title, after "accountancy;" strike the remainder of the title and insert "amending RCW 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.065, 18.04.105, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.320, 18.04.335, 18.04.345, 18.04.350, 18.04.380, 18.04.390, 18.04.405, 18.04.901, and 18.04.920; decodifying RCW 18.04.930, 18.04.931, 18.04.932, 18.04.933, and 18.04.934; repealing RCW 43.131.311 and 43.131.312; declaring an emergency; and providing an effective date."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Warnke moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 4725.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, in reading through this bill--'Each office shall be under the direct supervision of a resident manager'--and then they've inserted 'licensee.'"

Senator Warnke: "What page are you on?"

Senator Rasmussen: "It's all through the bill. This happens to be on page 19, both for certified and for licensed. My question is, I'm wondering why the change? Evidently the provisions in the bill all the way through would say that you have to be a licensed certified public accountant or a licensed public accountant, but the office that has to be in charge of one of those--you can't have a business manager running it that's not a certified accountant?"

Senator Warnke: "That's right, but what I think we deal with in here also is certified accountants that work for private firms--companies, corporations which are not in competition with public accountants and that is dealt with in this bill also, but they do require a certified public accountant in charge."

Senator Rasmussen: "Where it is outside of an accounting practice and doing accounting work for a company they are excluded?"

Senator Warnke: "That's true."

Senator Rasmussen: "Thank you. I haven't gone through this bill that far yet."

POINT OF INQUIRY

Senator Moore: "Senator Warnke, I've read this bill twice now and for the life of me I can't find the Pharmacy Board in it. Would you tell me what page it's on?"

Senator Warnke: "Thankfully, it is not included in this bill."

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate do concur in the House amendments to Engrossed Senate Bill No. 4725.

The motion by Senator Warnke carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 4725.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4725, as amended by the House.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, this beautiful blue bill, will this assure the public that they are getting an accurate accounting? There has been quite a bit of trouble with accountants giving soft reports instead of hard reports where they've been hired and some of the biggest firms have been involved. Will this correct that problem?"

Senator Warnke: "I can't speak for the accuracy of the audits performed by CPAs or licensed accountants of any kind. I can only tell you that they have to meet certain qualifications to be licensed and I am assuming that if they are going to follow the ethics of the practice of accounting, they will get good audits."

Senator Rasmussen: "And if the SEC or any other government agency finds that they did not then they can lift the license, or would the board do that terrible thing?"

Senator Warnke: "That would have to be up to the board."

Senator Rasmussen: "Thank you. I can see you're wondering too."

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4725, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 42.

Voting nay: Senators Kiskaddon, Metcalf, Williams - 3.

Absent: Senators Benitz, McDermott - 2.

Excused: Senators McCaslin, Stratton - 2.

ENGROSSED SENATE BILL NO. 4725, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted the Conference Committee Report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021 and has granted said committee the powers of Free Conference. The Report of the Free Conference Committee is herewith transmitted.

DENNIS L. HECK, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 12, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, creating Washington health care project commission, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 2021, read in earlier today)

Signed by Senators McDermott and Talmadge: Representatives J. King and Ballard.

MOTION

Senator Talmadge moved that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2021 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Talmadge that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2021 be adopted.

The motion by Senator Talmadge carried and the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2021 was adopted.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, this indicates that the enrollment--the scheduled services shall be based upon estimated costs not exceeding fifty dollars per month per person enrolled. That would be a hundred dollars for a man and a wife?"

Senator Talmadge: "Senator, to what page are you referring?"

Senator Rasmussen: "I don't really know."

Senator Talmadge: "I think you're referring to the older version of the Conference Committee Report, if I recall."

Senator Rasmussen: "Well, the one that I have is revised, dated 12:10 p.m.; 3/12. Is there a later one?"

Senator Talmadge: "No, I believe that's the one."

Senator Rasmussen: "Well, I don't know, the pages aren't apparently numbered. It says 'cp' at the top."

Senator Talmadge: "Yes."

Senator Rasmussen: "Well, that's my question. If you are only merely studying the problem, why are you arriving at a figure of dollar amounts?"

Senator Talmadge: "Well, Senator, I think the project board is supposed to design a program looking to that dollar amount. It's not something that is absolutely written in concrete, however, it is something that is designed to give some guidance to the project board as to what the general intention of the Legislature is in trying to develop this managed health care approach for people on medicaid."

Senator Rasmussen: "It's only a study then? It's not starting a program?"

Senator Talmadge: "Three pilot programs is my understanding, Senator."

Senator Rasmussen: "How are they financing it?"

Senator Talmadge: "These are people who are already receiving state medicaid assistance, so there will be no additional cost to the state of Washington for those people. It is simply designed to look at whether or not the issue of a managed health care approach for people on medicaid assistance would be something that is workable and worthwhile."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 2021, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 2021, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 3; excused, 2.

Voting yea: Senators Bailey, Bauer, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Guess, Pullen - 3.

Absent: Senators Bender, Benitz, McDermott - 3.

Excused: Senators McCaslin, Stratton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4639 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1986

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4639, revising procedures for filling vacancies in elective offices, have had the same under consideration and we recommend that the bill do pass as amended by the Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 4639, read in earlier today)

Signed by Senators Thompson, Granlund and Zimmerman: Representatives Fisher and Fisch.

MOTION

Senator Thompson moved that the Report of the Free Conference Committee on Substitute Senate Bill No. 4639 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Thompson that the Report of the Free Conference Committee on Substitute Senate Bill No. 4639 be adopted.

The motion by Senator Thompson carried and the Report of the Free Conference Committee on Substitute Senate Bill No. 4639 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4639, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4639, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent, 5; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Voting nay: Senator Pullen - 1.

Absent: Senators Benitz, Hayner, Lee, McDermott, Wojahn - 5.

Excused: Senators McCaslin, Stratton - 2.

SUBSTITUTE SENATE BILL NO. 4639, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

March 12, 1986

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331 and has passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

March 12, 1986

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49 and has passed the resolution as amended by the Senate.

DENNIS L. HECK, Chief Clerk

March 12, 1986

Mr. President:

The House has adopted the Report of the Free Conference Committee on HOUSE BILL NO. 1825 and has passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

March 11, 1986

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1399 and has passed the bill as amended by the Free Conference Committee.

DENNIS L. HECK, Chief Clerk

March 12, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 131,

HOUSE BILL NO. 134,

SUBSTITUTE HOUSE BILL NO. 160,

SUBSTITUTE HOUSE BILL NO. 495,

HOUSE BILL NO. 1337,

SUBSTITUTE HOUSE BILL NO. 1593,

HOUSE BILL NO. 1631,

HOUSE BILL NO. 1633,

SUBSTITUTE HOUSE BILL NO. 1709,

SUBSTITUTE HOUSE BILL NO. 1754,

HOUSE BILL NO. 1795,

SUBSTITUTE HOUSE BILL NO. 1827,

SUBSTITUTE HOUSE BILL NO. 1829, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 12, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 378,

SUBSTITUTE HOUSE BILL NO. 803,

HOUSE BILL NO. 1386,

HOUSE BILL NO. 1462,

SUBSTITUTE HOUSE BILL NO. 1447,

HOUSE BILL NO. 1499,

SECOND SUBSTITUTE HOUSE BILL NO. 1505,

SUBSTITUTE HOUSE BILL NO. 1587,

HOUSE BILL NO. 1630,

HOUSE BILL NO. 1647,

HOUSE BILL NO. 1708,

SUBSTITUTE HOUSE BILL NO. 1804,

HOUSE BILL NO. 1851,

SUBSTITUTE HOUSE BILL NO. 1870,

SUBSTITUTE HOUSE BILL NO. 2080,

HOUSE CONCURRENT RESOLUTION NO. 22, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 12, 1986

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 29, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 29.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 131,
HOUSE BILL NO. 134,
SUBSTITUTE HOUSE BILL NO. 160,
SUBSTITUTE HOUSE BILL NO. 495,
HOUSE BILL NO. 1337,
SUBSTITUTE HOUSE BILL NO. 1593,
HOUSE BILL NO. 1631,
HOUSE BILL NO. 1633,
SUBSTITUTE HOUSE BILL NO. 1709,
SUBSTITUTE HOUSE BILL NO. 1754,
HOUSE BILL NO. 1795,
SUBSTITUTE HOUSE BILL NO. 1827,
SUBSTITUTE HOUSE BILL NO. 1829.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 378,
SUBSTITUTE HOUSE BILL NO. 803,
HOUSE BILL NO. 1386,
HOUSE BILL NO. 1462,
SUBSTITUTE HOUSE BILL NO. 1447,
HOUSE BILL NO. 1499,
SECOND SUBSTITUTE HOUSE BILL NO. 1505,
SUBSTITUTE HOUSE BILL NO. 1587,
HOUSE BILL NO. 1630,
HOUSE BILL NO. 1647,
HOUSE BILL NO. 1708,
SUBSTITUTE HOUSE BILL NO. 1804,
HOUSE BILL NO. 1851,
SUBSTITUTE HOUSE BILL NO. 1870,
SUBSTITUTE HOUSE BILL NO. 2080,
HOUSE CONCURRENT RESOLUTION NO. 22.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Gaspard moved that the appointment of Patricia Stell as a member of the Higher Education Personnel Board be confirmed.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Saling, are you familiar with the date on that material that was submitted by Ms. Stell to the committee?"

Senator Saling: "The letter from the Governor to her is May 31, 1985."

Senator Talmadge: "Are you aware of the date upon which she was arrested for criminal trespass of the South African conflict?"

Senator Saling: "No, I am not, Senator Talmadge, and I think that's irrelevant as far as the date is concerned. I think it is absolutely essential that if a person has been arrested for criminal trespass that it is our duty and responsibility to thoroughly check into that person to make sure that they will be an adequate, responsible employee or appointee of the Governor so that they will not embarrass the Governor, or the Senate, or the state of Washington in any endeavor that they take place to participate in."

Senator Talmadge: "Certainly, Senator, but I hope you are not trying to leave the impression that this individual did not supply accurate information at the time she came before the committee, because I believe the time that she supplied the information to the committee was far in advance of the time she was arrested for criminal trespass.

"One further question if I could, Senator Saling. The question I have, I guess, is the standard by which you judge an individual for advise and consent. What you're advocating here in talking about these gubernatorial nominations, is it your sense that anybody that has been arrested for violating a law of the state of Washington is not one that the Senate should confirm for public office or one the people should support for public office in this state?"

Senator Saling: "Of course not, Senator Talmadge. Perhaps you were not on the floor when I made my comments."

Senator Talmadge: "Yes I was."

Senator Saling: "Then perhaps you did not hear what I was saying. I am not saying that these people should not be confirmed. They may be the very best people for the position and I said that before. I am saying let's not do it right now. Why rush into these particular people when we have six or seven pages of other confirmations to make. Why shouldn't there be assurance on the part of all of us here that these are the best possible people? I think we have that responsibility as a body that confirms these appointments to make sure that we are doing the correct job and that the Governor or the Senate will not be embarrassed in the future and have to have the Governor ask for someone's resignation from a position."

Senator Talmadge: "Well certainly, Senator, then you think the very same standard that you set out about giving careful scrutiny to the individual and taking appropriate time to deal with someone who has been arrested for exercising their sense of conscience, I trust the people of the legislative districts that are represented by Representative Van Dyke and Representative Fuhrman, who were both arrested for protesting on an issue in Spokane--in your area, I believe--will take the same kind of time and the same kind of detailed analysis to the fact that they were arrested for a crime as you've done for these individuals in making their judgment about whether to elect those individuals to public office."

Further debate ensued.

POINT OF INQUIRY

Senator Rinehart: "Senator Gaspard, what is the date on the information submitted by Patricia Stell?"

Senator Gaspard: "Senator Rinehart, the information given us and supplied to us by the Governor's Office, on the questionnaire and under the public notary has the date of June 14, 1985. I'm glad that you've asked the question because I think it needs to clarify some of the statements made by Senator Saling--that it was Patricia Stell that made the update--the correction--to the version that was before the committee on a voluntary situation. She wanted the committee to be fully informed that she had been arrested in protesting apartheid and in the further investigation of that matter, we found out that the matter had been dismissed."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard that the appointment of Patricia Stell as a member of the Higher Education Personnel Board be confirmed.

APPOINTMENT OF PATRICIA STELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 29; nays, 10; absent, 8; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Bluechel, Cantu, Craswell, Hayner, Johnson, McDonald, Metcalf, Pullen, Saling, Sellar - 10.

Absent: Senators Benitz, Deccio, Guess, Lee, McDermott, Newhouse, Patterson, Zimmerman - 8.

Excused: Senators McCaslin, Stratton - 2.

MOTION

Senator Rinehart moved that the appointment of Tsuguo Ikeda as a member of the Vocational Education Committee be confirmed.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rinehart that the appointment of Tsuguo Ikeda as a member of the Vocational Education Commission be confirmed.

APPOINTMENT OF TSUGUO IKEDA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 28; nays, 8; absent, 11; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Kiskaddon, Kreidler, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Bluechel, Cantu, Hayner, Johnson, McDonald, Metcalf, Saling, Sellar - 8.

Absent: Senators Barr, Benitz, Craswell, Deccio, Guess, Halsan, Hansen, Lee, McDermott, Patterson, Zimmerman - 11.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Rinehart the appointment of Virginia Cross as a trustee for Green River Community College District No. 10 was confirmed.

APPOINTMENT OF VIRGINIA CROSS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 31; nays, 5; absent, 11; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kiskaddon, Kreidler, McDonald, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn - 31.

Voting nay: Senators Bluechel, Cantu, Craswell, Metcalf, Saling - 5.

Absent: Senators Barr, Benitz, Deccio, Guess, Hansen, Hayner, Lee, McDermott, Newhouse, Patterson, Zimmerman - 11.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Goltz, the appointment of Bernie Thomas as a trustee for Whatcom Community College District No. 21 was confirmed.

APPOINTMENT OF BERNIE THOMAS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 34; absent, 13; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognil, von Reichbauer, Warnke, Williams, Wojahn - 34.

Absent: Senators Barr, Benitz, Bluechel, Bottiger, Deccio, Guess, Kiskaddon, Lee, McDermott, Newhouse, Patterson, Thompson, Zimmerman - 13.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Rinehart, the appointment of Antonio Santoy as a member of the State Board for Community College Education was confirmed.

APPOINTMENT OF ANTONIO SANTOY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; nays, 1; absent, 11; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kreidler, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senator Pullen - 1.

Absent: Senators Barr, Benitz, Bluechel, Bottiger, Deccio, Guess, Hansen, Kiskaddon, Lee, McDermott, Patterson - 11.

Excused: Senators McCaslin, Stratton - 2.

MOTION

Senator Vognild moved that all Gubernatorial Appointments as Trustees for Community College Districts on the second reading calendar be confirmed by a single roll call vote and each name recorded as if voting on each appointment separately.

The President declared the question before the Senate to be the roll call vote on all the Gubernatorial Appointments as Trustees for Community College Districts on the second reading calendar.

The motion by Senator Vognild carried and the following Gubernatorial Appointments were confirmed:

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Vognild, the appointment of Robert Yamashita as a member of the Board of Trustees for Tacoma Community College District No. 22 was confirmed.

APPOINTMENT OF ROBERT YAMASHITA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Helen Barr as a member of the Board of Trustees for Peninsula Community College District No. 1 was confirmed.

APPOINTMENT OF HELEN BARR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Margery Guthrie as a member of the Board of Trustees for Highline Community College District No. 9 was confirmed.

APPOINTMENT OF MARGERY GUTHRIE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Karen Miller as a member of the Board of Trustees for Edmonds Community College District No. 23 was confirmed.

APPOINTMENT OF KAREN MILLER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Craig Nelson as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15 was confirmed.

APPOINTMENT OF CRAIG NELSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Ann Hobi Scroggs as a member of the Board of Trustees for Grays Harbor Community College District No. 2 was confirmed.

APPOINTMENT OF ANN HOBI SCROGGS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of John Mitchell as a member of the Board of Trustees for Olympic Community College District No. 3 was confirmed.

APPOINTMENT OF JOHN MITCHELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Arlene Miller as a member of the Board of Trustees for Skagit Valley Community College District No. 4 was confirmed.

APPOINTMENT OF ARLENE MILLER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.
Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognilid, the appointment of Terry Ollis as a member of the Board of Trustees for Everett Community College District No. 5 was confirmed.

APPOINTMENT OF TERRY OLLIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.
Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognilid, the appointment of Richard Sonstelie as a member of the Board of Trustees for Bellevue Community College District No. 8 was confirmed.

APPOINTMENT OF RICHARD SONSTELIE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.
Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognilid, the appointment of Elsie Dennis as a member of the Board of Trustees for Highline Community College District No. 9 was confirmed.

APPOINTMENT OF ELSIE DENNIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.
Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognilid, the appointment of Benay Nordby as a member of the Board of Trustees for Green River Community College District No. 10 was confirmed.

APPOINTMENT OF BENAY NORDBY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf,

Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Laura Stoner as a member of the Board of Trustees for Fort Steilacoom Community College District No. 11 was confirmed.

APPOINTMENT OF LAURA STONER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Deanne Cook as a member of the Board of Trustees for Centralia Community College District No. 12 was confirmed.

APPOINTMENT OF DEANNE COOK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Richard Graham as a member of the Board of Trustees for Lower Columbia Community College District No. 13 was confirmed.

APPOINTMENT OF RICHARD GRAHAM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Mitchell Bower, Jr. as a member of the Board of Trustees for Clark Community College District No. 14 was confirmed.

APPOINTMENT OF MITCHELL BOWER, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Dorothy Knechtel as a member of the Board of Trustees for Spokane Community College District No. 17 was confirmed.

APPOINTMENT OF DOROTHY KNECHTEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Dr. Allen D. Deane as a member of the Board of Trustees for Big Bend Community College District No. 18 was confirmed.

APPOINTMENT OF DR. ALLEN D. DEANE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Jan Ludwig as a member of the Board of Trustees for Columbia Basin Community College District No. 19 was confirmed.

APPOINTMENT OF JAN LUDWIG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Karyn Clarke as a member of the Board of Trustees for Tacoma Community College District No. 22 was confirmed.

APPOINTMENT OF KARYN CLARKE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Arthur Siegal as a member of the Board of Trustees for Seattle Community College District No. 6 was confirmed.

APPOINTMENT OF ARTHUR SIEGAL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Jack Tice as a member of the Board of Trustees for Peninsula Community College District No. 1 was confirmed.

APPOINTMENT OF JACK TICE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Jack Durney as a member of the Board of Trustees for Grays Harbor Community College District No. 2 was confirmed.

APPOINTMENT OF JACK DURNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Chris Wilson as a member of the Board of Trustees for Walla Walla Community College District No. 20 was confirmed.

APPOINTMENT OF CHRIS WILSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Dr. Gregory Trujillo as a member of the Board of Trustees for Yakima Valley Community College District No. 16 was confirmed.

APPOINTMENT OF DR. GREGORY TRUJILLO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan,

Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.
Excused: Senators McCaslin, Stratton - 2.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the eighth order of business.

Senator Vognild moved that Senate Floor Resolution Nos. 131, 145, 156, 161, 164, 166, 170, 175, 177, 179, 181, 183, 189, 191 and 192 be adopted.

The President declared the question before the Senate to be adoption of Senate Floor Resolution Nos. 131, 145, 156, 161, 164, 166, 170, 175, 177, 179, 181, 183, 189, 191 and 192.

The motion by Senator Vognild carried and the following resolutions were adopted:

SENATE RESOLUTION 1986-131

by Senators Rasmussen and Vognild

WHEREAS, There has been and remains a greater need for attention to adequate design and construction of facilities both public and private, in homes, institutions, commercial and industrial places of employment, learning and recreation and in public offices and other facilities where the public might gather, and such places should be fully accessible for the physically handicapped and disabled community; and

WHEREAS, Such freedom of action for those physically handicapped and disabled serves to promote greater social, educational and employment opportunities for such persons and thus serves the public good; and

WHEREAS, Previously, National Housing for the Handicapped Week served to emphasize the housing programs for the handicapped and to promote adequate design and construction to meet the needs of the handicapped and the disabled;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That National Housing for the Handicapped Week be reinstated, and that the proper public officials be urged to reactivate this annual observance; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate forward copies of this resolution to the officers of the Indoor Sports Club, Inc., for proper action at that organization's 1986 national convention.

SENATE RESOLUTION 1986-145

by Senator Wojahn

WHEREAS, Tacoma has been recognized nationally for its outstanding park system which has been named the best in the nation for 1985 for cities with a population of 100,000 to 200,000 (1985 pop., 160,800); and

WHEREAS, Tacoma parks were awarded first place in nation-wide competition, the 'superbowl' for parks and recreation agencies across the country; and

WHEREAS, This award was given by the National Sports Foundation and was presented at the annual congress of the National Parks and Recreation Association; and

WHEREAS, This honor recognizes the recent major improvements made at the Tacoma Zoo at Point Defiance Park, at the two waterfront parks, the Les Davis Fishing Pier and the Marine Park, which facilities benefit all the citizens of Tacoma and Pierce County and are enjoyed also by thousands of out-of-town visitors to our area; and

WHEREAS, The Metropolitan Park District of Tacoma and Pierce County, the only governmental body of its type in the state, should be commended for these outstanding achievements in operating one of the finest park systems in America;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington extend its warmest congratulations to the board members of the Metropolitan Park District and to each member of the staff; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the Metropolitan Park District.

SENATE RESOLUTION 1986-156

by Senator Fleming

WHEREAS, Our health is a precious yet sometimes neglected treasure; and
 WHEREAS, Health care costs have become increasingly difficult to afford, placing an undue burden on the elderly, the unemployed, single parent families, the most vulnerable among us; and

WHEREAS, Health Check Northwest, a local non-profit organization, recognizes the necessity of available health care in our community, and has reached into our neighborhoods to help individuals become more aware of their health and how to promote its wellness; and

WHEREAS, Year-round programs for children, adults, minorities, seniors, women and workers have been established by Health Check Northwest to address the unique challenges these groups face in today's society; and

WHEREAS, The plight of bringing health screenings and education to the people of the state of Washington has stirred a spirit of camaraderie and generosity among volunteers, public and private sector organizations, and the medical profession;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That Health Check Northwest be recognized and commended for its sensitivity and creativity in providing health care programs throughout the state; and

BE IT FURTHER RESOLVED, That the Senate acknowledges the untiring and high spirited volunteers of Health Check Northwest, the generosity of KING-TV and Chevron, U.S.A. and other private and public sector organizations which have donated financial support and countless hours to Health Check Northwest, and the medical profession which has lent its expert knowledge and services in support of Health Check Northwest; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Anna Jacoby, Executive Director of Health Check Northwest, Sturges Dorrance, Vice-President and General Manager of KING-TV, and Boyd Holding, Northwest Division Manager of Public Affairs, Chevron, U.S.A.

SENATE RESOLUTION 1986-161

by Senator Guess

WHEREAS, The untiring efforts of the dedicated crew of men and women serving those of us on this Senate floor, year in and year out; and

WHEREAS, Their efforts are unseen and seldom given a thought by those of us bent on serving our fellow man; and

WHEREAS, In summer, winter, spring and fall, they come in, clean and leave our hallowed halls in the black hours of dark; and

WHEREAS, Nameless though they be, some infirm from birth, others from age, they ask nought but to serve; and

WHEREAS, Duane Reid, one of God's special children was numbered among those faceless and nameless, now suffers needlessly the strange vagaries that man inflicts upon his fellow man;

NOW, THEREFORE, BE IT RESOLVED, That justice be done, that the injustice being visited upon Duane be speedily lifted by those in higher authority responsible for the cleanliness of our chambers and the direction of those who serve; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington publicly expresses its gratitude for those unsung, unseen public servants who so faithfully serve us.

SENATE RESOLUTION 1986-164

by Senator Peterson

WHEREAS, It is the policy of the Legislature to recognize outstanding accomplishments in the performing arts; and

WHEREAS, The Vela Luka Croation Dancers of Anacortes are an extraordinary group of people whose dances are symbolic of our nation's ancestry, forging a cross-cultural link between Washington State and the Croatia area of Yugoslavia; and

WHEREAS, This remarkable folk dance troupe has performed to the pleasure and delight of thousands across the state; and

WHEREAS, The Vela Luka Croation Dancers have been invited to include their talents at the rededication celebration of the Statue of Liberty on July 4th, 5th and 6th in New York City, thus representing all of Washington State in the ceremony to mark the 100th anniversary of the statue; and

WHEREAS, The newly renovated Statue of Liberty continues now and forever to stand as a beacon of freedom and democracy to the entire world; and

WHEREAS, Nearly all 65 members of the Vela Luka dancers rise from Croation soil or Croation ancestry, coming to settle in Skagit County, Washington and sharing the toils of labor and fruits of freedom of all who have built the United States to its present might;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognizes the Vela Luka Croation Folklore Ensemble as an official emissary to the forthcoming centennial rededication of the Statue of Liberty; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Maria Petrish, founder and director of the Vela Luka Dance Company.

SENATE RESOLUTION 1986-166

by Senator Kreidler

WHEREAS, Public school extracurricular activities play such a vital role in the development of young people; and

WHEREAS, Athletic achievements should always be seen as a part, but only a part of a total education; and

WHEREAS, Scholastic achievements often receive less public attention than do athletic achievements; and

WHEREAS, The Washington Interscholastic Activities Association recently surveyed all state high school basketball teams in order to ascertain the grade point averages of the student-athletes; and

WHEREAS, The William Winlock Miller (Olympia High School) boys basketball team was ranked first in the state with an accumulative grade point average of 3.43 for the entire twelve-man roster; and

WHEREAS, These same young student-athletes are currently 20-2 for their season and are participating in the region basketball play-offs; and

WHEREAS, This group of student-athletes embodies the very best of our high school extracurricular activities system;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Olympia High School Bears, coached by Al Sokaitis, be heartily congratulated for their achievements on the basketball floor and more especially in the classroom, and for their dedication to excellence, which is so typical of young people in our school system; and

BE IT FURTHER RESOLVED, That the Senate wishes these young men continued success in all their future athletic and academic endeavors; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Olympia High School for proper recognition by its faculty, students and staff.

SENATE RESOLUTION 1986-170

by Senator Sellar

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Cashmere High School Bulldogs on March 8, 1986, won the state Class A Basketball Championship; and

WHEREAS, This is Cashmere's fifth state basketball championship, the most ever in Class A history; and

WHEREAS, The 53-50 double-overtime victory over Lynden was one of the most exciting in state championship history; and

WHEREAS, Coach Bill Kelly's final game with Cashmere reaffirmed his extraordinary coaching talent; and

WHEREAS, The Bulldogs achieved a magnificent 25-1 season; and

WHEREAS, The 1985-86 Cashmere High School basketball team proudly upheld the school's rich tradition of sportsmanship, scholarship and citizenship;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Cashmere High School Bulldogs and their coaching staff be commended on their great success; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Mr. Bill Kelly, head coach of the Cashmere Bulldogs and to each of the team members.

SENATE RESOLUTION 1986-175

by Senator McCaslin

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Liberty High School basketball team won the tough Bi-County League Championship, the Northeast District Tournament, and ended their season with a 23-5 record; and

WHEREAS, For the first time in the school's twenty-five year history, the Liberty Lancers have won the Washington State B Basketball Championship; and

WHEREAS, Two members of the Liberty Lancers, Aaron Hansen and Erik Cantlon, have been selected to the All State B team; and

WHEREAS, The team members are also high achievers in academic accomplishment as demonstrated by their 3.28 combined grade point average; and

WHEREAS, The team and school conducted itself in a manner to make the folk in the communities of Fairfield, Spangle, Waverly and Latah very proud by also being awarded the Bi-County Sportsmanship Award; and

WHEREAS, The team's impressive accomplishments would not have been possible without the guidance, support and inspiration of coach Dick Trudgeon, teachers and parents;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognizes and congratulates the Liberty High School Lancer basketball team, and school student body for their great accomplishment during the 1985-86 basketball season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to coach Dick Trudgeon and to Tom Ashenbrenner, principal of Liberty High School.

SENATE RESOLUTION 1986-177

by Senators Zimmerman, Warnke, Bauer, McCaslin, Lee and Rinehart

WHEREAS, The College Legislative Intern Program was initiated in the State of Washington during the 1960's by Senator R. Ted Bottiger with students from two colleges and has expanded to include fifty-five students from twelve state and private schools; and

WHEREAS, The Senior Intern Program was begun in 1982 by Representative Pat Fiske with a representative from each of the thirteen area agencies for the aged and has continued each succeeding year with each agency represented; and

WHEREAS, Participants have provided a wide and varied range of necessary support services to their assigned legislators including communications with constituents, bill writing and tracking, surveys, record keeping, committee and session meetings, service on advisory committees, word processing, development of visual aids, research and report writing and issuance of a periodic newsletter sent to constituents; and

WHEREAS, In addition to experience gained by participation in the Legislative process, a series of seminars originated by former Coordinator Barbara Howard and extended by present Coordinators Jeanne Smith and Naomi Duke, relating to governmental processes and services give Interns a comprehensive view of Washington State government; and

WHEREAS, One of the primary goals of Intern participants is to become more fully informed citizens---and the program has proven to fulfill this purpose; and

WHEREAS, Legislators benefit from the support and assistance provided by Intern participants and Interns benefit from the knowledge of legislators and opportunity to become a contributor to the process;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate recognize the value of the program and contributions of the Interns toward assisting us in serving our purpose; and

BE IT FURTHER RESOLVED, That we fully support continuance of the program and the funding allocated for the program; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to each member of the 1986 Intern Program in honor and recognition of their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution also be transmitted by the Secretary of the Senate to Senator R. Ted Bottiger, former Representative Pat Fiske, former Coordinator Barbara Howard, and present Coordinators Jeanne Smith and Naomi Duke in honor and recognition of their contributions toward the birth and growth of the Legislative Intern Program.

SENATE RESOLUTION 1986-179

by Senator Bailey

WHEREAS, Mason Bishop has for the past fifty years served the citizens of his community as an automobile sales representative with the same firm, Bickford Motors, which is also the oldest Ford-Mercury dealership on the West Coast; and

WHEREAS, During this time, the reputation for integrity of Mason Bishop has led to the request for his assistance by members of four generations of the same family in many instances; and

WHEREAS, Mason Bishop is a good family man, and a public-spirited citizen with a Southern gentleman approach to relations with his many friends, as evidenced by his grace of manners and speech derived from his years as a youth in the hills of West Virginia; and

WHEREAS, Snohomish County has proclaimed the week of June 9th through 14th to be a week for recognition of the achievements of Mason Bishop, and a time to express the gratitude of the citizens of that county for his warmth and character through the years;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the unusual nature of the accomplishments of Mason Bishop; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit a copy of this resolution to Mason Bishop.

SENATE RESOLUTION 1986-181

by Senators Kreidler and Halsan

WHEREAS, The city of Olympia, Washington holds in high regard the healthy spiritual, physical and mental potential of humankind; and

WHEREAS, The city of Olympia supports the rights of persons world-wide to develop themselves through the personal interaction of international amateur sports competition; and

WHEREAS, The city of Olympia appreciates the value of special recognition for individual amateur sports competitors who personify this quest for excellence; and

WHEREAS, The interest and spirit of Olympia in "being a part" of the Olympic games was vigorously displayed when it cooperated with Lacey, Tumwater, Thurston County and others from around the country to host the first ever Women's Olympic Marathon Trials in 1984; and

WHEREAS, A group of Olympia area citizens have organized an effort to locate a permanent "Olympic Hall of Fame" in that community to bestow a lasting tribute to America's premier athletes and coaches, and distinguished supporters of the Olympic Games; and

WHEREAS, The combination of Olympia's natural environment, healthful climate, array of nearby sports facilities, location on the world's Pacific rim, and position at the gateway to the Olympic mountains provides an unequalled setting for the Olympic Hall of Fame;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington pledges support and cooperation to establish the Olympic Hall of Fame in Olympia, Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Mayor of the city of Olympia.

SENATE RESOLUTION 1986-183

by Senators Hansen, Gaspard, Patterson, Saling, Warnke, Goltz and Guess

WHEREAS, For the first time in the history of the National Association of Inter-collegiate Athletics, one university, Central Washington University, has won both the men's and women's national swimming championships; and

WHEREAS, Central Washington University swimmer Stan Vela of Spokane has been named the top NAIA male swimmer of 1986, the second year in a row he has earned that award and the fourth year in a row that honor has been awarded to a Central Washington University swimmer; and

WHEREAS, Seven members of the Central Washington University men's and women's varsity swim teams have been named to the Academic All American team, having earned grade point averages of more than 3.0, having attained their junior year, and having qualified for national competition; and

WHEREAS, Roger Senn of Edmonds and Peter Braden of Seattle, both members of the Central Washington University men's swim team, have earned the top two spots on the 25-member Academic All American Men's Swim Team with grade point averages of higher than 3.8; and

WHEREAS, The 35-member Central Washington University men's and women's team won a total of 13 events in the 1986 NAIA swim championships competing against swimmers from more than 50 colleges and universities; and

WHEREAS, Central Washington University varsity coach Bob Gregson, this year assisted by coach Lori Clark, has successfully completed 20 years as head coach of the Wildcats' varsity swim team;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby offers heartiest congratulations to members of the Central Washington University varsity men's and women's swim teams, and to coaches Gregson and Clark, for their outstanding academic and athletic accomplishments; and

BE IT FURTHER RESOLVED, That the Senate extends its best wishes to the swimmers, their coaches and to Central Washington University for continued academic and athletic success; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Central Washington University President Donald Garrity to become part of the well-deserved celebration honoring these outstanding athletes and their coaching team.

SENATE RESOLUTION 1986-189

by Senators Hansen, Moore, Wojahn, McDermott and Talmadge

WHEREAS, The problems of hunger and malnutrition in America and throughout the world are well known to people in the state of Washington; and

WHEREAS, The people of the state of Washington have consistently demonstrated their concern for those people at home and abroad who receive inadequate food supplies; and

WHEREAS, On May 25th, the largest food drive ever embarked upon, known as 'Hands Across America,' will be held which is proposed to involve more than 5 million people joining hands to form a human chain reaching from the Pacific coast to the Atlantic coast; and

WHEREAS, Similar other efforts have proven to be quite successful such as the 'Farm Aid' concert raising 10 million dollars for providing relief to families who are in peril of losing their farms and the 'Live Aid' concert which raised 92.1 million dollars for African famine relief;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby designates the week of May 19 - 25 as 'Food Awareness Week' in coordination with the 'Hands Across America' event to encourage people to join in support of

providing food or other donations for the aid of the hungry either to their local food bank or the 'Hands Across America' effort.

SENATE RESOLUTION 1986-191

by Senator Halsan

WHEREAS, Bill Ward has announced his retirement after thirty-three years of high school coaching in Washington State; and

WHEREAS, His coaching career followed his own schooling at Western Washington University; and

WHEREAS, Mr. Ward was the first basketball coach at Mercer Island High School in 1953, where he remained until 1957; and

WHEREAS, Mr. Ward then moved to Yelm High School, where he guided the Yelm Tornados to the state class B championship in 1958; and

WHEREAS, Mr. Ward then moved to the new Tumwater High School where he has remained as the Thunderbirds' only basketball coach for the past twenty-five years; and

WHEREAS, His thirty-three years of coaching 715 games included 374 wins; and

WHEREAS, Mr. Ward also coached track, football, baseball and golf during his illustrious career, as well as being a social studies teacher; and

WHEREAS, The dedication to young people exhibited by Bill Ward has had a profound effect upon hundreds of young men and women, embodying the very best of Washington State high school athletic programs;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate do hereby congratulate and honor Bill Ward for his commitment, his dedication, and his life-long willingness to assist young people with the values that high school athletics so clearly leave upon its participants; and

BE IT FURTHER RESOLVED, That the Senate extend its best wishes to Bill Ward for the remainder of his teaching career, in hope he may now spend more of his time skiing, fishing, golfing, and entertaining his two year-old grandson; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Tumwater High School to be part of the many well-deserved accolades of recognition and thanks to Bill Ward.

SENATE RESOLUTION 1986-192

by Senators Bottiger, Fleming, Vognild, Hayner and Sellar

WHEREAS, Participation in the legislative process by the private sector is important to providing legislators with information on which to make decisions; and

WHEREAS, Communication is a most important element to any Legislature; and

WHEREAS, One of the most important roles performed at no expense to the public is the Third House Message Center; and

WHEREAS, The Third House Message Center has ably served the Legislature and lobbyists by providing confidential, timely and reliable communications; and

WHEREAS, Staff of the message center has been and continues to be the key to its successful operation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pause to congratulate Sarah D. Simons for seventeen years of service in the message center, and wish her well in her retirement; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Sarah D. Simons.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3397,

SENATE BILL NO. 4463,

SUBSTITUTE SENATE BILL NO. 4531,

SUBSTITUTE SENATE BILL NO. 4639,

SENATE BILL NO. 4725,

SUBSTITUTE SENATE BILL NO. 4779,

SUBSTITUTE SENATE BILL NO. 4814.

SUBSTITUTE SENATE BILL NO. 4917,
 SUBSTITUTE SENATE JOINT RESOLUTION NO. 138.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 11, 1986

Mr. President:

The House has adopted the Free Conference Committee Report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021 and passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

MOTIONS

On motion of Senator Vognild, the Senate advanced to the sixth order of business.

Senator Vognild moved that Gubernatorial Appointment Nos. 124, 193, 209, 211, 275, 194, 195, 196, 197, 198, 199, 223, 243, 244, 246, 250, 251, 254, 255, 288 and 289 which were on the second reading calendar be confirmed by a single roll call vote and each name recorded as if voting on each appointment separately.

The President declared the question before the Senate to be the roll call vote on Gubernatorial Appointment Nos. 124, 193, 209, 211, 275, 194, 195, 196, 197, 198, 199, 223, 243, 244, 246, 250, 251, 254, 255, 288 and 289.

The motion by Senator Vognild carried and the following Gubernatorial Appointments were confirmed:

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Vognild, the appointment of Donalee Rutledge as a member of the High-Technology Coordinating Board was confirmed.

APPOINTMENT OF DONALEE RUTLEDGE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Marjorie Redman as a member of the Puget Sound Water Quality Authority was confirmed.

APPOINTMENT OF MARJORIE REDMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Judith Lonquist as a member of the Lottery Commission was confirmed.

APPOINTMENT OF JUDITH LONNQUIST

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Mary Christopherson as a member of the Lottery Commission was confirmed.

APPOINTMENT OF MARY CHRISTOPHERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Marvin Lekstrum as a member of the Export Assistance Center Board of Directors was confirmed.

APPOINTMENT OF MARVIN LEKSTRUM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Lester W. Eldridge as a member of the Puget Sound Water Quality Authority was confirmed.

APPOINTMENT OF LESTER W. ELDRIDGE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Dr. Sheri Jeanne Tonn as a member of the Puget Sound Water Quality Authority was confirmed.

APPOINTMENT OF DR. SHERI JEANNE TONN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Judith M. Runstad as a member of the Puget Sound Water Quality Authority was confirmed.

APPOINTMENT OF JUDITH M. RUNSTAD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of John Sawyer as a member of the Puget Sound Water Quality Authority was confirmed.

APPOINTMENT OF JOHN SAWYER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Katherine Fletcher as chairperson of the Puget Sound Water Quality Authority was confirmed.

APPOINTMENT OF KATHERINE FLETCHER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Vivian Winston as a member of the Higher Education Coordinating Board was confirmed.

APPOINTMENT OF VIVIAN WINSTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan,

Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.
Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of David K. Y. Tang as a member of the Board of Trustees for The Evergreen State College was confirmed.

APPOINTMENT OF DAVID K. Y. TANG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.
Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Allan Weinstein as a member of the Board of Trustees for The Evergreen State College was confirmed.

APPOINTMENT OF ALLAN WEINSTEIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.
Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Frances Scott as a member of the Board of Regents for Washington State University was confirmed.

APPOINTMENT OF FRANCES SCOTT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.
Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Kathryn Bannai as a member of the Board of Regents for Eastern Washington University was confirmed.

APPOINTMENT OF KATHRYN BANNAI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.
Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Jack Geraghty as a member of the Board of Regents for Eastern Washington University was confirmed.

APPOINTMENT OF JACK GERAGHTY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Charlotte Chaiker as a member of the Board of Trustees for Western Washington University was confirmed.

APPOINTMENT OF CHARLOTTE CHALKER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Judge Jerome Farris as a member of the Board of Regents for the University of Washington was confirmed.

APPOINTMENT OF JUDGE JEROME FARRIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Harlan D. Douglass as a member of the Washington State Housing Finance Commission was confirmed.

APPOINTMENT OF HARLAN D. DOUGLASS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

MOTION

On motion of Senator Vognild, the appointment of Ralph C. Ruff as Director of the Office of Minority and Women's Business Enterprises was confirmed.

APPOINTMENT OF RALPH C. RUFF

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Stratton - 2.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

March 12, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1134,

SUBSTITUTE HOUSE BILL NO. 1331,

HOUSE BILL NO. 1399,

SUBSTITUTE HOUSE BILL NO. 1598,

SUBSTITUTE HOUSE BILL NO. 1614,

HOUSE BILL NO. 1825,

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 12, 1986

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2021, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

MOTION

On motion of Senator Bottiger, the following resolution was adopted:

SENATE RESOLUTION 1986-171

by Senator Bottiger

WHEREAS, This last day of the 49th Legislative session marks the "last hurrah" for one of the most influential and respected Legislators to walk the marble halls of the Washington State Capitol; and

WHEREAS, Representative Wayne Ehlers (D-2nd District) has served the people of his state and his district for more than a dozen years, working his way up through the House of Representatives to become Speaker of the House in 1983; and

WHEREAS, Speaker Ehlers presided over the House with the greatest of honor, dignity and integrity, and has demonstrated a commitment to the legislative process; and

WHEREAS, The House Speaker "shattered" the sine die gavel record in his first year as Speaker, and has since come to be known as the "Ready...Fire...Aim-Speaker"; and

WHEREAS, Speaker Ehlers has been deservedly named on various occasions as: Legislator of the Year, Newsmaker of Tomorrow and Best Committee Chairman of the House; and

WHEREAS, The Speaker of the House has set a new high for his predecessors to follow in compassion, reason and effectiveness;

NOW, THEREFORE, BE IT RESOLVED, By the Members of the Washington State Senate, That we honor Wayne Ehlers, Speaker of the House of Representatives, for his outstanding dedication to the people of Washington, the people of the 2nd District and to the Legislature; and

BE IT FURTHER RESOLVED, That the Washington State Senate is truly sorry to know that Speaker Ehlers will not be wielding the gavel in future Legislative sessions, however we wish him and his family the greatest success in the future; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to the Chief Clerk of the House of Representatives and to Speaker Ehlers.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Bottiger, Gaspard, Bender, Hansen, Goltz, Hayner, Patterson, Warnke and Pullen as a committee to present Senate Resolution 1986-171 to Representative Ehlers in the House of Representatives.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3397,

SENATE BILL NO. 4463,

SUBSTITUTE SENATE BILL NO. 4531,

SUBSTITUTE SENATE BILL NO. 4639,

SENATE BILL NO. 4725,

SUBSTITUTE SENATE BILL NO. 4779,

SUBSTITUTE SENATE BILL NO. 4814,

SUBSTITUTE SENATE BILL NO. 4917,

SUBSTITUTE SENATE JOINT RESOLUTION NO. 138, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1134,

SUBSTITUTE HOUSE BILL NO. 1331,

HOUSE BILL NO. 1399,

SUBSTITUTE HOUSE BILL NO. 1598, •

HOUSE BILL NO. 1614,

HOUSE BILL NO. 1825,

SUBSTITUTE HOUSE BILL NO. 2021,

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49.

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

MOTION

On motion of Senator Vognild, the following resolution was adopted:

SENATE RESOLUTION 1986-193

BE IT RESOLVED, By the Senate, That a committee consisting of three members of the Senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY
HOUSE OF ADJOURNMENT SINE DIE

Under the provisions of Senate Resolution 1986-193, the President appointed Senators DeJarnatt, Bluechel and Owen to notify the House that the Senate is ready to SINE DIE.

MOTION

On motion of Senator Vognild, the committee appointments were confirmed.

REPORT OF SPECIAL COMMITTEE APPOINTED TO PRESENT
SENATE RESOLUTION 1986-171 TO REPRESENTATIVE EHLERS

The Sergeant at Arms announced the return of the special committee composed of Senators Bottiger, Gaspard, Bender, Hansen, Goltz, Hayner, Patterson, Warnke and Pullen who were appointed to present Representative Ehlers with Senate Resolution 1986-171. The committee reported they had presented the resolution to Representative Ehlers and wished him well as he leaves the Legislature.

The report was received and the committee was discharged.

COMMITTEE FROM THE HOUSE NOTIFYING
THE SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House consisting of Representatives Braddock, West and Kremen. The committee appeared before the the bar of the Senate to notify the Senate that the House was about to adjourn SINE DIE.

The report was received and the committee returned to the House.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 28, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 28 by Representatives J. King and Barrett

Notifying the governor that the legislature is about to adjourn SINE DIE.

MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 28 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 28 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY
THE GOVERNOR OF ADJOURNMENT SINE DIE

Under the provisions of House Concurrent Resolution No. 28, the President appointed Senators Fleming, Talmadge and von Reichbauer from the Senate to join a like committee from the House to notify the Governor that the Legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Vognild, the committee appointments were confirmed.

REPORT OF SPECIAL COMMITTEE APPOINTED NOTIFYING
HOUSE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators DeJarnatt, Bluechel and Owen who were appointed under the provisions of Senate Resolution 1986-193. The committee reported they had notified the House that the Senate is ready to adjourn SINE DIE.

The report was received and the committee was discharged.

PERSONAL PRIVILEGE

Senator Gaspard: "Mr. President and members of the Senate, a point of personal privilege. In case Senator Bottiger isn't successful in convincing Senator Goltz to run again, I would just like to say to Barney that it has been a pleasure to serve with you all these years. We came in together in the 1972 election and to me, Barney, I think you have set a high standard for all of us in public life. It will go on. We will miss you. It was a sad day when you informed us all that you and Marguerite were not going to be down here every January and we will miss that very much.

"Mr. President, with your consent and the consent of the Legislature, I would ask if Senator Goltz and Marguerite could join you in adjourning this 49th Legislature Sine Die?"

REPLY BY THE PRESIDENT

President Cherberg: "Thank you, very much."

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 28, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 28.

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

INTRODUCTION AND FIRST READING

SCR 136 by Senators Bottiger, Fleming, Hayner and Sellar

Adjournment Sine Die of the 1986 Regular Session of the 49th Legislature.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 136 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 136 was advanced to third reading, the second reading considered the third and the resolution was adopted.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY
THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Fleming, Talmadge and von Reichbauer who were appointed under the provisions of House Concurrent Resolution No. 28. The committee reported they joined with a like committee from the House and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 136, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 136.

MOTIONS

On motion of Senator Vognild, the Senate advanced the eighth order of business.

On motion of Senator Vognild, the following resolution was adopted:

SENATE RESOLUTION 1986-194

by Senators Bottiger, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, That all bills, memorials, joint resolutions and concurrent resolutions in possession of the Secretary of the Senate be indefinitely postponed.

MESSAGE FROM THE HOUSE

March 12, 1986

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 136, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

There being no objection, President Pro Tempore Goltz assumed the chair.

MOTION

On motion of Senator Vognild, the Senate Journal of the fifty-ninth day of the 1986 Regular Session of the Forty-ninth Legislature was approved.

MOTION

At 6:51 p.m., on motion of Senator Vognild, the 1986 Regular Session of the Forty-ninth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SENATE JOURNAL

—1986—

FIRST SPECIAL SESSION
OF THE

Forty-Ninth Legislature

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

Convened August 1, 1986
Adjourned *SINE DIE* August 1, 1986

Compiled, Edited and Indexed by
SID SNYDER, *Secretary of the Senate*



MARY WILEY
Minute and Journal Clerk

JOHN A. CHERBERG, *President of the Senate*
H. A. "BARNEY" GOLTZ, *President Pro Tempore*
A. L. "SLIM" RASMUSSEN, *Vice President Pro Tempore*

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Assistant Majority Leader LARRY L. VOGNILD
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Majority Whip RICK S. BENDER

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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1986 FIRST SPECIAL SESSION
FORTY-NINTH LEGISLATURE**

FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, August 1, 1986

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all members were present except Senators Garrett and Vognild. On motion of Senator Bender, Senators Garrett and Vognild were excused.

The Sergeant at Arms Color Guard, consisting of Honorary Pages Marty Brown and Mike O'Connell presented the Colors. Senator Sam Guess offered the prayer.

PRESENTATION OF CERTIFICATES

After welcoming the members, the President presented Senator Sam Guess, who is retiring from the State Senate after twenty-four years of service, with a Distinguished Citizens certificate and an Ambassador of Good Will certificate, as well as a certificate designating the Senator as a Washington General. The Senator was given a standing ovation by the members and staff of the Senate. Senators Sellar, Bottiger, Hayner, McDonald, Bluechel, Stratton, McCaslin and Wojahn gave fitting remarks to the occasion.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

I, Ralph Munro, do hereby certify that the attached is a full, true, and correct copy of the Proclamation of the Governor calling a special session of the State Legislature, which Proclamation was signed and attested to on the twenty-fifth day of July, 1986.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this first day of August, A.D., 1986.

(Seal)

Ralph Munro, Secretary of State

No. 86-05

PROCLAMATION BY THE GOVERNOR

Under the terms of the Nuclear Waste Policy Act, Public Law 97-425, Congress and the United States Department of Energy are required to follow certain processes in making the selection of a site for a high level nuclear waste repository. On May 28, 1986, the U. S. Department of Energy announced the selection of three sites, including one on the Hanford Reservation, for further study. It is my belief that the people of this state should have the opportunity to express their opinion about the process used to select sites. In order to accomplish this, it is necessary for the Legislature to meet solely for the purpose of taking action to place a referendum before the people.

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the state Constitution, do hereby convene the Legislature of the state of Washington on Friday, August 1, 1986, at 10:00 a.m. in special session in the Capitol at Olympia for a period of no more than twenty-four hours for the sole purpose of considering legislation to place a referendum before the people pertaining to the process for selecting the state of Washington as a potential high level nuclear waste repository site.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the Seal of the state of Washington to be affixed at Olympia at 2:00 p.m., this twenty-fifth day of July, A.D., nineteen hundred and eighty-six.

BOOTH GARDNER,
Governor of Washington

(Seal)

BY THE GOVERNOR:

Ralph Munro, Secretary of State

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

INTRODUCTION AND FIRST READING

SB 5069 by Senators Williams, Bender, Hansen, Rinehart, Moore, Warnke, Wojahn, Halsan, Bauer, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Kreidler, McDermott, McManus, Owen, Peterson, Rasmussen, Stratton, Talmadge, Thompson and Vognild (by request of Governor Gardner)

Adopting provisions on the selection of a high-level nuclear waste repository.
Hold.

SCR 137 by Senators Bottiger and Fleming

Limiting subject matter and time of Special Session.

MOTIONS

On motion of Senator Bottiger, the rules were suspended, Senate Concurrent Resolution No. 137 was advanced to second reading and read the second time.

On motion of Senator Bottiger, the rules were suspended, Senate Concurrent Resolution No. 137 was advanced to third reading, the second reading considered the third and the resolution was adopted.

MOTION

On motion of Senator Bottiger, Senate Concurrent Resolution No. 137 was ordered immediately transmitted to the House of Representatives.

POINT OF INQUIRY

Senator McDonald: "Senator Bottiger, in the Governor's call for a special session, he put limitations on the length and the subject matter. It is my understanding and I think it is the tradition of the Legislature and in the Constitution that, indeed, he cannot do that. Is that your understanding, Senator Bottiger?"

Senator Bottiger: "Senator McDonald, that is my understanding. It is the tradition and a division of the powers of government that the Legislature has never said that a Governor can do that and I say that a Governor cannot do that. We have, by our action, however concurred with his request, that we limit it to a single subject and one day, which I take was without objection and was with the consent of the body. It is our action to limit it, not the Governor's."

Senator McDonald: "I was just concurring Senator Bottiger's remarks and yes, indeed, we have concurred with the Governor's request, but it is only that--a request--and does not have the authority for future reference."

MOTION

At 10:19 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 11:41 a.m. by President Cherberg.
There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

August 1, 1986

Mr. President:
The House has adopted:
SENATE CONCURRENT RESOLUTION NO. 137, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 137.

MESSAGE FROM THE HOUSE

August 1, 1986

Mr. President:
The House has passed:
HOUSE BILL NO. 2130, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2130 by Representatives Todd, S. Wilson, D. Nelson, Taylor, Appelwick, Long, Schoon, Silver, McMullen, Jacobsen, Gallagher, Grimm, Unsoeld, Peery, Sutherland, Fisch, Tanner, Dellwo, Fisher, Ebersole, Scott, Nutley, Basich, Rust, Valle, Wang, Belcher, Armstrong, Smitherman, Lux, Sayan, Leonard, K. Wilson, R. King, O'Brien, Hine, Day, Cole, Braddock, Zellinsky, Kremen, Ballard, Bristow, Vekich, Schmidt, Holland, Miller, Allen, Barrett, Patrick, Betzoff, B. Williams, Wineberry, Walker, J. King, Crane, Niemi, Hargrove, Haugen, Van Luvén, May, Brough, Rayburn, Winsley, Thomas and J. Williams (by request of Governor Gardner)

Adopting provisions on the selection of a high-level nuclear waste repository.

MOTION

On motion of Senator Bottiger, the rules were suspended, House Bill No. 2130 was advanced to second reading and read the second time.

MOTION

Senator Bailey moved that the following amendment be adopted:

On page 2, line 24, after "waste" insert the following: "and establish, with the cooperation of Oregon and Idaho and affected Indian nations, a bi-partisan legislative panel to develop a regional policy pertaining to the storage of high-level nuclear waste"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bailey.

Senator Bailey demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bailey.

ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed and the amendment was not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Decchio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn - 24.

Excused: Senators Garrett, Vognild - 2.

MOTION

Senator Bailey moved that the following amendment be adopted:

On page 2, after line 24, insert:

"(6) Urge Congress to amend the Nuclear Waste Policy Act of 1982 to establish a nationwide system of additional regional monitored retrievable storage sites to dispose of high-level nuclear waste. This system of sites shall remain in effect until such time as technology is developed to provide for a safe and secure permanent disposal system, as determined by Congress."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bailey.

Senator Bailey demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bailey.

ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn - 25.

Excused: Senators Garrett, Vognild - 2.

MOTION

Senator Deccio moved that the following amendment by Senators Deccio, McCaslin, Sellar, Zimmerman, von Reichbauer, Johnson, Bluechel, Guess, Cantu, Lee, Hayner, Pullen, Benitz, Saling, Newhouse, Bailey, Metcalf, Barr, Kiskaddon and Craswell be adopted:

On page 4, line 15, strike "general" and insert "primary"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Deccio, McCaslin, Sellar, Zimmerman, von Reichbauer, Johnson, Bluechel, Guess, Cantu, Lee, Hayner, Pullen, Benitz, Saling, Newhouse, Bailey, Metcalf, Barr, Kiskaddon and Craswell.

Senator Deccio demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Deccio, McCaslin, Sellar, Zimmerman, von Reichbauer, Johnson, Bluechel, Guess, Cantu, Lee, Hayner, Pullen, Benitz, Saling, Newhouse, Bailey, Metcalf, Barr, Kiskaddon and Craswell.

ROLL CALL

The Secretary called the roll and the motion by Senator Deccio failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn - 25.

Excused: Senators Garrett, Vognild - 2.

MOTION

On motion of Senator Bottiger, the rules were suspended, House Bill No. 2130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Benitz, in the Nuclear Waste Policy Act of 1982, and you are on the nuclear waste board and you are very thoroughly familiar with it, Section 116 covers the participation of states in the process of selecting a repository. Under Point 2, in Section 116, there is a reference to the 'notice of disapproval' which is being used as justification for this referendum. The line states that the 'notice of disapproval' shall be accompanied by a 'statement of reasons' explaining why the site was disapproved.

"If the voters issue 'the notice of disapproval,' as is called for in this bill, in your view, will the voters also have to approve the 'statement of reasons?' Also, in your view, what will the 'statement of reasons' entail?"

Senator Benitz: "Thank you for that question, Senator Guess. To me, it is absolutely clear that the voters will need to approve the 'statement of reasons' called for in Section 116. Additionally, if the 'statement of reasons' is to have any credibility, it must be technical in nature and probably several hundred pages in length. That's part of the problem with putting this document on the ballot and that should be very obvious.

"Further, the 'statement of reasons' is being substituted by the referendum and the referendum is being substituted to the people in place of the Governor and the Legislature, so it is very plain that the 'statement of reasons' would have to be there and be there in the technical form."

POINT OF INQUIRY

Senator Bottiger: "Senator Williams, in the question and answer between Senator Guess and Senator Benitz, which as we all know will appear in the record, is there another method by which the state could comply with the 'statement of reasons' that Senator Guess has referred to?"

Senator Williams: "Again, we are voicing opinions and it is true that the act that Senator Guess refers to says that there must be a reason. However, the implication that reason, as Senator Benitz indicated, would have to be somehow only a technical scientific reason would be justifiable, I think, is incorrect. We are here today questioning the whole process of site selection, not on the basis of technicalities or scientific evaluation. We are questioning the whole process, whether the federal government is following the requirements of the act. In other words, what I am saying is, there may be any number of reasons given for the state to voice its objection to the state of Washington being selected. I think it is inappropriate to expect that there would be only one kind of narrow channel in which the reason for disapproval would have to follow.

"I believe if you really wanted to get down to it, the proposition posed to the voters could simply say that the preponderance of the voters of this state based on the process that has been followed, disapprove of it. I disagree with the narrowness of the answer that Senator Benitz has given."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Bottiger, it is my understanding that under the case law as developed in this state by the Washington Supreme Court, with respect to the interpretation of legislative intent, that the court has said repeatedly in those cases that it will not look to the views of individual legislators in interpreting legislation. However, it will look to the view of the committee chairman through which that bill passed as being determinative. Is that your understanding of the case law in this area also?"

Senator Bottiger: "Senator Talmadge, the two most recent cases where I got into researching, that is the interpretation that I get from the court decisions. It's not so much the question and answer that is designed to await the record for a lawsuit, but rather the normal ordinary process of the committee chairman responding to questions."

Senator Talmadge: "Senator, one further follow-up question. The people in the power of referendum have reserved to themselves the full and complete legislative power, would it not be your opinion that if the people reserved to themselves the opportunity to act on a referendum of this sort, that they would have expressed

themselves fully and completely, exercising their legislative power in disapproving a site?"

Senator Bottiger: "Senator Talmadge, I am going to beg off on that one. The ultimate power lies in the people and the question of the compliance of the federal law is answered in this bill. That is the 'second election.' There is a little impetuous to the Legislature and the Governor to file the appropriate disapproval process and if they don't, the people's ultimate right to referendum is preserved in this bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 2130.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 2130 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Benitz, Guess, Sellar - 3.

Excused: Senators Garrett, Vognild - 2.

HOUSE BILL NO. 2130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President announced that there were special guests in the Senate Chamber from the Oregon State Legislature and welcomed Representative Bruce Hugo, Representative Cindy Banzer and Representative Ron Cease.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

August 1, 1986

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 137, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

August 1, 1986

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 2130, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

August 1, 1986

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 30, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 30 by Representatives J. King, Grimm, Armstrong, R. King, Cole and Hargrove

Adjournment Sine Die of the 1986 First Special Session of the 49th Legislature.

MOTIONS

On motion of Senator Bottiger, the rules were suspended and House Concurrent Resolution No. 30 was advanced to second reading and read the second time.

On motion of Senator Bottiger, the rules were suspended and House Concurrent Resolution No. 30 was advanced to third reading, the second reading considered the third and the resolution was adopted.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 2130.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

August 1, 1986

Mr. President:
The Speaker has signed:
HOUSE CONCURRENT RESOLUTION NO. 30, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 30.

MOTION

On motion of Senator Bottiger, the Senate Journal of the first day of the 1986 First Special Session of the Forty-ninth Legislature was approved.

MOTION

At 1:24 p.m., on motion of Senator Bottiger, the 1986 First Special Session of the Forty-ninth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

GOVERNOR'S MESSAGES ON SENATE BILLS
SIGNED AFTER ADJOURNMENT

1986 REGULAR AND FIRST SPECIAL SESSION

March 19, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 19, 1986, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 3334

Relating to private schools.

Senate Bill No. 3495

Relating to the regulation of amusement rides.

Substitute Senate Bill No. 4221

Relating to the distribution of moneys in the liquor revolving fund.

Senate Bill No. 4723

Relating to the state library commission.

Senate Bill No. 4959

Relating to criminal profiteering from promoting pornography.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

March 24, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 22, 1986, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 3018

Relating to life-cycle cost in public buildings.

Substitute Senate Bill No. 3416

Relating to negotiable instruments.

Substitute Senate Bill No. 4128

Relating to the corrections standards board.

Senate Bill No. 4446

Relating to city and county regulation of fire hydrants.

Senate Bill No. 4450

Relating to elections.

Substitute Senate Bill No. 4455

Relating to anatomical donations.

Senate Bill No. 4490

Relating to corporations.

Senate Bill No. 4628

Relating to the community college board.

Senate Bill No. 4681

Relating to inmates assigned to work/training release facilities.

Senate Bill No. 4693

Relating to tort claims against the state.

Senate Bill No. 4982

Relating to child victims of sexual abuse.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

March 24, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 21, 1986, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 4645

Relating to unemployment insurance coverage of corporate officers.

Senate Bill No. 4647

Relating to employers qualified for experience rating under unemployment insurance law.

Sincerely,
TERRY SEBRING, Legal Counsel to the Governor

April 1, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on March 31, 1986, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 3160

Relating to employee suggestion awards.

Senate Bill No. 3527

Relating to student teacher ratios.

Senate Bill No. 4452

Relating to the deletion of statutory duties of the legislative budget committee.

Senate Bill No. 4481

Relating to reporting of abuse or neglect.

Substitute Senate Bill No. 4639

Relating to vacancies in elective offices.

Substitute Senate Bill No. 4658

Relating to alternatives to state residential schools.

Substitute Senate Bill No. 4665

Relating to out-of-state deposit.

Substitute Senate Bill No. 4674

Relating to salaries of elective state officers.

Senate Bill No. 4680

Relating to institutional industries.

Substitute Senate Bill No. 4724

Relating to excellence in education.

Senate Bill No. 4749

Relating to insurance reporting.

Substitute Senate Bill No. 4814

Relating to child abuse prevention.

Senate Bill No. 4894

Relating to benefits for volunteer firemen.

Senate Bill No. 5033

Relating to preschools.

Substitute Senate Bill No. 5037

Relating to studying school dropout statistics.

Sincerely,
TERRY SEBRING, Legal Counsel to the Governor

April 2, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on April 1, 1986, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 3352

Relating to education.

Substitute Senate Bill No. 3453

Relating to liens.

Substitute Senate Bill No. 3948

Relating to transportation liens.

Substitute Senate Bill No. 4425

Relating to livestock.

Senate Bill No. 4463

Relating to the promotion of Washington products.

Substitute Senate Bill No. 4531

Relating to insurance for mental health services.

Substitute Senate Bill No. 4536

Relating to motor vehicle registration.

Substitute Senate Bill No. 4544

Relating to vulnerable adults.

Senate Bill No. 4551

Relating to assault on fire protection personnel.

Substitute Senate Bill No. 4553

Relating to the state beef commission.

Senate Bill No. 4569

Relating to sport fishing licenses.

Substitute Senate Bill No. 4571

Relating to rewards.

Senate Bill No. 4584

Relating to library districts.

Substitute Senate Bill No. 4664

Relating to liability requirements for nuclear operations.

Senate Bill No. 4678

Relating to job site safety inspections.

Substitute Senate Bill No. 4682

Relating to offenders performing community service.

Substitute Senate Bill No. 4683

Relating to the death penalty.

Senate Bill No. 4708

Relating to competency of witnesses.

Substitute Senate Bill No. 4710

Relating to the automatic fingerprint information system.

Substitute Senate Bill No. 4722

Relating to registration of contractors.

Substitute Senate Bill No. 4741

Relating to commercial fishing licenses.

Substitute Senate Bill No. 4888

Relating to motor vehicle dealers.

Senate Bill No. 4891

Relating to motor vehicle dealers.

Senate Bill No. 4927

Relating to medical aid.

Substitute Senate Bill No. 5026

Relating to hazardous waste.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

April 3, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 2, 1986, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 3193

Relating to occupational disease.

Senate Bill No. 3336

Relating to hotel class H licensees' authority to sell liquor by the bottle to registered guests for consumption in guest rooms at banquets in the hotel.

Substitute Senate Bill No. 4465

Relating to deadly force.

Substitute Senate Bill No. 4503

Relating to the taxation of mobile homes, travel trailers and campers.

Senate Bill No. 4529

Relating to privileged communications for registered nurses.

Senate Bill No. 4537

Relating to driving with an expired license.

Senate Bill No. 4538

Relating to wine.

Substitute Senate Bill No. 4574

Relating to chore services.

Senate Bill No. 4601

Relating to the rehabilitation and assessment of historic property.

Substitute Senate Bill No. 4659

Relating to eligibility determinations for medical care programs.

Substitute Senate Bill No. 4897

Relating to process servers.

Substitute Senate Bill No. 4926

Relating to state budgeting, accounting and reporting.

Substitute Senate Bill No. 4949

Relating to health care assistants.

Substitute Senate Bill No. 4990

Relating to river running.

Substitute Senate Bill No. 5005

Relating to credit service organizations.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

April 3, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 3, 1986, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 3278

Relating to institutions of higher education.

Substitute Senate Bill No. 3419

Relating to land use controls.

Substitute Senate Bill No. 3458

Relating to automobile insurance.

Substitute Senate Bill No. 3498

Relating to the recreational water contact facilities.

Substitute Senate Bill No. 3847

Relating to retired teachers.

Substitute Senate Bill No. 4458

Relating to exemption from the compensating tax on forest lands for conservation purposes.

Senate Bill No. 4470

Relating to the use of public facilities to influence initiatives to the legislature.

Substitute Senate Bill No. 4491

Relating to not for profit or nonprofit corporations.

Substitute Senate Bill No. 4497

Relating to vehicles sales.

Senate Bill No. 4535

Relating to professional service corporations.

Substitute Senate Bill No. 4547

Relating to crop liens.

Senate Bill No. 4556

Relating to electrical equipment safety standards.

Senate Bill No. 4582

Relating to fraud in the obtaining of health care benefits.

Substitute Senate Bill No. 4661

Relating to extension of authority to issue and allocate bonds and raise the maximum indebtedness of the Washington state housing finance commission.

Substitute Senate Bill No. 4717

Relating to water quality services.

Substitute Senate Bill No. 4766

Relating to residential space heating.

Substitute Senate Bill No. 4769

Relating to excise taxation of sales of feed.

Substitute Senate Bill No. 4783

Relating to the distribution of proceeds forfeited under the uniform controlled substances act.

Substitute Senate Bill No. 4923

Relating to the allocation of the state ceiling on the issuance of certain tax exempt bonds under federal tax law.

Substitute Senate Bill No. 4933

Relating to low-income housing.

Senate Bill No. 4968

Relating to administrative funding of the unemployment insurance program.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

April 7, 1986

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 4, 1986, Governor Gardner approved the following Senate Bills entitled:

Second Substitute Senate Bill No. 3574

Relating to leasehold excise taxation.

Substitute Senate Bill No. 3990

Relating to securities.

Substitute Senate Bill No. 4479

Relating to industrial development revenue bonds.

Senate Bill No. 4540

Relating to insurance agency agreements.

Substitute Senate Bill No. 4541

Relating to insurance.

Substitute Senate Bill No. 4630

Relating to civil actions.

Substitute Senate Bill No. 4676

Relating to worker right to know fund.

Senate Bill No. 4738

Relating to juveniles.

Substitute Senate Bill No. 4797

Relating to underground storage tanks.

Substitute Senate Bill No. 4898

Relating to fire protection by fire protection districts, the department of natural resources and the department of game on unprotected lands.

Substitute Senate Bill No. 4905

Relating to transportation.

Senate Bill No. 4906

Relating to capital projects.

Sincerely,

TERRY SEBRING, Legal Counsel to the Governor

GOVERNOR'S MESSAGES ON SENATE BILLS
VETOED AND PARTIALLY VETOED

1986 REGULAR AND FIRST SPECIAL SESSION

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Second Substitute Senate Bill No. 3110, entitled:

"AN ACT Relating to business and occupation taxation."

This legislation would allow the owners of amusement devices to deduct the amounts paid to persons providing store space from the owners' gross receipts. Proponents argue that this part of the income being generated by the devices is being taxed twice under current law, once as income to the owner, and again as income to the store.

The arguments supporting this exemption are not unique to the amusement device industry; they are typical of the problems with any system of gross receipts taxation and do not justify special tax treatment. Costs of doing business are generally not deducted from gross income. There are anti-pyramiding deductions for certain activities which are jointly provided or are provided through an agent/principal arrangement. However, businesses are not allowed to deduct rental payments for the rental of real property. The legislation obscures what are two separate and taxable activities: first, the generation of income to the owner from the devices, and second, the compensation to the premise owner for the license to use real property.

In vetoing this legislation, I want to emphasize the fact that the B&O tax is inherently an unfair tax, and to address its specific shortcomings on a piecemeal basis does little to offset its basic inequities. A comprehensive evaluation and restructuring of our business tax structure is a far more desirable means of addressing this issue.

Second Substitute Senate Bill No. 3110 is vetoed in its entirety.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9(b), Reengrossed Substitute Senate Bill No. 3182, entitled:

"AN ACT Relating to retirement from public service."

Section 9(b) appropriates \$2,800,000 for contribution to the pension trust fund for this biennium. The fiscal impact for the remaining provisions of this measure is \$1,200,000 and therefore the appropriated amount is excessive.

The Department of Retirement Systems, in consultation with the Office of the State Actuary, will revise the employer contribution rate for the Public Employees and Teachers Systems so as to assure the appropriate cost of this legislation is collected by the system during this biennium.

With the exception of section 9(b), Reengrossed Substitute Senate Bill No. 3182 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1(6), Senate Bill No. 3397, entitled:

"AN ACT Relating to game and game fish."

Section 1(6) of this bill would direct to the Game Fund, rather than to the Public Safety and Education fund, reimbursements to the state for the value of game animals taken illegally.

These reimbursements were directed to the Public Safety and Education Fund by the 1984 Court Reform Act, which did away with a very cumbersome system of separate accounting for numerous small special purpose court collections. The unified and simplified system now in place is vastly superior to its predecessor. The change contemplated by this subsection would be a step backward toward the old system. Moreover, the change is unnecessary because the Game Department receives appropriations from the Public Safety and Education Fund.

For this reason, I have vetoed section 1(6) of Senate Bill No. 3397.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2(3) and section 3(1), (2) and (4), Second Substitute Senate Bill No. 3487, entitled:

"AN ACT Relating to energy consumption in state agencies."

I have vetoed the amendatory language "and the total cost to accomplish those measures which are not included" from the last sentence in section 2(3). This language would require explanatory information regarding items not included in the biennial budget request. Such a provision would be contrary to traditional budgetary practice.

I have also vetoed 3(1), (2) and (4) which would require the Office of Financial Management to develop guidelines for budgeting and implementation of state agency energy conservation initiatives. It would be inappropriate for the Office of Financial Management to be involved in such detailed operational matters. Agency management must be allowed to prioritize among competing state goals if they are to be held accountable for achieving the desired results. Notwithstanding these vetoed provisions, I will direct the Office of Financial Management to develop budget guidelines for energy related items.

With the exception of section 2(3) and section 3(1), (2) and (4), Second Substitute Senate Bill No. 3487 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Engrossed Senate Bill No. 3636, entitled:

"AN ACT Relating to insurance."

This legislation accomplishes two things: it equalizes the premium tax rates between domestic and foreign insurers, and it provides a mechanism so that the Office of the Insurance Commissioner is funded by fees collected from the entities regulated by the Commissioner.

Section 6 states the purpose for imposing the fees is to "increase and improve the staff of the insurance commissioner." While it is certainly a top priority to ensure that the Commissioner has increased staff to properly regulate insurance companies in this time of increasing rates, the move to self-fund the office was not solely for the purposes stated in section 6. The funds provided by the fees imposed on commercial insurers, health care service contractors and health maintenance organizations will be the sole basis of funding the existing staff as well as any new staff authorized by the Legislature. For this reason, I have vetoed section 6 of Engrossed Senate Bill No. 3636.

With the exception of section 6, Engrossed Senate Bill No. 3636 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 2 in part of Reengrossed Substitute Senate Bill No. 4305, entitled:

"AN ACT Relating to bail bonds."

This bill makes a number of changes relating to the legal processes for providing bail and appearance bonds.

Section 1 of this bill would relieve sureties of the responsibility of insuring the appearance of bonded defendants through the entire court hearing process by releasing the sureties' liability at conviction. Sureties would no longer remain liable until the sentencing hearing. This section reverses an effective long-standing policy. This section would also require that the defendant obtain a new bond for the period of time between conviction and sentencing with a resultant additional costs. If the defendant did not or could not get a new bond, the county would have to house the defendant in jail. These changes are undesirable from the standpoint of both the defendant and the county. Currently, the sureties can protect their interests by advising the court that a defendant will flee if found guilty and the bond should not be extended.

In section 2, I am vetoing the change proposed in the first sentence. The portion of section 2 that I am vetoing is the statement "or an amount less than that stated in the bond if recommended by the prosecuting attorney and approved by the court or approved by the court of its own motion." This change would allow a court to reduce the size of the forfeiture that must be made when the defendant fails to appear at court. Reducing the face value of the bond when the defendant fails to appear could undermine the incentive to bring defendants to justice, thereby weakening the criminal justice process.

For these reasons I have vetoed sections 1 and 2 in part of Reengrossed Substitute Senate Bill No. 4305.

With the exception of the vetoed sections, Reengrossed Substitute Senate Bill No. 4305 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2(2), Substitute Senate Bill No. 4418, entitled:

"AN ACT Relating to irrigation."

Substitute Senate Bill No. 4418 is an important piece of legislation that maintains the state's strong commitment to the timely completion of the Yakima irrigation enhancement project. The work on the Yakima project should proceed as called for in the bill.

The legislation also restates the Department of Agriculture's legitimate role as an advocate of water resources projects needed to help meet future agricultural water needs, and seeks to preserve the state's option to participate in the second half of a feasible Columbia Basin irrigation project.

Section 2 requires the Department of Agriculture to establish a committee to study water supply availability in the Columbia Basin area and make a preliminary report to the Governor and Legislature by January 1, 1987, with the final report by January 1, 1988.

The primary objective of the study is to develop a formal process to enable the state to maintain its option to participate in a feasible Columbia Basin project.

The Federal Bureau of Reclamation is in the initial stages of preparing its required Environmental Impact Statement (EIS) on the second half of the Columbia

Basin project. The draft EIS is scheduled to be available for review and comment in December 1986, and will require a state response. The study timetable called for in section 2(2) could place the state in the untenable position of having to respond to the EIS and indicate a preferred project alternative as much as one full year in advance of completion of its own study.

Therefore, I am vetoing section 2(2) and asking the Director of the Department of Agriculture to develop a time schedule for activities, including dates for preliminary and final reports, and to inform the Legislature of the timetable. The timetable for the Columbia Basin water availability study should be consistent with the schedule for the Bureau of Reclamation's Environmental Impact Statement. That schedule calls for the draft EIS to be available for review in December 1986.

The committee specifically called for in section 2(1) would contain a number of key interest groups vital to the Columbia Basin project decision-making process. Other equally important interests--local government, recognized environmental organizations and Indian tribes--are absent. I am asking the Director of the Department of Agriculture to review the composition of the committee and to make certain that the entire range of interests and organizations necessary to make timely, objective decisions on appropriate participation in the Columbia Basin Project serve on the committee. The committee shall establish and maintain communications with the Governor and the Legislature.

A number of the issues identified for study in section 2(1) have already been at least partially addressed in past studies or ongoing assessments conducted by the state, the Bureau of Reclamation, the Bonneville Power Administration or the Northwest Power Planning Council. Section 2(1)(i) instructs the committee not to duplicate data being developed by the Bureau of Reclamation in its Environmental Impact Statement process. I am further directing the Department to ensure that the committee extends the mandate to avoid duplication, including duplication of previous or ongoing studies, to all elements of the study, not just those items enumerated in section 2(1)(i).

With the exception of section 2(2), Substitute Senate Bill No. 4418 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 46(43), Substitute Senate Bill No. 4486, entitled:

"AN ACT Relating to local government."

I am vetoing section 46(43) because it would repeal a section of an existing law (RCW 85.20.120) that is also amended by section 36 of this bill.

With the exception of section 46(43), the remainder of Substitute Senate Bill No. 4486 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 4506, entitled:

"AN ACT Relating to the state board of health."

Section 1 of this bill would require the Office of Financial Management to conduct a study of the feasibility of consolidating public health and environmental health functions into a single state agency. An extensive study of this issue has already been completed, conducted by a joint committee of the Legislature. Another study of this same topic is unnecessary and would be duplicative. I have, however, directed my Executive Cabinet to review these programs and to develop a plan for a more efficient and effective alignment of public health and environmental health services.

For this reason, I have vetoed this section. With the exception of section 1, Senate Bill No. 4506 is approved:

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to part of section 1, Substitute Senate Bill No. 4525, entitled:

"AN ACT Relating to legal representation of the legislature."

The Attorney General presently represents all the branches of government in Washington State -- the Legislature, the Executive and the Judiciary. This bill would allow the Legislature, the House, the Senate, or any committee or entity which hires its own staff to retain council of their own choosing to represent them in judicial and administrative proceedings. This is a substantial policy change.

The portion of section 1 which I am vetoing results in limiting the authority to retain counsel to the House of Representatives and the Senate together. This allows the Legislature as an institution to retain counsel. Without this limitation, I believe this authority to hire counsel would be too broad.

With the exception of the language in section 1 granting the House, the Senate and the committees or entities of the Legislature which hire their own staff the authority to retain separately legal counsel, I am signing Substitute Senate Bill No. 4525.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to one portion, Substitute Senate Bill No. 4572, entitled:

"AN ACT Relating to shoreline management."

Section 1(3)(e)(vii) of this bill, on page 5, lines 22 through 26, would increase from \$2,500 to \$6,500 the value of shoreline docks exempted from the permit requirement of the Shoreline Management Act.

One of the purposes of the Shoreline Management Act is to provide public review of proposed substantial developments on the state's shorelines. By requiring a permit for any proposed substantial development, as defined in the Act, the public is afforded an opportunity to be notified of any substantial development and to comment on its consistency with the goals, policies and regulations of the local master program and of the Shoreline Management Act.

The change proposed to the definition in section 1(3)(e)(vii) would provide a blanket exemption from the permit and public review process for any dock with a value of up to \$6,500. Since docks of this value can have a substantial impact on the environment, create neighborhood conflicts and interfere with navigation, I do not believe such an exemption from the process is appropriate. I am therefore vetoing this portion of Substitute Senate Bill No. 4572.

With the exception of section 1(3)(e)(vii), Substitute Senate Bill No. 4572 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 10 and a portion of section 6, Substitute Senate Bill No. 4590, entitled:

"AN ACT Relating to local government."

I fully support the intent of this legislation. It will provide local governments an additional opportunity to maximize the yield on their investments as well as provide the increased protection for public funds. However, language contained in section 10 would unduly restrict local governments' investment options. The repurchase agreement is a valuable cash management tool, the use of which should not be restricted without a corresponding benefit to local governments. The intent of section 10 would appear to be to require the delivery of securities to control of the local entity. However, failure to define the term "agent" renders this section meaningless and extraneous to the legislation. Therefore, I am vetoing section 10.

The last portion of section 6 after the word "Provided" is vetoed. This language conflicts with provisions of section 14 and would create confusion in the administration of the Act.

With the exception of a portion of section 6 and all of section 10, Substitute Senate Bill No. 4590 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Substitute Senate Bill No. 4596, entitled:

"AN ACT Relating to community health services."

Section 8 of this bill requires that the Department of Social and Health Services undertake a study of possible reorganization of the department. The Secretary of Social and Health Services has been actively evaluating agency reorganization for some time, and a great deal has already been accomplished in this effort. Also, the Secretary is available to the Legislature at any time to review the reorganization plans and receive feedback. Therefore, this study requirement is unnecessary and would be duplicative of the work already in progress. For this reason, I have vetoed section 8.

With the exception of section 8, Substitute Senate Bill No. 4596 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1(4), 1(7) in part, 2 and 16, Engrossed Senate Bill No. 4620, entitled:

"AN ACT Relating to retail trading practices in the sale of motor vehicle fuels."

This legislation creates a separate franchise law that regulates the business relationship between motor fuel refiner-suppliers and motor fuel retailers.

The Legislature has devoted substantial time and effort to examining allegations that the major oil companies are employing predatory pricing and other unfair practices against the independent lessee-dealers to whom they supply gasoline and other products. These allegations are occurring during a period when the nature of retail gasoline marketing is undergoing significant changes. Preserving a market niche for independent lessee-dealers in this changing environment has been a major concern of the Legislature. Accordingly, Senate Resolution 1985-92 created a Select Committee to investigate these allegations and to submit its findings and recommendations to the Legislature. This legislation is largely a product of the Select Committee's work.

The Select Committee's findings are reflected in the major components of Engrossed Senate Bill No. 4620: (1) recognition and protection of lessee-dealers' franchise rights, (2) prohibitions against certain unfair trade practices and provision of legal remedies to address violations, (3) authorization for a study by the Attorney General to determine whether motor fuel refiner-suppliers are employing unfair price discrimination between their owner-operated retail outlets and their

lessee-dealers in the wholesale price charged for fuel, and (4) prohibitions against motor fuel refiner-suppliers unfairly discriminating in the wholesale price of fuel charged to their motor-fuel retailers in the same five-mile marketing area.

I have carefully considered all of these elements, and I support essentially all but those provisions relating to refiner-supplier price discrimination against lessee-dealers in the same marketing area, as contained in section 2 of the legislation. While I can appreciate this as a thoughtful attempt to establish a way to address alleged unfair pricing practices, I am not convinced that section 2 is a workable means for ensuring a competitive gasoline market that protects the lessee-dealers or benefits the consumers.

Therefore, I am vetoing section 2, as well as section 1(4) which defines the "marketing area" applicable to section 2, and a portion of section 1(7) that exempts certain "motor fuel refiner-suppliers" from the jurisdiction of this legislation.

In addition, since no administrative remedies are provided in this legislation, I am also vetoing section 16 which is an unneeded reference to the Administrative Procedure Act.

I will be awaiting the results of the Attorney General's investigation of alleged unfair wholesale price discrimination employed by refiner-suppliers between their owner-operated stations and their independent lessee-dealers. This effort is to be completed by December 1, 1986. The civil investigative demand powers of the Attorney General should be effective in evaluating these alleged practices, which were the genesis of the Legislature's concern but which they were unable to document. Until these results are available, the legislation as approved should provide substantial protection for the investments and franchise rights of lessee-dealers.

With the exception of sections 1(4), 1(7) in part, 2 and 16, Engrossed Senate Bill No. 4620 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4 and 12, Engrossed Second Substitute Senate Bill No. 4626, entitled:

"AN ACT Relating to the housing trust fund; and adding a new chapter to Title 43 RCW."

Section 4 of the bill allocates funds from the Housing Trust Fund to the Department of Community Development to administer the act. Until a financing source is established, the act is merely a statement of intent without fiscal impact. I am vetoing this section because the allocation of funds is premature.

The advisory committee established in section 12 is no longer appropriate to the legislation as passed. The composition of the advisory committee should be based on the selection of the source of funding for the trust fund and the affected parties. Once the sources of funding are determined, an advisory committee representing those sources should be established.

While I am vetoing section 12, I will request the Director of the Department of Community Development to work with the appropriate committees of the Legislature in their efforts to evaluate emerging low-income housing needs and potential sources of revenue for the Housing Trust Fund.

With the exception of sections 4 and 12, Engrossed Second Substitute Senate Bill No. 4626 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2(8), Substitute Senate Bill No. 4627, entitled:

"AN ACT Relating to cigarette wholesalers and retailers."

I strongly agree with the intent of Substitute Senate Bill No. 4627 to "increase competition by reducing government's role in price setting" of cigarettes. I believe that increased market competition benefits the consumer.

I also agree that the Unfair Cigarette Below Cost Act, the current law which is amended by this bill, should not be terminated in June 1986. Rather, I favor a phase-out of state cigarette price regulation as proposed in Substitute Senate Bill No. 4627, allowing the market to adjust to free market practices over a five-year period. State regulation would then terminate completely in 1991. This approach is consistent with the Legislative Budget Committee's conclusion in its mandated study of the Unfair Cigarette Below Cost Act, "that Chapter 19.91 RCW be extended in its current form and then be automatically phased out over a five-year period."

However, I'm concerned over a potential problem created by the bill's inconsistent treatment of cigarette manufacturers' discounts. Section 2(8) of the bill deletes the provision in current law which specifically authorizes wholesalers to pass cigarette manufacturers' cash discounts through to the retailer. Deleting this express authority granted to wholesalers in section 2(8) of the current law appears to create an ambiguity with regard to section 2(10) which is retained in current law by this bill. Section 2(10) specifies how the retailer shall account to the Department of Revenue for discounts received from cigarette wholesalers. The Department of Revenue would probably be required to rule on this ambiguity with the potential for litigation to resolve the issue.

As a policy matter, if wholesalers are not allowed to pass manufacturers' discounts to retailers, contrary to current law, the effect would be to increase the mandatory wholesale price of cigarettes. This situation would be entirely inconsistent with the intent of Substitute Senate Bill No. 4627, and the Legislative Budget Committee's recommendation, to deregulate state price controls.

In considering a veto of section 2(8), I recognize that the current law pertaining to the treatment of manufacturers' discounts does not have the same effect on all segments of the cigarette wholesaling industry. Nonetheless, the current law has been in effect since 1984, which has already provided a period for the industry to adjust to the discount provision. I believe that the interests of the consumer are best served by retaining the discount provisions of current law, and continuing the move towards market pricing for cigarettes. Therefore, I am vetoing section 2(8) of Substitute Senate Bill No. 4627, which restores the provisions of current law regarding manufacturers' discounts.

With the exception of section 2(8), Substitute Senate Bill No. 4627 has been approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to the second sentence of section 2, Senate Bill No. 4675, entitled:

"AN ACT Relating to motor vehicle license plates."

Senate Bill No. 4675 would authorize the Director of the Department of Licensing to develop and issue a new centennial motor vehicle plate.

Section 2 permits a fleet of motor vehicles to apply for consecutive centennial license plates if they are available. The second sentence of this section defines a fleet of motor vehicles as a group of five or more vehicles registered in the same name and whose owner has been assigned a fleet identifier code by the Department. Currently, a fleet is defined as fifteen or more vehicles by administrative rule. Decreasing the number of vehicles in a fleet will create a significantly increased workload for the Department and the County Auditors, particularly because all fleet vehicles must be registered in December of each year and no funds were provided for the increased workload.

With the exception of the second sentence of section 2, Senate Bill No. 4675 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Senate Bill No. 4691, entitled:

"AN ACT Relating to the definition of child for industrial insurance purposes."

Section 2 of this bill would create a Chiropractic Advisory Committee to assist the Director of Labor and Industries. Boards, commissions, committees, task forces and similar entities have proliferated in this state, now numbering over 400 such bodies.

State agencies, moreover, generally have the authority to create ad hoc advisory groups as the need arises. This authority makes it unnecessary to create advisory boards in statute.

A Chiropractic Advisory Board to advise the Department of Labor and Industries already exists, created by the department by rule. The committee proposed in this legislation would expire on June 30, 1987; the existing committee can -- and probably should -- continue past that date. Furthermore, the existing committee can undertake the tasks specified in section 2 of this bill.

For these reasons, I have vetoed section 2.

With the exception of section 2, Senate Bill No. 4691 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Engrossed Senate Bill No. 4705, entitled:

"AN ACT Relating to communications with minors for immoral purposes."

Minors should be protected from exposure to sexually explicit material. Unfortunately, the language used in section 1 of this measure is both broad and unclear, and poses serious problems for libraries. Library staff would have to begin policing minors who use their facilities, and this is not an appropriate role. Unfortunately, provisions which would have exempted libraries and their staff from having to enforce this provision were deleted from the bill.

Selection of books for public libraries has historically been the responsibility of local library boards; I am satisfied this system continues to provide adequate safeguards for communities. Additionally, there are materials used by professional counselors and caseworkers in working with sexually abused children which may be suspect under this section.

Also, the definition of "minor" in section 1 is changed to age eighteen, which puts it in conflict with RCW 9.68A.110 -- the defense section to RCW 9.68A.050 -- which still refers to the age of a minor as sixteen. This will create serious problems and make the law unenforceable.

With the exception of section 1, Engrossed Senate Bill No. 4705 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Senate Bill No. 4712, entitled:

"AN ACT Relating to public records; amending RCW 40.14.020; adding a new section to Chapter 40.14 RCW; and making an appropriation."

This bill would establish a new program to record and document the experience of former state officials. In addition, a new statutory advisory committee would be created.

I have vetoed section 2 which creates a new statutory advisory committee. After reviewing this matter, I find that the purposes and functions of this bill can be fulfilled without creating, in statute, an additional advisory body.

With the exception of section 2, Senate Bill No. 4712 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Engrossed Senate Bill No. 4725, entitled:

"AN ACT Relating to accountancy."

The intent of the new language in section 5 is to create a new fund in the state treasury for receipt of all fees collected by the Board of Accountancy. Unfortunately, the new account is not properly created. Additionally, there is no appropriation from the new account. If this language is not vetoed, all the fees which currently go into the Certified Public Accountant Examination Account would be diverted to the new account. Because the account is improperly created and there is no appropriation, failure to veto this section would leave the Board without operating funds. For these reasons, I am vetoing section 5.

With the exception of section 5, Engrossed Senate Bill No. 4725 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 103(6), 201(2)(f), 206(5), 207(1), 209(2), 211(9) and 701(2), Engrossed Substitute Senate Bill No. 4762 entitled:

"AN ACT Relating to fiscal matters."

The provisions I have vetoed and the reasons therefore are as follows:

Sections 103(6), 206(5) and 209(2) place significant and specific unfunded study requirements on various agencies. While each of the study topics warrant investigation, it is unreasonable to mandate such significant efforts without consideration of costs.

Section 201(2)(f) provides funds to reopen Firlands Correction Center. Firlands was closed as a result of programmatic and fiscal considerations which have not changed. The funds provided are insufficient to cover the cost of operating the facility in accordance with state standards.

Section 207(1) would prohibit responsible action by the Department of Social and Health Services to prevent the spread of AIDS.

Section 211(9) provides state General Fund monies to reimburse local fire districts for fire fighting services rendered on Department of Game lands. While I support reimbursement of local fire districts for services provided to state agencies, this cost is properly an obligation of the Department of Game and its dedicated funds. Financial segregation of Game Department activities should be continued until the Department is brought under executive control and a thorough review of its finances and programs indicates General Fund supplementation is appropriate.

Section 701(2) provides that monies from an existing appropriation to the Emergency Fund may be spent for law enforcement and social service problems arising from Expo '86. If the problems addressed by section 701(2) constitute an emergency, I will consider an allocation from the Emergency Fund. Otherwise, the

Legislature should provide for these needs with a direct appropriation rather than limiting my ability to meet critical needs in state government.

In addition to the explanation of these vetoes, a comment is necessary regarding section 812. This section of the supplemental budget provides \$210,000 from the General Fund and \$210,000 in federal Game Funds for the purposes of rehabilitation work on the Barnaby Slough steelhead rearing pond. State funding for this project was terminated in 1981. The people of Skagit County have undertaken tremendous volunteer efforts to keep this project going and to preserve the steelhead resources of the area. Countless hours of labor and approximately \$10,000 has been donated toward the operation of Barnaby Slough. It is only because of this impressive community effort that I am approving this provision. My decision to allow use of General Fund monies for this project should not be considered a precedent for any future General Fund support of the Game Department. The Department and the Commission should understand that access to these taxpayer funds will require the highest level of public accountability. The Department cannot have it both ways. If it wants to remain free of executive oversight, it should not have access to general taxpayer funds. The public has a proper right to far greater oversight of an agency to which its general tax dollars are allocated.

With the exception of sections 103(6), 201(2)(f), 206(5), 207(1), 209(2), 211(9) and 701(2), Engrossed Senate Substitute Bill No. 4762 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval of sections 18 and 24, Substitute Senate Bill No. 4779, entitled:

"AN ACT Relating to auctions."

The intent of this legislation is to retain the current licensing and bonding and trust accounts systems for auctioneers and add consumer protection by establishing standards for certain business practices and declaring that deviations from these practices constitute violations of the Consumers Protection Act.

Auctioneering is a growing industry in this state. The rapid growth of such service industries in which the service provider has substantial responsibilities for handling the merchandise and cash flow of clients frequently creates the potential for abuse. This legislation is intended to put in place appropriate protections for consumers before such abuses become a serious problem.

Section 18 of this legislation would establish a new Disciplinary Review Committee. This disciplinary committee is premature and would have no enforcement powers.

Section 24 of this legislation would forbid any regulation of auctioneers by cities and counties. This may interfere with the power of local governments to require business licenses and the payment of business taxes.

For the above reasons, sections 18 and 24 are vetoed.

With the exception of sections 18 and 24, Substitute Senate Bill No. 4779 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to one portion, Engrossed Substitute Senate Bill No. 4790, entitled:

"AN ACT Relating to sludge."

The last sentence of this bill requires the Department of Ecology to submit a report to the Legislature by January 1, 1987, regarding its implementation of "this chapter."

Although it appears that the intent of this language is to require a report on the implementation of this bill, the language legally requires a report on the entire Solid Waste Management chapter of the State Code.

To avoid any confusion, I have vetoed this sentence and have directed the Department to report to the Legislature by next January 1, regarding implementation of the bill.

With the exception of this sentence, Engrossed Substitute Senate Bill No. 4790 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to a portion of section 1, Substitute Senate Bill No. 4815, entitled:

"AN ACT Relating to appropriations for projects recommended by the Public Works Board."

Substitute Senate Bill No. 4815 appropriated \$17,052,093 to the Public Works Board from the Public Works Assistance Account for specific public works projects.

A proviso was attached to section 1 (page 1, lines 9 through 15) that prohibits public works loans from being made by the Public Works Board for projects in jurisdictions where the public utility tax, imposed by RCW 82.16.020, on refuse haulers cannot be passed through to the individuals who receive the service.

I have vetoed this proviso for two reasons. First, if the proviso is enacted, those jurisdictions that prohibit the pass-through could not receive the needed project loans as they have anticipated. The funds are available and should be distributed as planned so that the effected jurisdictions can initiate their construction projects in a timely manner. Further, the public utility tax imposed on refuse haulers has been replaced with a business and occupation tax and a retail sales tax with my approval of Substitute House Bill No. 1447, making this proviso ineffective and unnecessary. For this reason, I have vetoed the proviso in section 1 (page 1, lines 9 through 15).

With the exception of the section 1 proviso located on page 1, lines 9 through 15, Substitute Senate Bill No. 4815 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 55, 56 and 57, Engrossed Substitute Senate Bill No. 4917, entitled:

"AN ACT Relating to banks and trust companies."

Engrossed Substitute Senate Bill No. 4917 makes certain necessary modernization and housekeeping amendments to Title 30, RCW, dealing with commercial banks. It enables the state's banking code to keep pace with a rapidly changing banking environment.

While I support the intent and main substance of Engrossed Substitute Senate Bill 4917, I must take exception to sections 55, 56 and 57. These sections would require the Department of General Administration's Division of Banking to provide the Legislature with a listing of financial institutions that are designated on a "watch list" by either the Federal Reserve System or the U.S. Comptroller of the Currency.

These provisions are imprudent and their enactment would have a substantially adverse effect on the Division of Banking's ability to supervise the banks that are subject to its jurisdiction and could cause significant harm to individual institutions.

First of all, according to the state Division of Banking, neither the Federal Reserve System nor the Comptroller of the Currency maintains anything call a

"watch list" as referenced in section 56. The various regulatory agencies differentiate the degree of supervisory concern among the banks they supervise based on a number of factors. Thus, the federal information referenced as a "watch list" is ambiguous.

Moreover, proposed sections 55, 56 and 57 would undercut the essential cooperation needed between federal and state bank regulatory agencies with the onset of interstate banking and a rapidly-changing banking industry. The state's Division of Banking relies on the information it receives from the federal regulatory agencies on the basis of strict confidentiality. Without this confidentiality, which would be the effect of proposed sections 55, 56 and 57, the federal agencies would undoubtedly stop sharing bank regulatory information with the state.

Finally, one of the goals of our bank regulatory system is to closely supervise those institutions that are experiencing difficulty in order to restore their soundness and avert their closure. To make public any listing of financial institutions which may be experiencing difficulties would greatly, and perhaps needlessly, undermine public confidence in those institutions. Such an erosion of public confidence would undoubtedly cause some depositors to withdraw their funds, thereby exacerbating the bank's difficulties. This would be an unintended effect of sections 55, 56 and 57.

Therefore, with the exception of sections 55, 56 and 57, Engrossed Substitute Senate Bill No. 4917 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 1, 1986

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 23, Substitute Senate Bill No. 5044, entitled:

"AN ACT Relating to the Department of Agriculture."

I am vetoing section 23 because of duplicate language contained in section 1 of Substitute House Bill No. 1355.

With the exception of section 23, the remainder of Substitute Senate Bill No. 5044 is approved.

Respectfully submitted,
Booth Gardner, Governor

Roster

**1986 — SENATE ROSTER
FORTY-NINTH LEGISLATURE**

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Bailey, Cliff	39	R	Snohomish, part	13019 99th Avenue S.E. Snohomish 98290 <u>District Office:</u> 902-1/2 1st St., Suite 8 Snohomish 98290
Barr, Scott	7	R	Lincoln Pend Oreille Stevens Ferry Okanogan, part Spokane, part	Route 1, Box 130 Edwall 99008
Bauer, Albert	49	D	Clark, part	13611 N. E. 20th Avenue Vancouver 98686
Bender, Rick S.	44	D	King, part Snohomish, part	402-A John Cherberg Bldg. Olympia 98504
Benitz, Max E.	8	R	Benton, part	Route 2, Box 2521 Prosser 99350
Bluechel, Alan	45	R	King, part	9901 N.E. 124th #505 Kirkland 98034
Bottiger, R. Ted	2	D	Pierce, part Thurston, part	8849 Pacific Ave. Tacoma 98444
Cantu, Emilio	41	R	King, part	4416 138th Ave. S.E. Bellevue 98006
Conner, Paul H.	24	D	Clallam Jefferson Grays Harbor, part	195 Pinnell Road Sequim 98382
Craswell, Ellen	23	R	Kitsap, part	8066 Chico Way N.W. Bremerton 98312
Deccio, Alex A.	14	R	Yakima, part	P. O. Box 1343 Yakima 98907
DeJarnatt, Arlie U.	19	D	Cowlitz, part Grays Harbor, part Pacific Wahkiakum	7401 Willow Grove Road Longview 98632 <u>District Office:</u> P. O. Box 552 South Bend 98586-0552
Fleming, George	37	D	King, part	1100 Lake Wash. Blvd. S. Seattle 98144 <u>Mailing Address:</u> 312 Legislative Bldg. Olympia 98504
Garrett, Avery	11	D	King, part	602 S. W. Langston Road Renton 98055
Gaspard, Marcus S.	25	D	Pierce, part	8220 191st Ave. E. Sumner 98390

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
59	Washington	Farmer	1985	.....
69	Washington	Grain and Cattle Producer, Semi-Retired	1983-1985	1977-1982
57	Montana	Retired Teacher - Farmer	1981-1985	1971-1980
36	Alaska	Gen. Contractor/ Home Builder	1983-1985	1973-1982
69	Kansas	Agri-business	1975-1985	1969-1974
61	Alberta, Canada	President, Loctwall Corp.	1975-1985	1967-1974
53	Washington	Attorney	1973-1985	1965-1972
59	Texas	Professional Engineer	1985	1981-1984
60	Washington	Realtor, Logger, Longshoreman	Appt. July 1957 1957-1959. Elected Nov. 1977-1985	1959-1977
53	Washington	Housewife	1981-1985	1977-1980
64	Washington	Insurance Broker	1981-1985	1975-1980
62	Indiana	Dist. Asst. to Cong. Bonker	1985	1961-1970
47	Texas	Economic Devel. Mgr., PNB	1971-1985	1969-1970
69	Georgia	Retired	1985	1959-1969 Appt. 12/9/77-1984
37	Washington	Real Estate & Property Mgmt.	1977-1985	1973-1976

JOURNAL OF THE SENATE

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Goltz, H. A. "Barney"	42	D	Whatcom, part	3003 Vallette Street Bellingham 98225
Granlund, Win	26	D	Kitsap, part Pierce, part	3777 Pine Tree Drive Port Orchard 98366 <u>Note:</u> Appointed 10/14/85.
Guess, Sam C.	6	R	Spokane, part	West 408 33rd Avenue Spokane 99203
Halsan, Stuart A. "Stu"	20	D	Lewis Thurston, part	437 John Cherberg Bldg. Olympia 98504
Hansen, Frank "Tub"	13	D	Adams, part Kittitas, part Grant, part Yakima, part	Star Route, Box 73 Moses Lake 98837
Hayner, Jeannette	16	R	Franklin, part Walla Walla Benton, part	Box 454 Walla Walla 99362
Johnson, Stanley C.	28	R	Pierce, part	7302 66th Ave. W. Tacoma 98467
Kiskaddon, Bill	1	R	King, part Snohomish, part	4404 242nd Pl. S.W. Mountlake Terrace 98043
Kreidler, Mike	22	D	Thurston, part	425 John Cherberg Bldg. Olympia 98504
Lee, Eleanor	33	R	King, part	P. O. Box 66274 Burien 98166
McCaslin, Bob	4	R	Spokane, part	So. 1003 Pines Road Spokane 99206
McDermott, Jim	43	D	King, part	1650 22nd Avenue E. Seattle 98112
McDonald, Dan	48	R	King, part	4650 92nd N.E. Bellevue 98004
McManus, Mike	21	D	Snohomish, part	6315 148th Place S.W. Edmonds 98020 <u>District Office:</u> 917 134th S.W. Everett 98204
Metcalf, Jack	10	R	Island Snohomish, part Skagit, part	3273 Saratoga Road Langley 98260
Moore, Ray	36	D	King, part	1722 Bigelow No. Seattle 98109
Newhouse, Irv	15	R	Benton, part Yakima, part	Route 1, Box 130 Mabton 98935

1986 — SENATE ROSTER—continued

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
61	Minnesota	Planning/Mgmt. Consultant	1975-1985	1973-1974
59	Minnesota	Retired Educator	Appt. 10/14/85	
76	Mississippi	Civil Engineer	1963-1985	.....
33	Washington	Attorney	1985	1983-1984
72	Washington	Retired Cattle Rancher & Farmer	1979-1985	1973-1978
66	Oregon	Lawyer	1977-1985	1973-1976
55	Minnesota	Owner/Pres. Gerrish Brg. & Indust. Supplies, Inc.	1985	Appt. 11/21/80 1981-1984
56	California	Counselor and Therapist	1981-1985	1967-1972
42	Washington	Optometrist	1985	1977-1984
54	Illinois	Business Mgr. & Director, Mfg. Rep. Firm	Elected Nov. 1977-1985	1975-1977
59	Ohio	Real Estate Broker	1981-1985	.....
49	Illinois	Physician	1975-1985	1971-1972
42	Washington	Mech. Engineer/ Economist	Appt. Sept. 1983 1983-1985	1979-1983
52	Wisconsin	Businessman	1983-1985	.....
58	Washington	Retired Teacher	1967-1974 1981-1985	1961-1964
73	Washington	Restaurateur and Caterer	1979-1985	.....
65	Washington	Farmer	Appt. 1980, 1981-1985	1965-1979

JOURNAL OF THE SENATE

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Owen, Brad	35	D	Mason Kitsap, part Thurston, part Grays Harbor, part	402-B John Cherberg Bldg. Olympia 98504
Patterson, E. G. "Pat"	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	N. E. 400 Campus Pullman 99163
Peterson, Lowell	40	D	San Juan Skagit, part Whatcom, part	1508 Avon Avenue Burlington 98233
Pullen, Kent	47	R	King, part	22844 172nd Avenue S.E. Kent 98042
Rasmussen, A. L. "Slim"	29	D	Pierce, part	5415 "A" Street Tacoma 98408
Rinehart, Nita	46	D	King, part	4515 51st Avenue N.E. Seattle 98105
Saling, Gerald L. (Jerry)	5	R	Spokane, part	W. 320 Nebraska Spokane 99205
Sellar, George L.	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	1324 Terrace Drive East Wenatchee 98801
Stratton, Lois J.	3	D	Spokane, part	1724 West Mansfield Spokane 99205
Talmadge, Phil	34	D	King, part	1725 S. W. Roxbury, #5 Seattle 98106 Note: The above address is the district office.
Thompson, Alan	18	D	Cowlitz, part Clark, part	191 Nob Lane Kelso 98626
Vognild, Larry L.	38	D	Snohomish, part	1710 32nd Street Everett 98201
von Reichbauer, Peter	30	R	King, part Pierce, part	2302 Nanaimo Ct.-Dash Point Tacoma 98422
Warnke, Frank J.	31	D	King, part Pierce, part	29457 51st Avenue South Auburn 98002
Williams, Al	32	D	King, part	4801 Fremont Ave. No. Seattle 98103

1986 — SENATE ROSTER—continued

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
35	Washington	Small Businessman	1983-1985	Elected 11/2/76-1982
66	Washington	Retired WSU Administrator	1981-1985	1973-1980
64	Washington	Oil Distributor	1965-1985	.....
43	Texas	Research Engineer	1975-1985	1973-1974
76	Washington	Retired	1961-1967, Appt. Oct. 1971 1971-1985	1945-1960
45	Texas	Legislator	1983-1985	Appt. 11/6/79 Elected 11/80 1981-1982
57	Washington	Retired Educator	1985	1965-1970
57	Illinois	Port of Chelan County, Director of Water Resources	Appt. 1/7/72 1972-1985	.....
59	Washington	Retired	1985	Appt. 1979 Elected 1980- 1984
33	Washington	Attorney	1979-1985	.....
58	Iowa	Publisher	Appt. 12/17/82 1983-1985	1965-1982
54	Washington	Ret.-Everett Fire Dept., Small Business Owner	1979-1985	.....
41	Washington	Investment Management	1974-1985	.....
52	Montana	Labor Relations Director	1983-1985	1965-1967 1973-1982
55	North Dakota	Architect	Appt. 1/27/78 1979-1985	1970-1977

JOURNAL OF THE SENATE

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Wojahn, R. Lorraine	27	D	Pierce, part	3592 East "K" St. Tacoma 98404
Zimmerman, Hal	17	R	Klickitat Skamania Clark, part	1432 N. E. 6th Avenue Camas 98607
Cherberg, John A.		D	President of the Senate	304 Legislative Building Olympia 98504
Snyder, Sid		D	Secretary of the Senate	P. O. Box 531 Long Beach 98631
Gleason, Bill		D	Assistant Secretary of the Senate	611 No. "C" St. Tacoma 98403
Scarpelli, O. F. "Ole"		D	Sergeant at Arms	6345 6th Avenue N.E. Seattle 98115

1986 — SENATE ROSTER—continued

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
65	Washington	.....	1977-1985	1969-1976
62	North Dakota	Newspaper Columnist	1981-1985	1967-1980
75	Florida	Lieutenant Governor	Elected 1957 1957-1985	.....
59	Washington	Supermarket Owner and Operator	Elected 5/12/69 1969-1985	Assistant Chief Clerk or Acting Chief Clerk 1957 to May, 1969
45	Washington	Professional	Appt. 1971 1971-1981 1983-1985	.....
64	Washington	Real Estate Broker	1983-1985	.....

**Membership of
Senate Standing Committees
1986**

AGRICULTURE (9) — Hansen, Chair; Goltz, Vice Chair; Bailey, *Barr, Bauer, Benitz, Bottiger, Gaspard, Newhouse.

COMMERCE AND LABOR (10) — Warnke, Chair; Vognild, Vice Chair; *Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

EDUCATION (19) — Gaspard, Chair; Bauer, Vice Chair; Rinehart, Vice Chair; Bailey, Bender, Benitz, *Craswell, Fleming, Goltz, Granlund, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

ENERGY AND UTILITIES (9) — Williams, Chair; McManus, Vice Chair; Bailey, *Benitz, Halsan, Kreidler, McCaslin, Saling, Stratton.

FINANCIAL INSTITUTIONS (10) — Moore, Chair; Bender, Vice Chair; Bottiger, *Deccio, Granlund, McDermott, Newhouse, Sellar, Vognild, von Reichbauer.

GOVERNMENTAL OPERATIONS (11) — Thompson, Chair; McManus, Vice Chair; Bailey, DeJarnatt, Garrett, Gaspard, McCaslin, Pullen, Rinehart, Saling, *Zimmerman.

HUMAN SERVICES AND CORRECTIONS (11) — Wojahn, Chair; Kreidler, Vice Chair; Conner, Craswell, Deccio, Granlund, Johnson, *Kiskaddon, McDonald, Peterson, Stratton.

JUDICIARY (13) — Talmadge, Chair; Halsan, Vice Chair; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, *Newhouse, Owen, Pullen, Thompson, Williams.

NATURAL RESOURCES (11) — Owen, Chair; Stratton, Vice Chair; Barr, Conner, Halsan, Johnson, Lee, *Metcalf, Patterson, Peterson, Rasmussen.

PARKS AND ECOLOGY (7) — Kreidler, Chair; Talmadge, Vice Chair; *Bluechel, Cantu, Hansen, Kiskaddon, Williams.

RULES (20) — Cherberg, Chair; Goltz, Vice Chair; Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Guess, *Hayner, McDonald, Rasmussen, Rinehart, Sellar, Vognild, von Reichbauer, Zimmerman.

TRANSPORTATION (17) — Peterson, Chair; Hansen, Vice Chair; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Owen, *Patterson, Pullen, Sellar, Vognild, von Reichbauer.

WAYS AND MEANS (21) — McDermott, Chair; Gaspard, Vice Chair; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, *Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

**Member Assignments to
Senate Standing Committees
1986**

- BAILEY, Cliff — Agriculture, Education, Energy and Utilities, Governmental Operations.
- BARR, Scott — *Agriculture, Natural Resources, Transportation.
- BAUER, Albert — Education, Vice Chair; Agriculture, Rules, Ways and Means.
- BENDER, Rick S. — Financial Institutions, Vice Chair; Education, Rules, Transportation.
- BENITZ, Max E. — Agriculture, Education, *Energy and Utilities, Rules.
- BLUECHEL, Alan — *Parks and Ecology, Rules, Ways and Means.
- BOTTIGER, R. Ted — Agriculture, Financial Institutions, Rules, Ways and Means.
- CANTU, Emilio — *Commerce and Labor, Parks and Ecology, Ways and Means.
- CONNER, Paul H. — Human Services and Corrections, Natural Resources, Rules, Transportation.
- CRASWELL, Ellen — *Education, Human Services and Corrections, Ways and Means.
- DECCIO, Alex A. — *Financial Institutions, Human Services and Corrections, Ways and Means.
- DeJARNATT, Arlie U. — Governmental Operations, Judiciary, Rules, Transportation.
- FLEMING, George — Education, Judiciary, Rules, Ways and Means.
- GARRETT, Avery — Governmental Operations, Rules, Transportation.
- GASPARD, Marcus S. — Education, Chair; Ways and Means, Vice Chair; Agriculture, Governmental Operations.
- GOLTZ, H. A. "Barney" — Agriculture, Vice Chair; Rules, Vice Chair; Education, Ways and Means.
- GRANLUND, Win — Education, Financial Institutions, Human Services and Corrections, Transportation.
- GUESS, Sam C. — Education, Rules, Transportation.
- HALSAN, Stuart A. "Stu" — Judiciary, Vice Chair; Commerce and Labor, Energy and Utilities, Natural Resources.
- HANSEN, Frank "Tub" — Agriculture, Chair; Transportation, Vice Chair; Parks and Ecology.
- HAYNER, Jeannette — Judiciary, *Rules, Ways and Means.
- JOHNSON, Stanley C. — Education, Human Services and Corrections, Natural Resources, Transportation.
- KISKADDON, Bill — Education, *Human Services and Corrections, Parks and Ecology.
- KREIDLER, Mike — Parks and Ecology, Chair; Human Services and Corrections, Vice Chair; Energy and Utilities.
- LEE, Eleanor — Commerce and Labor, Natural Resources, *Ways and Means.
- McCASLIN, Bob — Energy and Utilities, Governmental Operations, Judiciary.
- McDERMOTT, Jim — Ways and Means, Chair; Education, Financial Institutions.
- McDONALD, Dan — Commerce and Labor, Human Services and Corrections, Rules, Ways and Means.
- McMANUS, Mike — Small Business Subcommittee, Chair; Energy and Utilities, Vice Chair; Governmental Operations, Vice Chair; Education.
- METCALF, Jack — Judiciary, *Natural Resources, Transportation.
- MOORE, Ray — Financial Institutions, Chair; Commerce and Labor, Judiciary, Ways and Means.
- NEWHOUSE, Irv — Agriculture, Commerce and Labor, Financial Institutions, *Judiciary.
- OWEN, Brad — Natural Resources, Chair; Judiciary, Transportation.
- PATTERSON, E. G. "Pat" — Education, Natural Resources, *Transportation.
- PETERSON, Lowell — Transportation, Chair; Human Services and Corrections, Natural Resources.
- PULLEN, Kent — Governmental Operations, Judiciary, Transportation.
- RASMUSSEN, A. L. "Slim" — Natural Resources, Rules, Ways and Means.

- RINEHART, Nita — Education, Vice Chair; Governmental Operations, Rules, Ways and Means.
- SALING, Gerald L. (Jerry) — Education, Energy and Utilities, Governmental Operations.
- SELLAR, George L. — Financial Institutions, Rules, Transportation.
- STRATTON, Lois J. — Natural Resources, Vice Chair; Education, Energy and Utilities, Human Services and Corrections.
- TALMADGE, Phil — Judiciary, Chair; Parks and Ecology, Vice Chair; Ways and Means.
- THOMPSON, Alan — Governmental Operations, Chair; Judiciary, Ways and Means.
- VOGNILD, Larry L. — Commerce and Labor, Vice Chair; Financial Institutions, Rules, Transportation.
- von REICHBAUER, Peter — Financial Institutions, Rules, Transportation.
- WARNKE, Frank J. — Commerce and Labor, Chair; Education, Ways and Means.
- WILLIAMS, Al — Energy and Utilities, Chair; Commerce and Labor, Judiciary, Parks and Ecology.
- WOJAHN, R. Lorraine — Human Services and Corrections, Chair; Commerce and Labor, Ways and Means.
- ZIMMERMAN, Hal — *Governmental Operations, Rules, Ways and Means.

**SENATE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Forty-Ninth Legislature

1986 Regular and First Special Sessionb

Senate No.	Relating to:	Chapter No.	Effective Date
3018	Life-cycle cost/public bldgs	127	6/11/86
2S 3110	Amusement devices/B&O	Vetoed	
S 3160	School employee suggestion award	143	8/01/86
S 3182	Public employee/restore withdrawn	PV 317	4/04/86
3193	Occupational disease retirement	207	6/11/86
3278	Foreign student fee waiver	232	6/11/86
3334	Private school bus maintenance	77	6/11/86
3336	Hotels/liquor bottles	208	5/01/86
3352	Education info/clearinghouse	180	6/11/86
3397	Illegal hunting	PV 318	6/30/86
S 3416	Bad checks/NSF	128	6/11/86
S 3419	Plat approval	233	6/11/86
S 3453	Common law liens	181	6/11/86
S 3458	MV insurance/55-plus safety course	235	6/11/86
2S 3487	Conservation savings return	PV 325	6/11/86
3495	Amusement rides	86	6/11/86
S 3498	Water contact	236	6/11/86
3527	K-3 teacher ratio	144	6/11/86
	Section 1		9/01/87
S 3532	Liquor licenses	5	6/11/86
2S 3574	Leasehold excise tax	285	4/04/86
S 3590	Public employ/no private benefit	4	6/11/86
3636	Insurance/taxes/fees	PV 296	7/01/86
	Section 7		4/04/86
S 3847	Retired teachers pensions	237	6/11/86
S 3948	Log truck liens	179	6/11/86
S 3990	Securities	304	6/11/86
S 4128	Corrections standards board	118	6/11/86
S 4221	State toxicology lab funds	87	7/01/87
S 4305	Bail bonds	PV 322	6/11/86
S 4418	Irrigation	PV 316	4/04/86
S 4425	Livestock	182	6/11/86
4443	Blind absentee voters	22	6/11/86
4446	Fire hydrants/maintenance	119	6/11/86
4450	Candidacy by mail	120	6/11/86
4452	LBC oversight	158	6/11/86
S 4455	Organ donation	129	6/11/86
4456	Veterans' park passes	6	6/11/86
S 4458	Forest land taxation	238	4/03/86
4463	Promote Washington products	183	6/11/86
S 4465	Deadly force/use	209	6/11/86
4470	Initiatives/public facilities use	239	6/11/86
S 4479	Industrial develop. revenue bonds	309	6/11/86
4481	Child/adult abuse reports	145	6/11/86
S 4486	Counties civil violations	PV 278	6/11/86
4490	Business corporations act	117	3/22/86
S 4491	Nonprofit corporations	240	6/11/86

Senate No.	Relating to:	Chapter No.	Effective Date
S 4497	Vehicle dealers regulated	241	4/03/86
	Section 9		7/01/86
	Section 10		7/01/87
S 4503	Travel vehicles tax revised	211	6/11/86
4506	State board health/sunset repeal	PV 273	6/11/86
4512	Identocard expiration	15	6/11/86
S 4519	Water pollution financing	3	2/21/86
	Sections 12 - 15		4/01/86
4521	Forensic pathology fellowship	31	7/01/86
S 4525	Legal representation of legislature	PV 323	6/11/86
4527	Commodities and securities	14	10/01/86
4528	Public dis/small polit subdv	12	6/11/86
4529	Nurses/privileged communication	212	6/11/86
S 4531	Mental health insurance	184	3/01/87
4535	Professional service corporations	261	6/11/86
S 4536	Vehicle/nonregistered penalty	186	6/11/86
4537	Expired license/court appearance	213	6/11/86
4538	Wine growers/license	214	6/11/86
4540	Insurance agreements/agents	286	6/11/86
S 4541	Insurance cancellation	287	6/11/86
S 4544	Abuse/vulnerable adults	187	6/11/86
S 4547	Crop liens	242	1/01/87
4551	Firefighters/assaults on	188	6/11/86
S 4553	Beef commission/promotion and research	190	6/11/86
4556	Hot tubs/spas/pools/safety	263	6/11/86
4569	Food/game fish/consolidate	164	6/11/86
S 4571	Rewards/criminal information	185	6/11/86
S 4572	Shoreline management	PV 292	6/11/86
S 4574	Chore services	222	4/02/86
4582	Health care insurance/fraud	243	6/11/86
4584	Library districts	189	4/01/86
S 4590	Local government investments	PV 294	6/11/86
4593	Public depositories	25	6/11/86
S 4596	Child/mental health services	PV 274	6/11/86
	Sections 1, 2, 3, 5 and 9		7/01/87
4601	Historic property	221	6/11/86
4609	County rail districts	26	3/10/86
4617	Driver's instruction permit	17	6/11/86
S 4618	International registration plan	18	1/01/87
4619	Land exchange/DNR/DSHS	7	3/07/86
4620	MV fuel/retail sales	PV 320	6/30/86
	Sections 20 and 21		4/04/86
2S 4626	Housing trust fund	PV 298	6/11/86
S 4627	Predatory cigarette pricing	PV 321	6/11/86
	Sections 1 and 4 - 14		7/01/91
4628	Community college board	130	6/11/86
S 4629	Psychology examining board	27	6/11/86
S 4630	Civil actions	305	8/01/86
	Section 904		4/04/86
	Sections 202 and 601		6/11/86
S 4635	WUTC/questions of fact	11	6/11/86
S 4639	Elective office/vacancies	159	*12/15/86
	*Pending voter approval of SSJR 138		
4644	Unemployment comp/tips as wages	21	6/11/86
4645	Corporate officers/unemployment	110	7/01/86
4647	Employer experience rating	111	6/11/86
S 4658	Handicapped/alternative schools	146	6/11/86

Senate No.	Relating to:	Chapter No.	Effective Date
S 4659	Med asst/eligibility comm prop	220	6/11/86
S 4661	Housing finance commission	264	4/03/86
S 4664	Low-level waste insurance	191	6/11/86
S 4665	Public funds/deposit out-of-state	160	6/11/86
S 4674	Salary increase/state officials	161	6/11/86
	Section 1		1/01/87
	4675 License plate renewal	PV 280	6/11/86
S 4676	Right-to-know/fee	310	6/11/86
	4678 Job sight safety inspections	192	6/11/86
	4680 Institutional industries	162	6/11/86
	4681 Inmates work release	125	6/11/86
S 4682	Community service/offenders	193	6/11/86
S 4683	Death penalty	194	6/11/86
S 4684	Inmate restitution	19	6/11/86
	4691 Industrial insurance/child defined	PV 293	6/11/86
	4693 Risk management/OFM claims	126	6/11/86
S 4696	Ferry revenue expenditures	23	7/01/87
	4705 Sexual offenses/minors	PV 319	6/11/86
	4708 Competence of witnesses	195	6/11/86
S 4710	Fingerprint info system	196	6/11/86
	4712 Archivist/oral history	PV 275	6/11/86
	4713 Industrial insurance/appeals	10	6/11/86
S 4717	Water quality/joint develop. act	244	4/03/86
S 4720	Indust. insurance/coverage certificate	9	6/11/86
	4721 Industrial safety/health appeals	20	6/11/86
S 4722	Contractor infractions	197	4/01/86
	4723 Library grants	79	6/11/86
S 4724	Excellence in education award	147	6/11/86
	4725 Accountancy act	PV 295	7/01/86
	4738 Juvenile offenders	288	4/04/86
S 4741	Commercial fishing vessel/seize	198	6/11/86
	4747 Model traffic ordinance	24	3/10/86
	4749 Property/casualty insurance	148	6/11/86
S 4757	Indians/vehicle licensing	30	6/11/86
S 4758	Fuel tax/metered pump	29	6/11/86
S 4762	Supplemental budget	PV 312	4/04/86
S 4766	Winter heating/termination	245	6/11/86
S 4769	Feed tax	265	6/11/86
	4770 Irrigation district employees	8	6/11/86
S 4779	Auctioneers	PV 324	7/01/86
	4781 Public disclosure/reports	28	6/11/86
S 4783	Controlled substances	246	6/11/86
S 4790	Sludge disposal	PV 297	6/11/86
S 4797	Underground storage tanks	289	6/11/86
S 4814	Child abuse prevention	149	6/11/86
S 4815	Public works projects	PV 291	4/04/86
S 4876	Low-level radioactive waste	2	6/11/86
	Sections 3 and 4		2/21/86
S 4888	Used cars/price display	165	6/11/86
	4891 MV dealers/requirements	199	6/11/86
	4894 Volunteer firemen/benefits	163	6/11/86
S 4897	Process servers/certification	219	6/11/86
S 4898	Wildfire/outside district	311	6/11/86
S 4905	Supplemental transportation budget	313	4/04/86
	4906 Highway bonds	290	6/11/86
S 4917	Banks and trust companies	PV 279	6/11/86
S 4923	Tax exempt bonds	247	4/03/86

Senate No.	Relating to:	Chapter No.	Effective Date
S 4926	Fiscal data reporting	215	6/11/86
4927	Industrial injuries/workers	200	4/01/86
S 4933	Low-income housing	248	6/11/86
S 4949	Health care assistants	216	6/11/86
4959	Pornography profiteering	78	6/11/86
4968	Unemploy. insurance/fund transfer	249	4/03/86
4982	Indecent liberties defined	131	6/11/86
S 4990	River running regs.	217	6/11/86
S 5005	Credit transactions/consumer protection	218	6/11/86
S 5026	Farmers/hazardous waste	201	6/11/86
5033	Preschool accreditation	150	6/11/86
S 5037	Dropouts	151	6/11/86
S 5044	Agriculture commodity authority	PV 203	6/11/86
	Sections 21 and 22		4/01/86

SENATE MEMORIALS & RESOLUTIONS PASSED BY BOTH HOUSES

SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE

Forty-Ninth Legislature

1986 Regular and First Special Session

No. Subject:

SENATE JOINT MEMORIALS

113	Small business administration
126	Disabled veterans
S 132	Missing in Indochina
133	Hawaii satellite
S 135	Customs inspectors
136	Veterans' cemetery
143	Transportation/radioactive material

SENATE JOINT RESOLUTIONS

136	Judicial qualification commission
S 138	Vacancies/elective offices

SENATE CONCURRENT RESOLUTIONS

124	Reintroduction of 1985 measures
125	Establishing cut-off dates
S 126	Comparable worth/ratification
136	Sine die
137	Special session/limiting

**HOUSE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

**Forty-Ninth Legislature
1986 Regular Session and First Special Session**

House No.	Relating to:	Chapter No.	Effective Date	
S	37	Recycling used oil	37	6/11/86
S	131	Health related professions	259	6/11/86
S	134	Automatic dialing device/use	281	6/11/86
2S	136	Dangerous wastes/household	210	6/11/86
S	160	Preadmission screening fee	166	6/11/86
S	205	Securities act/limited exempt	90	7/01/86
S	244	State medal of merit	92	6/11/86
S	308	Municipal incorp. and elections	234	4/03/86
S	355	WSP retirement credit/cadets	154	3/31/86
S	378	Retirement/cost of living fund	306	7/01/86
S	495	Indian land/jurisdiction	PV 267	6/11/86
	507	Freeway traffic flow	93	6/11/86
S	573	Property improvement claims	PV 314	6/11/86
S	588	Retirement contribution rates	PV 268	6/11/86
S	594	Institution industry/revenue	94	6/11/86
S	614	Higher ed./serv-activity fees	91	6/11/86
S	686	Disability comp reduction	75	6/11/86
S	803	Criminal mistreatment/penalties	250	6/11/86
	1058	Emergency calls/recording	38	6/11/86
S	1134	DSHS/screen employees	PV 269	6/11/86
S	1148	Strip searches/regulation	88	6/11/86
S	1177	Hazardous waste/records	82	6/01/86
S	1182	Safety belts/MV/mandatory	152	6/11/86
S	1218	Local govt. financing/streets	252	6/11/86
S	1270	Property tax levies/local	107	6/11/86
S	1331	Elected state officials/salaries	155	*1/01/87
		*Pending voter approval of SHJR 49		
S	1332	Generic drugs/consumer choice	52	6/11/86
S	1333	State agencies/termination	PV 270	4/03/86
S	1335	Personal services contracts	33	6/11/86
	1337	Development loan fund/exempt	204	6/11/86
	1339	Children/school attendance	132	6/11/86
	1345	LIS/legislative systems committee	61	7/01/86
		Sections 1-10 and 12		3/12/86
S	1349	Elections procedures	167	6/11/86
	1350	Higher ed. tuition fees	42	6/11/86
	1353	Irrigation dist/plat approval	39	6/11/86
S	1355	Horse market program/WA-bred	PV 202	6/11/86
S	1356	Arbitration/support-maintenance	95	6/11/86
	1362	Fisheries/marketing plan	62	6/11/86
S	1363	Vehicles/debris escape	89	6/11/86
S	1368	Driving records/abstracts	74	6/11/86
	1371	School bus drivers	32	6/11/86
	1374	Lessees improvement/tax value	251	6/11/86
S	1382	Off-road vehicle funds	206	6/30/86
S	1385	Water-sewer district elections	41	6/11/86
	1386	Annexation/petition or election	253	6/11/86
S	1388	Fire agencies/annexations	254	4/03/86
		Sections 1 - 3		7/01/87

HOUSE BILLS PASSED BY BOTH HOUSES

1801

House No.	Relating to:	Chapter No.	Effective Date
S 1391	Hearing aids/tax exempt	255	7/01/86
1393	Mason/Thurston judicial/add	76	1/01/87
1398	Interest rate/state register	60	6/11/86
S 1399	Adult felons/sentencing	257	6/11/86
	Sections 17 - 35		7/01/86
S 1400	Indeterminate sentencing/review	PV 224	6/11/86
	Sections 1 - 13		7/01/86
S 1401	Economic forecasts/provisions	112	6/11/86
S 1403	Forest protection statutes	100	6/11/86
1407	Sewer/water districts/annex info	258	6/11/86
S 1408	Water dist./territory withdrawal	109	6/11/86
S 1413	Revenue bonds/local govt	168	6/11/86
1415	Civil rights redress/FEO 9066	225	6/11/86
1419	Levy lid/106%/limited waiver	169	6/11/86
1424	Estate tax apportionment	63	6/11/86
S 1433	Lottery winners/state claims	83	9/01/86
1441	Unclaimed property/provisions	84	6/11/86
1442	Oil/gas leases/state land	34	3/10/86
S 1447	Public works/contracts	282	6/11/86
1450	MV equip/performance standards	113	6/11/86
S 1451	Commercial code/Article 8	35	6/11/86
S 1458	Water supply systems/violations	PV 271	6/11/86
1459	Breathalyzer test refusal	64	6/11/86
S 1460	Liquor licenses/class P	40	6/11/86
1462	Nursing home insurance policies	170	6/11/86
	Section 6		11/01/86
1463	Controlled substances	124	6/11/86
S 1479	Methadone treatment services	53	3/12/86
S 1480	Vending machines/sales tax	36	3/10/86
1482	Boat titles/replacement	71	6/11/86
1483	License plates/special	108	6/11/86
1486	Fairs commission/sunset term	171	6/11/86
1490	Industrial insurance payments	54	6/11/86
S 1493	Motorist services/signs	114	6/11/86
S 1495	Health care assistants	115	6/11/86
S 1496	Horse racing commission/funds	43	6/11/86
1499	Alcohol breath testing	153	6/11/86
1504	Moorage/transient vessels	260	6/11/86
2S 1505	Employment/hard to employ	172	6/11/86
1511	State warrants/provisions	99	6/11/86
1517	Estate taxation/provisions	44	6/11/86
1518	Implied consent law/drivers	101	6/11/86
1519	Motorcycle drivers training	80	6/11/86
S 1540	Solid waste/standards	81	6/11/86
S 1545	Hydraulic permits/fish life	173	6/11/86
1563	Winter recreational facility	47	6/11/86
S 1564	Improvement districts/protests	256	6/11/86
1572	UTC/practices	49	6/11/86
S 1580	Criminal statutes/limits	85	6/11/86
S 1581	Industrial insurance/claims	55	6/11/86
	Section 1		7/01/86
S 1587	International trade expanded	PV 276	6/11/86
S 1593	Health care facilities	205	6/11/86
S 1598	Sex offender treatment program	PV 301	4/04/86
	Section 4		7/01/87
1599	Snowmobile regs/revisions	16	6/11/86
1602	Timber sales/tax advise	65	6/11/86

House No.	Relating to:	Chapter No.	Effective Date
	1614 Vehicle license/prerequisites	174	1/01/90
S	1622 Flood control management plan	46	6/11/86
S	1624 School levies/time period	133	*12/15/86
	*Pending voter approval of HJR 55		
	1630 Health care services/contracts	PV 223	4/02/86
	1631 Nursing home cost reimbursement	175	6/11/86
	1633 Timber tax/public entities	PV 315	6/11/86
	Section 8		4/04/86
	1635 Day care/state employees	134	6/11/86
	1637 Emergency info services/access	45	6/11/86
	1647 PDC sunset termination/pepeal	PV 272	6/11/86
	1652 Retirement/disability benefits	176	4/01/86
S	1654 Local govt/debt computations	50	6/11/86
	1656 Day care/state employees	135	6/11/86
S	1669 Pilotage comm/regulate pilots	121	6/11/86
S	1678 Telephone solicitation regs	PV 277	6/11/86
	1686 Quasi-community property	72	6/11/86
S	1687 Vocational schools/private	PV 299	7/01/86
S	1688 Institutions/degree granting	136	7/01/86
	1702 Developmentally disabled/funds	13	3/08/86
	1703 Comparable worth/implementation	1	2/18/86
	1708 Liquor control board/terms	105	6/11/86
S	1709 Community dev/add agencies	PV 266	6/11/86
	1711 Environmental ed. coord. comm	51	6/11/86
	1720 Boilers/unfired pressure vessels	97	6/11/86
	1721 Pension fund/payments	56	6/11/86
	1725 Learning objectives/review	137	6/11/86
S	1726 Charitable solicitations/regs	230	1/01/87
	1743 Use tax collection	48	7/01/86
S	1754 Unemployed recipients/hire	PV 116	6/11/86
S	1762 Vessel pilot regulation	122	6/11/86
	1763 Vehicle inspection law	123	6/11/86
	1776 Medical program directors	68	3/12/86
S	1783 Self-insured employers	57	6/11/86
	1795 Child support orders/info	138	6/11/86
S	1802 Marginal labor force	106	3/21/86
S	1804 Port commission formation	262	6/11/86
S	1815 Nursing home vehicles/parking	96	6/11/86
	1825 Tourism/hotel/motel tax	308	6/11/86
S	1827 Vessels/property tax	229	6/11/86
S	1829 Educational services/study	139	6/11/86
S	1831 Teacher evaluation/study	73	6/11/86
S	1838 Campaign financing disclosure	228	4/03/86
S	1839 Nat. resources board/county rep	227	6/11/86
S	1846 B&O tax/warehouse operations	226	7/01/86
	1851 Excise tax/processing	231	4/03/86
S	1865 Electricians/provisions	156	6/11/86
S	1866 Ferry system funding	66	7/01/87
	1868 Centennial logos/use	157	6/11/86
S	1869 Crime victims compensation	98	6/11/86
	Section 4		5/01/86
S	1870 Charter operators/escrow	283	1/01/87
S	1873 Injured workers/benefits	58	6/11/86
	Sections 2 and 3		7/01/86
S	1875 Ind. ins./retired workers	59	6/11/86
	Section 3		6/30/89
	Section 5		7/01/86

House No.	Relating to:	Chapter No.	Effective Date
S 1892	Telecommunications/tax Sections 1, 2, 4 and 5	70	6/11/86 1/01/87
1899	State land bank	284	6/11/86
1900	Cattle running	177	6/11/86
S 1950	Medical discipline board	PV 300	6/11/86
1954	Lodging/local tax	104	4/01/86
1962	Engineers and surveyors	102	6/11/86
S 1967	State land leases	307	6/11/86
S 1972	Insurance/entities self-insure	PV 302	6/11/86
S 1976	Involuntary treatment	67	6/11/86
S 1986	Insurance/adopted children	140	1/01/87
S 2011	Insurance agents trust accounts	69	1/01/87
S 2014	Agriculture commission	178	6/11/86
S 2021	Health care project	PV 303	4/04/86
2055	Bonded indebtedness	103	6/11/86
S 2080	Day care insurance	141	3/31/86
S 2083	Day care/insurance plans	142	3/31/86
2130	High-level waste repository	*Ref. #40	

*Pending passage of referendum

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Forty-Ninth Legislature

1986 Regular and First Special Session

No. Subject:

HOUSE JOINT MEMORIALS

26 Verifiable test ban treaty

HOUSE JOINT RESOLUTIONS

S 49 Elected officials salaries
55 School construction levies

HOUSE CONCURRENT RESOLUTIONS

16 Joint Session/Governors message
17 Notifying Governor, legislature organized
19 Oil spills, DOE report
S 21 Joint select comm/industrial insurance
22 Joint select comm/disability employ. econ. participation
28 Governor notified, sine die
29 DNR/Timber report
30 Sine die/First Special Session

HISTORY OF SENATE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3011.				70		
3017.					61	
3018.				40	798 840,1487	1765 C127
3020.				85		
3021.				84	1139,1545	
3030.				70		
3036.		257				
3036.(Sub)			297	297		
3044.		249			60,629	
3046.					42	
3048.(Sub)				71		
3056.(Sub)					42	
3084.		249	579	579	204	
3089.(Sub)					42	
3090.(Sub)					42,64	
3092.					60	
3093.				71		
3095.					42	
3097.		239				
3097.(Sub)			572	573		
3098.					42	
3110.(Sub)		174			42	
3110.(2nd Sub)			313	313	1128,1213	1770 VETOED
3112.(Sub)				84		
3132.					42	
3140.			116	116,117		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3154.(Sub)					42	
3157.(Sub)		278			42	
3157.(2nd Sub)			422	422		
3160.(Sub)				72	777 840,1487	1766 C143
3161.(Sub)				275		
3171.					43	
3182.(Sub)			578	578	1155 1377,1457	1770 PV C317
3188.(2nd Sub)				40		
3193.		126	212	212	1152 1377,1457	1767 C207
3211.					629	
3221.(Sub)					43	
3224					43	
3226.		278			629	
3228.(Sub)				118		
3231.		257			61	
3231.(Sub)			612	613		
3233.					42	
3234.					42	
3243.(Sub)					42	
3251.(Sub)					42	
3252.(Sub)					42	
3255.(Sub)				41		
3259.				276		
3260.		73			629	
3266.(Sub)					42	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3278.			118	118,119	1152 1377,1457	1768 C232
3286.					61	
3287.				94		
3306.(Sub)			41	41		
3310.(Sub)				307		
3316.(Sub)			276	276		
3320.(Sub)					42	
3323.					43	
3334.		224	318	318	1128,1213	1765 C77
3336.		139	576	576	778 840,1487	1767 C208
3339.					42	
3345.(Sub)					42	
3347.(Sub)					42	
3352.				94	1128,1469	1766 C180
3355.			308	308		
3369.(Sub)				308		
3377.					43	
3397.				83	805,1538 1628,1679 1744,1751	1770 PV C318
3414.(Sub)		37			629	
3416.(Sub)				54.55	1154 1377,1457	1765 C128
3419.(Sub)				309	1136 1178,1659	1768 C233
3433.		179				
3434.					42	
3439.(Sub)			319	319		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3444.			182	182,183		
3447.(Sub)					43	
3448.(Sub)					43	
3453.		73			35	
3453.(Sub)			202	202	1134 1178,1659	1766 C181
3458.(Sub)				309	1209 1377,1457	1768 C235
3459.(Sub)					61	
3469.(Sub)					42	
3476.					152	
3478.(Sub)					42	
3482.					43	
3487.		174			61	
3487.(2nd Sub)			599	599	1137 1377,1457	1771 PV C325
3495.		236	426	427	1128,1213	1765 C86
3498.(Sub)			55	55,57	1320 1469,1582 1669,1679	1768 C236
3510.(Sub)					42	
3517.(Sub)		179,249			42	
3517.(3rd Sub)			320	321		
3520.(Sub)				95		
3523.		224			629	
3527.			321	321	1128,1469	1766 C144
3532.		236				
3535.					541	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3532.(Sub)			319	319	665,734	1129 C5
3541.(Sub)				184		
3555.				588	596	
3558.(Sub)				115		
3574.(Sub)		174			42	
3574.(2nd Sub)			381	382	1351 1470,1542	1769 C285
3587.(Sub)			128	128,129		
3590.(Sub)				93	665,734	1129 C4
3595.(Sub)				58		
3621.(Sub)					42	
3636.			298	303	271,1130 1178,1659	1771 PV C296
3657.					61	
3704.		278				
3712.(Sub)					61	
3717.(Sub)					61	
3718.		224	232			
3718.(Sub)			235	235,245	236,244	
3740.(Sub)					42	
3756.(Sub)					72	
3764.(2nd Sub)					42	
3788.					629	
3789.					43	
3796.			571	571		
3806.					61	
3842.(Sub)			116	116		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3843.					43	
3847.		126				
3847.(Sub)			572	572	1172 1377,1457	1768 C237
3878.		224	361	362		
3905.		257				
3905.(Sub)			439	439		
3910.				95		
3948.		258				
3948.(Sub)			614	614	1351 1470,1542	1766 C179
3990.		258				
3990.(Sub)			518	522	1128,1469	1769 C304
4119.(Sub)					42	
4126.					43	
4128.(Sub)			69	69	1142,1464 1650,1679	1765 C118
4136.(2nd Sub)					42	
4141.(Sub)					61	
4144.					43	
4150.					629	
4165.(Sub)			530,533	533	530	
3948.		258				
3948.(Sub)			614	614	1351 1470,1542	1766 C179
4136.(2nd Sub)					42	
4141.(Sub)					61	
4144.					43	
4150.					629	

HISTORY OF SENATE BILLS

1811

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4165.(Sub)			530,533	533	533	
4221.		179				
4221.(Sub)			306	306	1127 1128,1213	1765 C87
4234.				568		
4241.(Sub)					61	
4242.		200			43	
4242.(2nd Sub)			322 390,429	429	324,390	
4255.(Sub)					61	
4262.				184		
4264.		239			629	
4286.					629	
4291.					68	
4305.(Sub)			184	184,185	1158 1377,1457	1772 PV C322
4308.(Sub)					61	
4315.(Sub)				93		
4320.(Sub)				58		
4321.		258			43,629	
4323.					61	
4418.		249				
4418.(Sub)			552,560	560	552,1159 1377,1457	1772 PV C316
4425.		187				
4425.(Sub)			543	543	1129 1178,1659	1766 C182
4442.	24					
4443.	24	73	183	183	733 734,761	1678 C22

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4444.	24	136			629	
4445.	25					
4446.	25	74	391	391	778 840,1487	1765 C119
4447.	25					
4448.	25	74	317	317		
4449.	25	74			629	
4450.	25	74	431	431	799 840,1488	1765 C120
4451.	25					
4452.	25	174	290	291	1178,1543	1766 C158
4453.	26	175	351	352		
4454.	26	249	617	617		
4455.	26	210				
4455.(Sub)			380	380	799 840,1488	1765 C129
4456.	26	200	361	361	672 678,734	1129 C6
4457.	26					
4458.	26	224				
4458.(Sub)			382	382	1128,1213	1768 C238
4459.	26	239				
4459.(Sub)			273	273		
4460.	26					
4461.	26					
4462.	26	224				
4463.	26	258	603	603	1322 1460,1615 1691,1698 1744,1751	1766 C183

HISTORY OF SENATE BILLS

1813

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4464.	27	154				
4465.	27	126				
4465.(Sub)			530	530	1161 1377.1457	1767 C209
4466.	27					
4467.	27	74				
4467. (Sub)			375,376	376	375	
4468.	27					
4469.	27				152	
4470.	27	154	234	234	800 840,1488	1768 C239
4471.	27	249			629	
4472.	27	179				
4473.	27					
4474.	27	250				
4475.	28					
4476.	28					
4477.	28					
4478.	28				61	
4479.	28	240				
4479. (Sub)			427	427	125,804 840,1488	1769 C309
4480.	28					
4481.	28	126	285	285	1162 1377.1457	1766 C145
4482.	28	187				
4483.	28	258				
4483.(Sub)			579	579		
4484.	28				72	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4485.	28					
4486.	28	175				
4486.(Sub)			235	235	1163 1464,1585 1671,1679	1773 PV C278
4487.	29					
4488.	29					
4489.	29	258	580	581	581	
4490.	29	225	315	315	811 840,1488	1765 C117
4491.	29	240				
4491.(Sub)			316	316	811 840,1488	1768 C240
4492.	29					
4493.	29					
4494.	29					
4495.	30					
4496.	30					
4497.	30	210				
4497.(Sub)			548	548	1379 1470,1542	1768 C241
4498.	30	240 258,278				
4498.(2nd Sub)			561	561		
4499.	30					
4500.	30	63	324	324		
4501.	30	63				
4502.	31	259				
4503.	31	225			204	
4503.(Sub)			430	430	1352 1470,1542	1767 C211

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4504.	31	175				
4505.	31	136	340	340		
4506.	31	240	350	350	1172 1377,1457	1773 PV C273
4507.	31	127	349	349		
4508.	38					
4509.	38	259				
4510.	38	237				
4511.	38	127				
4512.	38	194	516	516	733 734,761	1211 C15
4513.	38	194	284	285		
4514.	38	250			629	
4515.	38					
4516.	38	187,225				
4517.	38					
4518.	39	259			629	
4519.	39	225				
4519.(Sub)			331	339	339,512 515,542	647 C3
4520.	39					
4521.	39	154	317	318	733 734,761	1678 C31
4522.	39					
4523.	39					
4524.	39					
4525.	39	225				
4525.(Sub)			375	375	1147 1377,1457	1774 PV C323

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4526.	50	259				
4526.(Sub)			375,378	379	375	
4527.	50	225	517	517	733 734,761	1211 C14
4528.	51	200	385	385	733 734,761	1211 C12
4529.	51	200	401	401	811 840,1488	1767 C212
4530.	51	250			629	
4531.	51	200				
4531.(Sub)			576	576	1348 1531,1543 1608,1680 1744,1751	1766 C184
4532.	51					
4533.	51					
4534.	51					
4535.	51	226	438	438	1173 1377,1457	1768 C261
4536.	51	154				
4536.(Sub)			283	283	1353 1470,1542	1766 C186
4537.	51	127	297	297	1354 1470,1542	1767 C213
4538.	52	155	341	341	1173 1377,1457	1767 C214
4539.	52	127				
4539.(Sub)			204	205		
4540.	52	114	213	213	1174 1377,1457	1769 C286
4541.	52	114				
4541.(Sub)			214,221	221,222	215 1148,1204 1676,1679	1769 C287

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4542.	52	127			340	
4543.	52				61	
4544.	52	250				
4544.(Sub)			609	610	1176 1377,1457	1767 C187
4545.	52					
4546.	52	136	233	233		
4547.	53	155				
4547.(Sub)			223	233	1355 1470,1542	1768 C242
4548.	53					
4549.	53	259			629	
4550.	53	237			282	
4551.	53	250	535	535	1127 1128,1214	1767 C188
4552.	53	136				
4552.(Sub)			281	282		
4553.	53	136				
4553.(Sub)			234	234	1130 1178,1659	1767 C190
4554.	53	187			629	
4555.	53					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4556.	53	179	364	364	811 840.1488	1768 C263
4557.	53	175				
4557.(Sub)			600	602		
4558.	54					
4559.	54	175				
4559.(Sub)			552	553		
4560.	54	226	550	551		
4561.	54	155	375	375		
4562.	54	278	592	593		
4563.	54	188				
4563.(Sub)			306	306		
4564.	54	259	526	527		
4565.	65	250			629	
4566.	65					
4567.	65					
4568.	65	237				
4569.	65	180	350	350	803 840.1488	1767 C164
4570.	65					
4571.	65	240				
4571.(Sub)			517	518	1175 1377.1457	1767 C185
4572.	66	175				
4572.(Sub)			303	303	1355 1470.1542	1774 PV C292
4573.	66					
4574.	66	188				
4574.(Sub)			557	557	1127 1128.1214	1767 C222

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4575.	66	259	589	589		
4576.	66	250 260,279				
4576.(Sub)			561	561		
4577.	66	260				
4577.(Sub)			590	590		
4578.	66					
4579.	66	237				
4579.(Sub)			364	364		
4580.	67					
4581.	67					
4582.	67	115	365	367	1177 1377,1457	1768 C243
4583.	67					
4584.	67	137	377	377	1187 1377,1457	1767 C189
4585.	67					
4586.	67	245				
4587.	67	226	546	547		
4588.	67	226				
4589.	67					
4590.	67	226				
4590.(Sub)			377	377	1179,1465 1580,1677	1774 PV C294
4591.	68	226	378	378		
4592.	68	226	544	544		
4593.	68	155	544	544	733 734,761	1678 C25
4594.	68					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4595.	68	180				
4596.	77	210				
4596.(Sub)			289	289	1180,1201 1377,1457	1775 PV C274
4597.	77				152	
4598.	77					
4599.	77	260				
4599.(Sub)			356	357		
4600.	77	251			629	
4601.	77	176	213	213	1185 1377,1457	1767 C221
4602.	77	260				
4602.(Sub)			556	556		
4603.	77	260				
4604.	78	115	325	325		
4605.	78					
4606.	78	260				
4607.	78					
4608.	78	237				
4608.(Sub)			557	557		
4609.	78	261	562	562	733 734,761	1678 C26
4610.	78	240				
4610.(Sub)			439	439		
4611.	78	261				
4611.(Sub)			527	527		
4612.	78					
4613.	78	210				
4613.(Sub)			598	598		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4614.	78					
4615.	79	194	545	545		
4616.	79	194	545	545		
4617.	79	194	546	546	733 734,761	1211 C17
4618.	79	195				
4618.(Sub)			546	546	733 734,761	1211 C18
4619.	79	201	367	367	665,734	1129 C7
4620.	79	251	603	607	1360 1470,1542	1775 PV C320
4621.	79	261				
4622.	79	261				
4623.	80	251				
4624.	80	261	358	358		
4625.	80					
4626.	80	227,261				
4626.(2nd Sub)			369,370	371	369,1127 1128,1214	1776 PV C298
4627.	80	241				
4627.(Sub)			386,531	532	387,773 840,1488	1776 PV C321
4628.	80	180	314	314	1143 1460,1679	1765 C130
4629.	80	211				
4629.(Sub)			384	384	733 734,761	1678 C27
4630.	80	227				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4630.(Sub)			443	494	1473 1543,1677	1769 C305
4631.	80					
4632.	80					
4633.	80	201	442	442		
4634.	81					
4635.	81	227				
4635.(Sub)			424	424	672 678,734	1129 C11
4636.	81	201	425	425		
4637.	81	180	315	315		
4638.	81	251	535	536		
4639.	81	241				
4639.(Sub)			431	431	1144,1466 1688,1727 1744,1751	1766 C159
4640.	81	192				
4640.(Sub)			612	612		
4641.	81	127				
4641.(Sub)			341	342		
4642.	81	241			152,629	
4643.	81	262				
4644.	88	155	314	314	733 734,761	1211 C21
4645.	88	155	401	401	811 841,1488	1765 C110
4646.	88					
4647.	88	155	425	425	802 841,1488	1765 C111
4648.	89					
4649.	89	241	425	426	318	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4650.	89					
4651.	89				152	
4652.	89	262				
4653.	89					
4654.	89	262			173,186	
4655.	89				125	
4656.	89				152	
4657.	89	201	316	316		
4658.	90	241				
4658.(Sub)			558	558	1185 1377,1457	1766 C146
4659.	90	262				
4659.(Sub)			610,618	611,619	611,1188 1377,1457	1768 C220
4660.	90	227	440	440		
4661.	90	262				
4661.(Sub)			369	369,373	370,1201 1377,1457	1768 C264
4662.	90	127	304	304		
4663.	90	245				
4663.(Sub)			607	608		
4664.	90	251				
4664.(Sub)			569	569	1129 1178,1659	1767 C191
4665.	90	227				
4665.(Sub)			351	351	1202 1378,1469	1766 C160
4666.	90					
4667.	90	237				
4668.	90					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4669.	91				125	
4670.	91					
4671.	91					
4672.	91	262				
4673.	91					
4674.	91	263	615	616	1451 1580,1677	1766 C161
4675.	91	263	566	566	1364 1470,1542	1777 PV C280
4676.	91	263				
4676.(Sub)			387	387	1203 1378,1469	1769 C310
4677.	91	201			541	
4678.	91	227	322	322	811 841,1488	1767 C192
4679.	91	263	559	559		
4680.	91	156	348	348	1127 1128,1214	1766 C162
4681.	92	156	349	349	1365 1470,1542	1765 C125
4682.	92	211				
4682.(Sub)			515	515	1129 1178,1659	1766 C193
4683.	92	156				
4683.(Sub)			536	536	1205 1378,1469	1767 C194
4684.	92	156				
4684.(Sub)			248	248	733 734,761	1211 C19
4685.	92	211				
4685.(Sub)			516	516		
4686.	92					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4687.	92					
4688.	92					
4689.	92					
4690.	92					
4691.	92	227	298	298	1205 1378,1469	1778 PV C293
4692.	93					
4693.	93	228	379	379	1366 1470,1542	1765 C126
4694.	120					
4695.	120	228	614	614		
4696.	120	241				
4696.(Sub)			559	559	733 734,761	1678 C23
4697.	120					
4698.	120					
4699.	120					
4700.	120					
4701.	120	128	286	286		
4702.	120					
4703.	120	156	286	286		
4704.	121	176				
4704.(Sub)			294	296		
4705.	121	128	286,293	293	288,1544 1677,1712	1788 PV C319
4706.	121	195	292	292		
4707.	121					
4708.	121	128	289	289	1129 1178,1659	1767 C195

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4709.	121					
4710.	121	156,251			186	
4710.(Sub)			440	441	1128,1469	1767 C196
4711.	121	195				
4711.(Sub)			291	291		
4712.	121	188	589	589	1370 1470,1542	1778 PV C275
4713.	122	195	391	391	665,734	1129 C10
4714.	122					
4715.	122	201 277,279			629	
4716.	122					
4717.	122	201				
4717.(Sub)			326	331	331 340,1206 1378,1469	1768 C244
4718.	122					
4719.	122	180				
4719.(Sub)			343	343		
4720.	122	251				
4720.(Sub)			427	427	665,734	1129 C9
4721.	122	211	368	368	734 735,762	1121 C20
4722.	122	228				
4722.(Sub)			392	394	1263 1458,1543	1767 C197
4723.	123	188	307	307	1127 1128,1214	1765 C79
4724.	123	180,195	196			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4724.(Sub)			198	198	1269 1458.1543	1766 C147
4725.	123	242	562	563	1307 1466.1540 1626.1715 1744.1751	1779 PV C295
4726.	123					
4727.	123					
4728.	123					
4729.	123	211	573	573		
4730.	123					
4731.	123					
4732.	123					
4733.	124					
4734.	124	252				
4735.	124					
4736.	124	263			629	
4737.	124	195				
4737.(Sub)			362	363		
4738.	124	228	590	590	1322 1460.1621 1675.1679	1769 C288
4739.	124					
4740.	124					
4741.	124	252				
4741.(Sub)			388	388	1145 1146.1189 1466.1608 1671.1679	1767 C198
4742.	124	202			629	
4743.	124					
4744.	125	242				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4745.	125					
4746.	129	228	429	429		
4747.	129	228	284	284	733 734.761	1678 C24
4748.	129				173	
4749.	129	228	529	529	1271 1458,1543	1766 C148
4750.	129					
4751.	129	229				
4752.	129					
4753.	130	252			629	
4754.	130	211			629	
4755.	130					
4756.	130	263				
4757.	130	237				
4757.(Sub)			563	564	733 734.761	1678 C30
4758.	130	238				
4758.(Sub)			380	381	733 734.761	1678 C29
4759.	130	242	284	284		
4760.	130					
4761.	130					
4762.	130	653				
4762.(Sub)			654	657,668	668,1222 1263,1392 1397,1534 1543,1677	1779 PV C312
4763.	131	263				
4763.(Sub)			575			
4764.	131					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4765.	131					
4766.	131	245				
4766.(Sub)			591	591	1271 1458,1543	1768 C245
4767.	131					
4768.	131					
4769.	131	188				
4769.(Sub)			282	282	1214 1458,1543	1768 C265
4770.	131	202	598	599	665,734	1129 C8
4771.	131	202				
4772.	132					
4773.	132	192				
4773.(Sub)			305	305		
4774.	132					
4775.	132					
4776.	132					
4777.	132	279				
4777.(Sub)			553	556,576	556	
4778.	131					
4779.	132	264				
4779.(Sub)			381	381	1189 1467,1710 1744,1751	1780 PV C324
4780.	132				173	
4781.	132	229	536	537	733 734,761	1678 C28
4782.	133	229				
4782.(Sub)			537	537		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4783.	133	264				
4783.(Sub)			610	610	1370 1470.1542	1768 C246
4784.	133	229				
4784.(Sub)			537	538		
4785.	133					
4786.	133					
4787.	133					
4788.	133					
4789.	133					
4790.	133	192				
4790.(Sub)			591	591	1371 1470.1542	1780 PV C297
4791.	133					
4792.	134	264				
4792.(Sub)			400	400		
4793.	134	242				
4793.(Sub)			539	539		
4794.	134					
4795.	134	252			621.629	
4796.	139					
4797.	139	192				
4797.(Sub)			305	305	803 841.1488	1769 C289
4798.	139.	181				
4798.(Sub)			616	616		
4799.	139	252				
4800.	139					
4801.	140					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4802.	140					
4803.	140					
4804.	140					
4805.	140					
4806.	140					
4807.	140					
4808.	140					
4809.	140					
4810.	140					
4811.	140					
4812.	140					
4813.	140					
4814.	140	264				
					1372	
					1374,1450	
					1459,1572	
					1575,1674	
					1675,1696	
					1708,1713	
4814.(Sub)			290	290	1744,1751	1766 C149
4815.	141	264				
						1781
					564,1375	PV
4815.(Sub)			564,566	567	1470,1542	C291
4816.	141					
4817.	141					
4818.	141					
4819.	141					
4820.	141	264				
4821.	141					
4822.	141					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4823.	141					
4824.	141					
4825.	141					
4826.	141					
4827.	141					
4828.	141					
4829.	141					
4830.	142					
4831.	142					
4832.	142					
4833.	142					
4834.	142					
4835.	142					
4836.	142					
4837.	142					
4838.	142					
4839.	142					
4840.	142					
4841.	142					
4842.	142					
4843.	142					
4844.	143					
4845.	143					
4846.	143					
4847.	143					
4848.	143					
4849.	143					
4850.	143					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4851.	143					
4852.	143					
4853.	143					
4854.	143					
4855.	143					
4856.	143					
4857.	143					
4858.	143	264			629	
4859.	144					
4860.	144					
4861.	144					
4862.	144					
4863.	144					
4864.	144					
4865.	144					
4866.	144					
4867.	144					
4868.	144					
4869.	144					
4870.	144					
4871.	144	252			186	
4872.	145	242				
4872.(Sub)			401	402	1344,1460 1610,1707	
4873.	145					
4874.	145					
4875.	145	265	403,435	417,437	417,434 438,1697	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4876.	145	209				
4876.(Sub)			356	356	501 515,542	647 C2
4877.	146					
4878.	146					
4879.	146					
4880.	146	265				
4881.	146	229				
4882.	146	265				
4883.	146					
4884.	146	187			629	
4885.	146	230			629	
4886.	147	251			629	
4887.	147					
4888.	147	238				
4888.(Sub)			352	352	1319 1458,1543	1767 C165
4889.	147					
4890.	147	196	304	304		
4891.	147	230	342	342	1375 1470,1542	1767 C199
4892.	147	230,279				
4892.(Sub)			564	564		
4893.	147	242	593	593		
4894.	147	230	314	315	811 841,1488	1766 C163
4895.	147					
4896.	147	265				
4896.(Sub)			577	578		
4897.	148	253				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4897.(Sub)			433	433	1376 1470,1542	1768 C219
4898.	148	238				
4898.(Sub)			353	355	1378 1470,1542	1769 C311
4899.	148					
4900.	148					
4901.	148					
4902.	148					
4903.	148	230			629	
4904.	148					
4905.	148	498				
4905.(Sub)			638	638	635,1195 1468,1584 1614,1679	1769 C313
4906.	149	253	565	565	1460 1580,1677	1769 C290
4907.	149					
4908.	149					
4909.	149					
4910.	149					
4911.	149	265				
4912.	149	265			629	
4913.	149	253			629	
4914.	149	243	602	602		
4915.	149					
4916.	150					
4917.	150	243				
4917.(Sub)			534	534	1325,1459 1662,1692 1745,1751	1781 PV C279

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4918.	150					
4919.	150					
4920.	150	230				
4920.(Sub)			567	568		
4921.	150					
4922.	150					
4923.	150	230				
4923.(Sub)			388	388	811 841,1488	1768 C247
4924.	150					
4925.	150	253	394	394		
4926.	150	266				
4926.(Sub)			594	594	1129 1178,1659	1768 C215
4927.	151	231	565	566	1393 1580,1677	1767 C200
4928.	151					
4929.	151					
4930.	151	253				
4931.	151	243				
4931.(Sub)			547	547,560	548	
4932.	151	266	609	609		
4933.	151	266				
4933.(Sub)			372	373	1129 1178,1659	1769 C248
4934.	151					
4935.	151					
4936.	151	266				
4936.(Sub)			529,532	533	530	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4937.	160					
4938.	160	243				
4938.(Sub)			418	421	1275,1530 1629,1699	
4939.	160					
4940.	160	266				
4941.	160	231,253				
4941.(2nd Sub)			391,395	397	390	
4942.	160					
4943.	161					
4944.	161					
4945.	161				204	
4946.	161	266			541	
4947.	161					
4948.	161	254				
4948.(Sub)			441	441		
4949.	161	212				
4949.(Sub)			574	574	1448 1580,1677	1768 C216
4950.	161					
4951.	161	267	621	621		
4952.	161					
4953.	161					
4954.	161					
4955.	162					
4956.	162	267				
4957.	162					
4958.	162	267	428	428		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4959.	162	254	358	358	1127 1128,1214	1765 C78
4960.	162	267	618	618		
4961.	162					
4962.	162					
4963.	162	254				
4964.	162					
4965.	162	231			629	
4966.	163					
4967.	163					
4968.	163	254	574	575	1463 1580,1677	1769 C249
4969.	163					
4970.	163	254,267				
4971.	163	254			629	
4972.	163	267			629	
4973.	163					
4974.	163	267				
4975.	163					
4976.	164	238				
4977.	164	243	368	368		
4978.	164	279	549	549		
4979.	164					
4980.	164					
4981.	164					
4982.	164	268	359	359	1449 1580,1677	1765 C131
4983.	164					
4984.	164					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4985.	164					
4986.	164					
4987.	164					
4988.	165					
4989.	165					
4990.	165	268				
4990.(Sub)			398	398	796 1467,1582 1670,1679	1768 C217
4991.	165					
4992.	165					
4993.	165					
4994.	165					
4995.	165					
4996.	165					
4997.	165					
4998.	165					
4999.	166	254				
5000.	166					
5001.	166	268			541	
5002.	166					
5003.	166					
5004.	166					
5005.	166	268				
5005.(Sub)			569	569	1344,1538 1629,1679	1768 C218
5006.	166					
5007.	166	268				
5008.	166	231				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5009	167	181				
5010.	167					
5011.	167					
5012.	167					
5013.	167					
5014.	167					
5015.	167					
5016.	167					
5017.	167					
5018.	167					
5019.	167					
5020.	167					
5021.	168					
5022.	168					
5023.	168					
5024.	168					
5025.	168					
5026.	168	268				
5026.(Sub)			594	594	1450 1580,1677	1767 C201
5027.	168	269				
5028.	168					
5029.	168					
5030.	168					
5031.	168					
5032.	169					
5033.	169	231	325	325	1454 1580,1677	1766 C150
5034.	169	181,269				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5034.(Sub)			570	570		
5035.	169					
5036.	169					
5037.	169	269				
5037.(Sub)			570	570	1128,1469	1766 C151
5038.	169	269				
5038.(Sub)			571	571		
5039.	169					
5040.	169	269				
5041.	169					
5042.	170					
5043.	170	269				
5044.	170	238				
5044.(Sub)			550	550	1215 1458,1543	1782 PV C203
5045.	170					
5046.	170					
5047.	170					
5048.	170					
5049.	170					
5050.	170					
5051.	170					
5052.	170					
5053.	171					
5054.	171					
5055.	171					
5056.	171					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5057.	171					
5058.	171					
5059.	171					
5060.	171					
5061.	171					
5062.	171					
5063.	171					
5064.	171					
5065.	171					
5066.	171					
5067.	172					
5068.	172	269	539	540	1347,1543	
5069.	1758					

HISTORY OF SENATE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
105.					42	
106.					42	
112.				115		
113.		270	585	585	61,1129 1178,1659	
125.					43	
126.		270	588	588	1130 1178,1659	
131.	31	231			629	
132.	125	193			152	
132.(Sub)			283	283	1531,1679	
133.	134	255	584	584	1127 1128,1214	
134.	134	255	585	585		
135.	134	255				
135.(Sub)			340	340	1127 1128,1214	
136.	134	270	586	586	1127 1128,1214	
137.	134	255			629	
138.	134	255			629	
139.	152	231				
140.	152	255	586	586		
141.	152	270	587	587		
142.	172	270			629	
143.	172	245	587	587	1130 1178,1659	
144.	172	270				
145.	172					

HISTORY OF SENATE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
101.						61
103. (Sub)						61
109.						43
118.						61
128.		243	374,596	597		374,597
131.		31				
132.		31				
133.		31				
134.		31				
135.		68				
136.	68	156	595	595	1458 1580,1677	
137.	68	157	595	595		
138.	82	243				
138.(Sub)			540	540	1146,1467 1701,1714 1745,1751	
139.	125					
140.	135					
141.	172					
142.	172	270				
143.	172					

HISTORY OF SENATE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
103.					61	
106.					42	
110.					43	
124.	2		2	2	33 38,64	
125.	2		2	3	64 68,88	
126.	32	37				
126.(Sub)			85	86 96,206	206 207,208 216,223	
127.	93	202	768	768	629	
128.	152					
129.	152	271	769	769	629	
130.	172					
131.	172					
132.	172					
133.	172	246			629	
133.(Sub)			770	770		
134.	280	631	746	746		
136.	1753		1753	1753	1753,1754	
137.	1758		1758	1758	1758 1759,1762	

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
129. Senators Bottiger, Fleming, Hayner, Sellar: SENATE ORGANIZED/HOUSE NOTIFIED.		2	
130. Senators Bottiger, Fleming: SENATE RULES AMENDED.		32	
131. Senators Rasmussen, Vognild: NATIONAL HOUSING FOR THE HANDICAPPED WEEK.		1738	
132. Senators McDermott, Fleming: DR. MARTIN LUTHER KING HOLIDAY OBSERVED.		97	
133. All Members: LADY WILLIE FORBUS HONORED.		177	
134. Senators Talmadge, Moore, Warnke, Sellar, Guess, Rasmussen, Bauer, Bottiger, Zimmerman, Patterson, DeJarnatt, Stratton, McCaslin: SAFE HOUSE SYMBOL ESTABLISHED.		627	
135. All Members: SPACE SHUTTLE CHALLENGER HONORED.		185	
136. Senators Fleming, Bluechel, Rasmussen, Zimmerman, von Reichbauer, Goltz, Vognild, Stratton, Garrett, Gaspard, Bender, Pullen, Lee, Bailey: DENNEY GIVENS HONORED.		191	
137. Senators Wojahn, Bottiger, Fleming, Goltz, Conner, Rasmussen, Williams, Garrett, Talmadge, Granlund, Bender, Warnke, Thompson, Kiskaddon, Deccio, Johnson: GERALD THOMAS HONORED.		1454	
138. Senators Bauer, Zimmerman: WASHINGTON SCHOOL FOR THE DEAF/100th ANNIVERSARY.		215	
139. Senator Bluechel: JUANITA HIGH SCHOOL FOOTBALL TEAM.		218	
140. Senator Bottiger: EATONVILLE HIGH SCHOOL FOOTBALL TEAM		219	
141. Senator Sellar: COULEE-HARTLINE/MANSFIELD FOOTBALL TEAM.		219	
142. Senators Owen, Conner: SHELTON HIGH SCHOOL FOOTBALL TEAM.		220	
143. Senator Metcalf: SOUTH WHIDBEY HIGH SCHOOL FOOTBALL TEAM.		220	
144. Senators Metcalf, Peterson: CONCRETE HIGH SCHOOL FOOTBALL TEAM.		221	
145. Senator Wojahn: TACOMA METROPOLITAN PARK DISTRICT HONORED.		1738	
146. Senators McDermott, Fleming, Rasmussen, Gaspard, Goltz, Bottiger, Sellar, Wojahn, Rinehart, Kreidler, DeJarnatt, Bluechel, McManus, Zimmerman, Lee; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant			

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
Secretary of the Senate; Ole Scarpelli, Sergeant at Arms: CHARLES GOLDMARK FAMILY.		256	
147. Senators Zimmerman, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Metcalf, Johnson: BOY SCOUTS OF AMERICA HONORED.		272	
148. Senators Conner, Johnson: SMALL BUSINESS EXPORT FINANCE ASSISTANCE CENTER.		310	
149. Senators Bauer, Zimmerman, Thompson, DeJarnatt, McCaslin: WASHINGTON STATE SCHOOL FOR THE BLIND.		627	
151. Senators Williams, McDonald, Goltz, Wojahn, McDermott, Rinehart, Cantu, Guess, Zimmerman: MINORU YAMASAKI, FAIA, HONORED.		640	
152. Senators Kreidler, Benitz, Stratton, Fleming, Peterson: AMATEUR SOFTBALL ASSOCIATIONS HONORED.		696	
153. All Members: HENRY M. JACKSON FOUNDATION.		634	
154. Senators Vognild, Bender, Bailey, McManus, Bottiger, Metcalf, Johnson: NAVY'S HOME BASE IN EVERETT.		678	
155. Senators Fleming, Conner, Zimmerman: GEORGE WASHINGTON HONORED.		640	
156. Senator Fleming: HEALTH CHECK NORTHWEST HONORED.		1739	
157. Senators Goltz, Benitz, Hayner: BRITISH COLUMBIA LIQUOR PRICE INCREASE - EXPO '86.		677	
158. Senators Zimmerman, Bluechel, Kiskaddon, Bender: SHARI LYN RUSCH HONORED.		697	
160. Senator McManus: AL H. BOWLES, JR. HONORED.		736	
161. Senator Guess: DUANE REID HONORED.		1739	
162. Senators Thompson, Zimmerman: B.J. JOHNSTON HONORED.		737	
164. Senator Peterson: VELA LUKA CROATION DANCERS HONORED.		1739	
166. Senator Kreidler: OLYMPIA HIGH SCHOOL BEARS BASKETBALL TEAM.		1740	
169. Senators McManus, Johnson, Wojahn, Rasmussen: TACOMA GRAND PRIX.		1468	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
170. Senator Sellar: CASHMERE HIGH SCHOOL BULLDOGS BASKETBALL TEAM.		1740	
171. Senator Bottiger: SPEAKER WAYNE EHLERS HONORED.		1750	
175. Senator McCaslin: LIBERTY HIGH SCHOOL LANCERS BASKETBALL TEAM.		1741	
177. Senators Zimmerman, Warnke, Bauer, McCaslin, Lee, Rinehart: LEGISLATIVE INTERN PROGRAM.		1741	
179. Senators Bailey: MASON BISHOP HONORED.		1742	
180. Senators Cantu, Wojahn, Johnson, Rasmussen: DESIGNATED BLOOD DONOR REVIEW/DSHS.		1578	
181. Senators Kreidler, Halsan: OLYMPIC HALL OF FAME ESTABLISHED.		1742	
182. Senators Kreidler, Rasmussen: AGENT ORANGE TASK FORCE.		1579	
183. Senators Hansen, Gaspard, Patterson, Saling, Warnke, Goltz, Guess: CENTRAL WASHINGTON UNIVERSITY SWIM TEAMS HONORED.		1743	
189. Senators Hansen, Moore, Wojahn, McDermott, Talmadge: FOOD AWARENESS WEEK.		1743	
191. Senator Halsan: BILL WARD HONORED.		1744	
192. Senators Bottiger, Fleming, Vognild, Hayner, Sellar: SARAH D. SIMONS HONORED.		1744	
193. Senators Bottiger, Fleming, Hayner, Sellar: SINE DIE/HOUSE NOTIFIED.		1751	
194. Senators Bottiger, Fleming, Hayner, Sellar: ALL BILLS, ETC. INDEFINITELY POSTPONED.		1753	

HISTORY OF HOUSE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2.(Sub)	39	642			37	
6.	82	659			64	
22.	39	699			37	
32.(Sub)	93	659.753	814 820,829	835	88,665 814,826 835,1470 1545,1685	
37.(Sub)	82	636	673	673	64 733,735	C37
43.	501	650			384	
102.	543				542	
131.(Sub)	39	642	938	979	37,1578 1728,1729	C259
134.	196	636	729	730	196,1533 1728,1729	C281
136.(2nd Sub)	82	642	674	675	64,1213 1456,1457	C210
160.(Sub)	189	344	676,720	721	182,677 1535,1676 1728,1729	C166
191.	247	700			247	
197.(Sub)	581				542	
205.(Sub)	82	636	758	759	65,1213 1456,1457	C90
243.(Sub)	82	642			65	
244.	272	670	826	826	272,1213 1456,1458	C92
308.(Sub)	232	643	783	783	217,1067	C234
354.(Sub)	513				512	
355.(Sub)	513	636	666	666	512,1212 1456,1458	C154
376.(Sub)	543				542	
378.(Sub)	543	665	694,1453	696,1453	542,1453 1728,1729	C306

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
390.	40				37	
392.	82				65,153	
393.(Sub)	40				37	
458.(Sub)	543				542	
464.	82	643			65	
470.(Sub)	311	700,753			311	
483.	501	708			384	
495.(Sub)	82	499	1119 1122,1536	1126 1537	65,1120 1536,1676 1728,1729	PV C267
507.	312	700	934	935	311,1213 1456,1457	C93
508.(Sub)	623	659			622	
529.(Sub)	501	708			383	
557.(Sub)	189	709			182	
573.(Sub)	189	700	859	860	182,1447 1530,1531	PV C314
588.(Sub)	513	735	1106	1107	512 1469,1677 1679,1712	PV C268
594.(Sub)	83	643	679	679	65,1213 1456,1457	C94
614.(Sub)	501	685	826	827	384,1213 1456,1457	C91
621.(Sub)	501				384	
681.(Sub)	135	636			125	
686.(Sub)	189	650	1105	1105	182 1212,1214	C75
711.(Sub)	502				383	
712.(Sub)	40	650			37	
719.(Sub)	83	709			65	
764.	135				125	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
771.(Sub)	502	709			383	
803.(Sub)	581	700	1110	1111	542 1540,1668 1728,1729	C250
879.(2nd Sub)	83	687			65	
905.(Sub)	233	659			223	
1058.	502	650	722	723	384 761,762	C38
1096.(Sub)	83	643			65	
1134.(Sub)	543	687	979,1013	1014	542 986,1539 1689,1707 1750,1751	PV C269
1148.(Sub)	502	687	1096	1096	384 1212,1214	C88
1177.(Sub)	83	643	805	806	65,1392 1456,1457	C82
1182.(Sub)	83	709	1077	1082	65 714,1469 1530,1531	C152
1198.	135				125	
1218.(Sub)	502	700	1059	1059	383 1212,1214	C252
1270.(Sub)	513	670	783,793	793	512 784,1213 1456,1457	C107
1331.(Sub)	233	709	1084 1473	1085,1473, 1538	223,1472 1473,1727 1750,1751	C155
1332.(Sub)	247	643	716	716	247 761,762	C52
1333.(Sub)	513	709	1063	1064	512,1213 1456,1457	PV C270
1335.(Sub)	190	643	672	672	182 733,735	C33

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1337.	502	660	931	933	384 1471,1546 1684,1712 1728,1729	C204
1339.	244	709	1107,1118	1119	239 1110,1469 1530,1531	C132
1341.	247	701	1056		247,1059	
1342.(Sub)	360				360	
1345.	360	701	750	750	359,813	C61
1348.(Sub)	173				158	
1349.(Sub)	502	710	874,887	888	384 881,1213 1256,1257	C167
1350.	247	648	723	723	247 761,762	C42
1351.(Sub)	281				280	
1353.	135	637	717	717	125 761,762	C39
1355.(Sub)	581	637	836	837	542,1213 1456,1457	PV C202
1356.(Sub)	502	701	744	746	384,1213 1456,1458	C95
1357.(Sub)	623	710			622	
1358.	502	644			601	
1362.	502	701	751	751	500,813	C62
1363.(Sub)	248	644	837	837	247,1213 1456,1457	C89
1368. (Sub)	502	651	752,767	767	384 753,1067	C74
1371.	190	631	682	682	182 733,735	C32
1374.	502	660	1059	1060,1075	384 1060,1061 1212,1214	C251
1377.	173	651			158	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1378.	173				158	
1380.	176				176	
1382.(Sub)	581	660	828 935.1042	1042	542 630.828 936.1213 1456.1458	C206
1385.(Sub)	502	651	724	724	500 761.762	C41
1386.	248	670	693	693	247.1571 1728.1729	C253
1388.(Sub)	190	687	853	858	182.1213 1456.1457	C254
1389.	633	701			622	
1391.(Sub)	503	701	1061	1061	384 1212.1214	C255
1392.	503	688			383	
1393.	581	660	884	885	542.1213 1456.1458	C76
1395.(Sub)	582				542	
1397.	190	701			188	
1398.	513	651	759	759	512.813	C60
1399.(Sub)	345	670	905	930	345 1462.1506 1700.1728 1750.1751	C257
1400.(Sub)	345	660	746	747	345.1213 1256.1257	PV C224
1401.(Sub)	513	702	986	986	512 1212.1214	C112
1402.	248				247	
1403.(Sub)	502	702	1043	1043	384 1212.1214	C100
1407.	190	644	933	933	188 1212.1214	C258

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1408.(Sub)	281	644	936	936	280 1212,1214	C109
1409.(Sub)	513	702			512	
1413.(Sub)	503	651	765	765	384,1067	C168
1415.	513	688	1043	1043	512 1212,1214	C225
1419.	176	702	1077	1077	176 1212,1214	C169
1424.	503	685	742	742	384,813	C63
1429.(Sub)	623	710			622,635	
1431.	312	671			311	
1432.(Sub)	346	660			345	
1433.(Sub)	503	631	885,1061	1061	384 886,1213 1456,1458	C83
1440.	503	702	986	987	384,1059	
1441.	504	631	988	988	384 1212,1214	C84
1442.	248	644	683	683	247 733,735	C34
1447.(Sub)	623	710	988 992,1015	1015	622 990,994 1347,1442 1660,1678 1728,1729	C282
1449.(Sub)	312	644			311	
1450.	582	702	1039	1039	542 1212,1214	C113
1451.(Sub)	504	648	693	693	500,734	C35
1457.(Sub)	312	702	1096		311,541 708,1099	
1458.(Sub)	190	671	1044	1044	188 1212,1214	PV C271
1459.	504	648	747	747	500,813	C64

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1460.(Sub)	346	671	720	720	345 761,762	C40
1462.	360	651	1041	1042	360 1042,1065 1540,1677 1728,1729	C170
1463.	281	644	748,933	934	280 748,1469 1530,1531	C124
1472.	177	645	680	681	176,1462 1543,1546	
1475.	504	710			383	
1479.(Sub)	504	698	1111	1112	500,1447 1530,1531	C53
1480.(Sub)	346	648	673	673	345 734,735	C36
1482.	504	703	753	753	384,813	C71
1483.	513	660	767	767	512,1067	C108
1484.(Sub)	504	703	768,793		500,630 769,796	
1485.	504	661			384	
1486.	177	637	694	694	176,1213 1456,1457	C171
1488.(Sub)	312	710			311	
1490.	346	661	738	738	345,813	C54
1492.(Sub)	514				512	
1493.(Sub)	504	703	762	762	500,1067	C114
1495.(Sub)	346	645	784	784	345,1213 1456,1458	C115
1496.(Sub)	514	685	730	730	512 761,762	C43
1497.	504				500	
1499.	281	703	861	864	280,1350 1469,1650 1728,1729	C153

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1504.	504	671	770	770	500,1067	C260
1505.(2nd Sub)	505	661	1045	1045	383 1541,1677 1728,1729	C172
1510.	505	631			500	
1511.	505	710	806	806	500,1067	C99
1516.	505	632	717	717	500	
1517.	505	632	721	721	501 761,762	C44
1518.	514	703	828	828	512 1127,1128	C101
1519.	505	703	829	829	501 1127,1128	C80
1520.	190				188	
1523.	312	703			311	
1527.(Sub)	582	704			542	
1536.	505	711			501	
1539.	505	704			501	
1540.(Sub)	505	704	864	864	501 1127,1128	C81
1545.(Sub)	281	661	724	725	280,1213 1456,1458	C173
1549.(Sub)	505	704			501	
1555.(Sub)	623				622	
1556.	346				345	
1561.	514	688			512	
1563.	505	637	718	718	501 761,762	C47
1564.(Sub)	312	671	771	771	311,1067	C256
1565.	623				584	
1566.(Sub)	346				345	
1567.	506	704			384	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1572.	281	637	718	718	280 761,762	C49
1580.(Sub)	506	704	937	937	501 1212,1214	C85
1581.(Sub)	346	661	738	738	345,813	C55
1586.(Sub)	506	688	757,785	785	501,757	
1587.(Sub)	506	661	727	728	384,1317 1392,1532 1728,1729	PV C276
1593.(Sub)	346	661	871 881,886	887	345,541 583,874 884,1542 1728,1729	C205
1598.(Sub)	514	698	889	900	512,1462 1488,1673 1693,1712 1750,1751	PV C301
1599.	506	637	683	684	501 734,735	C16
1602.	190	645	731	731	188 761,762	C65
1604.	506	711			501	
1607.	623	685			622	
1609.(Sub)	624	704			584	
1613.(Sub)	514	705			512	
1614.	623	711	763	764	622 1347,1488 1687,1712 1750,1751	C174
1618.(Sub)	506	711				
1619.(Sub)	514	662			512	
1621.(Sub)	506	662			500	
1622.(Sub)	506	671	725	725	500 761,762	C46
1624.(Sub)	506	651	841	841	500,1213 1456,1457	C133

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1630.	506	688	779	779	384,1676 1728,1729	PV C223
1631.	507	754	1099,1103	1104	500,1100 1448,1504 1660,1679 1728,1729	C175
1633.	507	632	786,792	792	500 788,1470 1550,1663 1673,1695 1728,1729	PV C315
1635.	507	711	990	990	384 1212,1214	C134
1637.	582	637	725	725	542 761,762	C45
1643.	507	705	865	866	500 1348,1539	
1647.	507	671	997 1064,1073	1074	500 999,1065 1728,1729	PV C272
1651.(Sub)	582	688			542	
1652.	514	685	742	743	512,1213 1456,1458	C176
1654.(Sub)	347	672	731	731	345 761,762	C50
1655.(Sub)	272				272	
1656.(Sub)	507	711	991	991	384 1212,1214	C135
1661.(Sub)	582	662,705			542	
1662.	312	652			311	
1669.(Sub)	347	645	992	992	345 1212,1214	C121
1673.(Sub)	507	688			384	
1675.(Sub)	347	711			345	
1678.(Sub)	624	705	1062	1063	584 1212,1214	PV C277

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1680.(Sub)	507				384	
1681.(Sub)	507				500,635	
1686.	582	689	758	758	542,813	C72
1687.(Sub)	514	685	1045	1052	512,1213 1530,1531	PV C299
1688.(Sub)	514	652	765	766	512,1677 1679,1712	C136
1691.	347	689			345	
1698.(Sub)	508	735			500	
1699.	624				584	
1702.	312	632	684	684	311 734,735	C13
1703.	233		233	274	217 345,348	C1
1704.(Sub)	624	712			584	
1708.	313	662	766	766	311,1317 1318,1392 1533,1676 1728,1729	C105
1709.(Sub)	347	705	1016	1036	345 1529,1552 1665,1679 1728,1729	PV C266
1711.	508	672	726	726	500,762	C51
1713.(Sub)	515	662			512	
1717.(Sub)	624				622	
1720.	582	672	937	937	542 1212,1214	C97
1721.	508	662	739	739	500,813	C56
1722.(Sub)	508	662	780	780	500 1348,1439 1442,1455 1572,1575 1648,1669 1675,1676	
1723.(Sub)	624	712	781		584,781	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1725.	347	632	681	681	345,1213 1456,1458	C137
1726.(Sub)	508	689	841	849	500,1213 1456,1458	C230
1729.	313				311	
1731.(Sub)	624	712			623	
1732.	313	712			311	
1734.(Sub)	508	705			500	
1743.	508	632	718	719	500,762	C48
1754.(Sub)	624	712	1085	1086	622 1318,1489 1664,1679 1728,1729	PV C116
1758.(Sub)	508	706			501	
1762.(Sub)	347	645	1054	1055	345,1213 1456,1458	C122
1763.	281	712	994	996	280,1213 1256,1258	C123
1764.	508	706			500	
1765.(Sub)	508	706	996	997	500 1674,1711	
1767.	509				500	
1776.	509	645	722	722	500,762	C68
1783.(Sub)	347	663	740	740	345,813	C57
1784.	625	689			622	
1786.	625	648	1076	1076	584	
1787.(Sub)	515	706			512	
1792.(Sub)	509	706			500	
1795.	313	689	1039	1039	311,1319 1554,1569 1649,1676 1728,1729	C138
1797.(Sub)	509	689			500	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1800.	509	712			500	
1802.(Sub)	515	713	858	858	512 1127,1128	C106
1804.(Sub)	509	713	1053	1053	501,1571 1728,1729	C262
1805.	625	713			584	
1815.(Sub)	509	706	1009	1009	500 1212,1214	C96
1825.	625	713	1037	1038	622 1539,1681 1695,1728 1750,1751	C308
1827.(Sub)	515	706	903	904	512,1534 1728,1729	C229
1829.(Sub)	509	689	781	782	500 1348,1489 1531,1666 1728,1729	C139
1830.(Sub)	625				622	
1831.(Sub)	509	633	722	722	500,762	C73
1838.(Sub)	625	713	999	1000	622,1213 1456,1458	C228
1839.(Sub)	509	663	1055,1100	1103	500 1056,1101 1212,1214	C227
1840.(Sub)	510	713			500	
1846.(Sub)	510	686	744	744	500,813	C226
1851.	625	686	930	931	622 1463,1543 1553,1667 1728,1729	C231
1855.	510	707			500	
1865.(Sub)	510	690	1066	1066	500 1212,1214	C156
1866.(Sub)	510	663	726	726	384,762	C66

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1868.	510	638	859	859	500 1127.1128	C157
1869.(Sub)	510	663	748	749	500.1213 1256.1258	C98
1870.(Sub)	360	713	789	790	360 1318.1503 1668.1679 1728.1729	C283
1873.(Sub)	347	663	740	740	345.813	C58
1875.(Sub)	347	663	741	741	345.813	C59
1892.(Sub)	515	652	751	751	512.813	C70
1894.(Sub)	510	663			500	
1899.	360	638	850	852	359.1213 1456.1458	C284
1900.	625	664	1066	1067	622 1212.1214	C177
1919.	360	707			360	
1928.	625	646			623	
1937.(Sub)	625				622	
1950.(Sub)	360	714	1087	1095	360 686.1469 1530.1531	PV C300
1954.	361	754	1010	1013	359.1213 1456.1458	C104
1956.	626	664	1068		622.1068	
1962.	361	690	791	791	359.1213 1456.1458	C102
1967.(Sub)	626	714	791	791	622.1213 1456.1457	C307
1968.(Sub)	510				500	
1972.(Sub)	626	690	866	867	622 1447.1545	PV C302
1976.(Sub)	511	707	758	758	500.813	C67
1981.(Sub)	511	707			500	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1986.(Sub)	361	690	868	869	359,1392 1530,1531	C140
1992.(Sub)	511	686	1040,1068	1073	501,1041 1447,1651 1684,1685	
2011.(Sub)	626	652	751	752	622,813	C69
2014.(Sub)	511	664	1113	1118	500 1530,1531	C178
2021.(Sub)	626	735	1001 1009,1086	1087	622 668,1009 1010,1448 1494,1702 1725,1745 1750,1751	PV C303
2055.	626	707	1120	1122	622 1212,1214	C103
2080.(Sub)	582	652	869	870	542,1570 1728,1729	C141
2083.(Sub)	626	690	1104,1105 1106	1104,1106	622,1105 1530,1531	C142
2088.(Sub)	582	690			542	
2089.(Sub)	583	690			542	
2130.	1759		1759	1760	1759 1762,1763	C1 E1

HISTORY OF HOUSE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
17.	83	707			65	
26.	135	271	628	628	125,186 648,672	
29.	626				584	
31.(Sub)	511				500	
32.	348	646			345	
33.	313	646			311	
38.	626	638			622	

HISTORY OF HOUSE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
25.(Sub)	83				65	
					223	
49.(Sub)	233	714	1083	1083,1537	1471,1727 1750,1751	
55.	511	652	839	839	500,1213 1530,1531	

HISTORY OF HOUSE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
16.	4		4	4	4.35	
17.	3		3	3	3,37.38	
18.	177				176	
19.	361	638	682	682	360 1530,1531	
21.(Sub)	348	664	741	741	345,813	
22.	1681		1681	1681	1681 1728,1729	
28.	1752		1752	1752	1752,1753	
29.	1695		1695	1695	1695 1728,1729	
30.	1763		1763	1763	1762,1763	

GENERAL INDEX

ABNEY, OTIS

Member, board of pilotage commissioners, GA 273 p. 22

ABSENTEE BALLOTS (See also ELECTIONS)

Application procedure: *SHB 1349, CH 167 (1986)

Applications, return address shall specifically be county auditor: SHB 1348, *SHB 1349, CH 167 (1986)

Blind persons, on going absentee voter status: *SB 4443, CH 22 (1986)

Distribution procedure: SSB 3310

ABSTRACTS

Driving record, abstracts, denial of insurance based on prohibited unless at fault: *SHB 1368, CH 74 (1986)

Speeding, energy resource use restrictions, exclude violations from insurance abstract: SB 4795

ACCIDENTS - MOTOR VEHICLE

Reporting fees to be deposited in state patrol highway account: HB 1397

ACCOUNTANCY, BOARD OF

Provisions revised: *SB 4725, CH 295 (1986)

ACCOUNTANTS

Licensure provisions revised: *SB 4725, CH 295 (1986)

ACTS

Athletic trainers act: SB 3316, SSB 3316

Business corporations act revised: *SB 4490, CH 117 (1986)

Carpet buyers protection act: SB 5051

Colville Indian reservation criminal jurisdiction retrocession act: *SHB 495, CH 267 (1986)

Credit services organizations act: SB 5005, *SSB 5005, CH 218 (1986)

Dealer bill of rights act: SB 4620

Education consolidation act, community colleges: SB 4524

Employee cooperative corporations act: SHB 1675

Endangered landmarks preservation act: SB 4976, SSB 4976

Fair utility competition act: SB 5047

Health care access and cost containment act of 1986: SB 4777, SSB 4777

Health care false claim act: *SB 4582, CH 243 (1986)

Higher education improvement act of 1986: SB 4745

Long-term care insurance act: *HB 1462, CH 170 (1986)

Natural death act, procedure when no written directive, attorney power: SSB 3228

Omnibus credentialing act for counselors: SHB 470

Property rights act of 1986: SB 4908

Puget Sound commercial crab fishing license moratorium act of 1986: SB 4837

Radiologic technologists certification act: SSB 3905

Smoking pollution control act: SB 4482, SSB 4482

Uniform estate tax apportionment act: *HB 1424, CH 63 (1986)

Washington award for excellence in education act: SB 4724, *SSB 4724, CH 147 (1986)

Washington state agricultural irrigation commission act: SB 3286

Washington state patrol safety spot check program act: HB 1402

Water quality joint development act: SB 4717, *SSB 4717, CH 244 (1986)

ADLUM, MERLE

Member, export assistance board of directors,

GA 280, confirmed pp. 24, 647, 1577

ADMINISTRATIVE PROCEDURE ACT (See also CODE REVISER; STATE AGENCIES)

Joint legislative task force on the administrative procedure act: SSB 4530

Revisions: SB 4530

ADOPTION

Insurance coverage, when does it begin: *SHB 1986, CH 140 (1986)
 Insurance, health care, must cover adopted children: SB 4767

ADULT, ABUSE (See also ELDERLY; NURSING HOMES)

Criminal mistreatment, withholding basic necessities of life from child or dependent person: *SHB 803, CH 250 (1986), SB 4706
 Petition for an order for protection of a vulnerable adult: *SSB 4544, CH 187 (1986)
 Vulnerable adults, abuse, exploitation, abandonment, etc., report to DSHS: SB 4544, *SSB 4544, CH 187 (1986)

ADULT ENTERTAINMENT (See also PORNOGRAPHY)

Taxing materials and services: SB 4979

***ADULT* MATERIALS**

Tax adult entertainment materials and services: SB 4979

ADVERTISING (See also CAMPAIGNS; CHARITABLE SOLICITATIONS; SIGNS)

Automatic dialing and announcing devices prohibited: *HB 134, CH 281 (1986)
 Motorist service businesses, municipalities may permit directional signs: *SHB 1493, CH 114 (1986), SB 4958
 Optometry, unlawful advertising is a violation of consumer protection act: SB 4653
 Political advertising paid from earmarked funds: *SHB 1838, CH 228 (1986)
 Shopping center directional signs on noninterstate highways: SB 4672, SSB 4672
 Tourist information panels, businesses within one mile of highway: *SHB 1493, CH 114 (1986)
 Travel promoter defined, regulated: *SHB 1870, CH 283 (1986)
 Travel promotion advertising regulated: *SHB 1870, CH 283 (1986)

AFFIRMATIVE ACTION

Banks holding or investing state funds must have affirmative action plans: SSB 3345
 Governor's executive order confirming state policy, submit to state vote: SB 4983
 State contracts, contractors and subcontractors, submit affirmative action plans: SSB 3345

AGENTS (See also INSURANCE; PARTNERSHIPS; REAL ESTATE BROKERS AND SALESPERSONS)

Real estate broker and salesperson, written disclosure as agent for seller or purchaser: SB 4502

AGING, STATE COUNCIL ON (See also ELDERLY; NURSING HOMES)

Funding limit provision repealed: SB 3084

AGRICULTURE (See also DAIRY PRODUCTS COMMISSION; HORSES; LIVE-STOCK; WEEDS)

Agricultural irrigation commission, formation authorized: SB 3286
 Amnesty days for farmers, deposit small amounts of hazardous waste free of charge: SB 5026
 Apple advertising commission, may expend funds for education, training, leadership: SB 5044, *SSB 5044, CH 203 (1986)
 Aquatic lands enhancement account receipts, to building bond redemption fund: SB 4715
 Bank, state land bank established: *HB 1899, CH 284 (1986), SB 4799
 Beef commission, promotion and research levies authorized: SB 4553, *SSB 4553, CH 190 (1986)
 Bulls, proportion of bull to cow ratio, agreements allowed: *HB 1900, CH 177 (1986), SB 4552, SSB 4552
 Bulls, range areas, may agree to run any bull in common areas: *HB 1900, CH 177 (1986), SB 4552, SSB 4552
 Christmas trees are an agricultural commodity: SB 5044, *SSB 5044, CH 203 (1986)
 Commission merchants, bonds: *SHB 2014, CH 178 (1986)
 Commission merchants, notices of infraction, hearings: *SHB 2014, CH 178 (1986)

AGRICULTURE—cont.

- Commodities, Christmas trees are an agricultural commodity: SB 5044, *SSB 5044, CH 203 (1986)
- Commodities, includes organic food products, fish and fish products, and Christmas trees: *SSB 5044, CH 203 (1986)
- Commodity commissions exempt from requirements of GA/facilities and services revolving fund and housing requirement: SB 5044, *SSB 5044, CH 203 (1986)
- Commodity inspection division, horticultural inspection trust fund, administrative expenses paid from: SB 5044, *SSB 5044, CH 203 (1986)
- Commodity-related education, training, and leadership, funds authorized: SB 3020
- Conservation commission, matching grant program for conservation districts: SSB 3379
- Crop liens, major revisions: SB 4547, *SSB 4547, CH 242 (1986)
- Fair property, county legislative authority may lease: SSB 4563
- Fair property, owned by 1st class or larger county, lease to nonprofit corporation: SB 4563
- Farmers, authorizing the disposal of small amounts of wastes free of charge: SB 5026
- Farmers, DOE to report on small amounts of farm hazardous waste: *SSB 5026, CH 201 (1986)
- Farmers, small amounts of hazardous wastes, DOE to report on: *SSB 5026, CH 201 (1986)
- Feed, excise taxation revised, feedlots or stockyards: SB 4769
- Feed, excise taxation revised, public livestock markets and stockyards: *SSB 4769, CH 265 (1986)
- Fences, stock-restricted areas adjoining running at large, costs shared equally: SB 4552
- Food banks, donations, encouraging increased donation and distribution: SB 4963
- Grain dealers, licensure: SB 5044, *SSB 5044, CH 203 (1986)
- Hay containing weed seeds, sale is illegal: SSB 4119
- Hazardous wastes, farmers may deposit free of charge: SB 5026
- Hazardous wastes, farms, small amounts, DOE to report on: *SSB 5026, CH 201 (1986)
- Horses, Washington-bred, marketing program: *SHB 1355, CH 202 (1986)
- Horticultural inspection trust fund, balance requirement revised, payments to commodity inspection division: SB 5044, *SSB 5044, CH 203 (1986)
- Hydraulic permit not required for stock or irrigation watering, process established: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Industrial insurance, agricultural labor exemption removed: HB 1377
- Land, state land bank established: *HB 1899, CH 284 (1986), SB 4799
- Liens, crop liens, major revisions: SB 4547, *SSB 4547, CH 242 (1986)
- Livestock diseases, diagnostic services program, fees, revenue usage: SB 5044, *SSB 5044, CH 203 (1986)
- Livestock security interest fund: SB 4762
- Loans, state land bank established: *HB 1899, CH 284 (1986), SB 4799
- Marketing of products at sites of production: HB 1472
- Matching grant program for conservation districts: SSB 3379
- Pest control consultant or operator license required of weed coordinator: SSB 4119
- Pesticides, applicators, etc., licensure: SB 5044, *SSB 5044, CH 203 (1986)
- Popcorn, disclosure of butter or butter flavor: *SSB 5044, CH 203 (1986)
- Preparer liens, dairy products, notification: *SHB 2014, CH 178 (1986)
- Public pest control consultant licenses, revision: SB 5044, *SSB 5044, CH 203 (1986)
- Range areas, may agree to run any bull in common areas: *HB 1900, CH 177 (1986), SB 4552, SSB 4552
- Rapeseed production, rapeseed commodity commission: SB 5044, *SSB 5044, CH 203 (1986)
- Retail merchant redefined: *SHB 2014, CH 178 (1986)
- Seed conditioning is not manufacturing for B & O tax purposes: SB 4546

AGRICULTURE—cont.

- Sludge, DOE to adopt rules for environmentally safe use of sludge: SB 4790, *SSB 4790, CH 297 (1986)
- Sludge sold to the public, labeling requirements: SB 4790, *SSB 4790, CH 297 (1986)
- State land bank established: *HB 1899, CH 284 (1986), SB 4799
- Underground utilities, notice prior to excavating, farming exception: SB 3044, SSB 3044
- Warehouses, operators, licensure: SB 5044, *SSB 5044, CH 203 (1986)
- Water supply availability, department to study: *SSB 4418, CH 316 (1986)
- Water supply projects, agricultural, recreational, wildlife, bonds authorized: 2SSB 4136
- Weighmaster, licensed public weighmaster defined: *SHB 2014, CH 178 (1986)

AIDS

- Confidentiality of AIDS test: SB 4780
- Educational programs, funding: SB 4650
- Regulating victims or suspects via quarantine: SB 5049

AIR POLLUTION

- Air pollution source operating permit program, DOE to study program and study air pollution: SHB 1722
- Mediation of natural resource disputes: SHB 1429
- Owner or operator of source, submit plan for emergency or accident: SHB 1549
- Toxic air contaminant defined: SHB 1549
- Woodstoves regulated, public education, reduce air pollution at local level: SHB 905

ALCOHOL (See also DRUNK DRIVING; LIQUOR CONTROL BOARD)

- Alcoholism and drug abuse research by UW and WSU: SB 4221, *SSB 4221, CH 87 (1986)
- Alcoholism treatment, court referral, sworn stipulation of guilt: 2SHB 879
- Auto racetracks, sale of wine authorized: SHB 529
- Beer, class E and/or F, minors may stock and handle: *SSB 3532, CH 5 (1986)
- Blood alcohol level, civil fine for driving with positive level: SB 4984
- Breathalyzer test refusal, evidentiary use restricted: *HB 1459, CH 64 (1986)
- Criminal proceedings using chemical analysis of blood or breath need standards, civil don't: SB 5050
- Guns forfeited if person has .10 alcohol per 210 liters of breath: *HB 1499, CH 153 (1986)
- Hotels may sell liquor by the bottle: *SB 3336, CH 208 (1986)
- Language, regulation of content of spoken language, authority removed: HB 1378, *SB 4538, CH 214 (1986)
- Wine, class E and/or F, minors may stock and handle: *SSB 3532, CH 5 (1986)
- Wine containing nonalcoholic beverages, tax reduced by ratio of alcohol to beverage: SB 4718
- Wine delivery by flower shops, class P license: *SHB 1460, CH 40, (1986)
- Wine, sale at auto racetracks authorized: SHB 529
- Wine, wine grower's license for sale of wine: *SB 4538, CH 214 (1986)

ALMEIDA, CAPTAIN JOSE UBIRAJARA S.

- Brazilian dignitary introduced p. 244

ALUMINUM

- Modernize smelters, tax deferrals for energy conservation projects: SB 4733

AMBULANCES

- Air and land services, needs assessment and certificate of need review: HB 1389
- Health care facilities, air and land ambulance services, needs assessment and certificate of need review: HB 1389
- Public transportation benefit areas may contract for ambulance services after voter approval: SB 4518, SSB 4518

AMUSEMENT DEVICES

- "Adult" entertainment materials and services, tax: SB 4979

AMUSEMENT DEVICES—cont.

B & O taxation modified, prorated between premises and owner: SSB 3110, 2SSB 3110

AMUSEMENT RIDES

Inspections and regulation, department of licensing: *SB 3495, CH 86 (1986)
Permit procedure, department of licensing: *SB 3495, CH 86 (1986)

ANATOMICAL DONATIONS

Procedures to be developed by each hospital: SB 4455, *SSB 4455, CH 129 (1986)

ANIMALS (See also GAME, DEPARTMENT OF; LIVESTOCK; WILDLIFE)

Cruelty to animals, protections, revisions: SB 4607
Illegally killed, bail revised: *SB 3397, CH 318 (1986)
Illegally killed wildlife, reimbursement revised: *SB 3397, CH 318 (1986)
Pets, all pets to have liability insurance and be registered: SB 4961
Pit bulls, registration and insurance requirements: SB 4611
Vicious dog defined, regulated via registration and insurance or bond: SSB 4611

ANNEXATION

Cities or towns by cities or towns, petition process modified: *HB 1386, CH 253 (1986)
Fire departments, cities, employment transfer process: *SHB 1388, CH 254 (1986)
Precinct boundary adjustment, city annexes county territory: *SHB 1349, CH 167 (1986)
Water or sewer districts, expend funds to inform residents about proposal: *HB 1407, CH 258 (1986)

ANDERSON, JOHN

Member, export assistance board of directors, GA 274,
confirmed pp. 23, 646, 1576

ANTHONY, PATRICIA W.

Member, sentencing guidelines commission, GA 191,
confirmed pp. 8, 232, 772

APARTHEID

Investment of public pension or retirement funds regulated: SB 3226, SSB 3226
Restricting state investments in countries with apartheid policies: SHB 1992

APODACA, VIRGINIA P.

Member, higher education personnel board, GA 153,
confirmed pp. 1130, 1683

APPEALS (See SPECIFIC TYPE)**APPLE BLOSSOM ROYALTY**

Queen Coreen Cockrum, introduced and addressed senate p. 665
Princesses Lori Harper and Katie McKee introduced p. 665

APPLES

Apple advertising commission, may expend funds for education, training, leadership: SB 5044, *SSB 5044, CH 203 (1986)

APPLIANCES

Energy efficiency standards, adopt within one year and report to legislature: SB 4667
Energy efficiency standards, advise on whether to adopt, report to legislature: SSB 4667

AQUIFERS

Ground water rights, protection remedies: HB 22
Multi-aquifer protection, permit granting: HB 22

ARANEDA, RUDOLF

Member, Chilean delegation introduced p. 1569

ARBITRATION

- Dispute resolution centers, immune from civil liability for good faith acts: *SHB 1356, CH 95 (1986)
- Divorce proceedings, mediation: *SHB 1356, CH 95 (1986)
- Environmental and economic development disputes, mediation, grants: SHB 1429
- Mandatory arbitration, maintenance or child support, exemptions: *SHB 1356, CH 95 (1986)
- Mediation, committee for mediation established at UW graduate school for public affairs, natural resources: SHB 1429
- Mediation for dissolution proceedings: *SHB 1356, CH 95 (1986)
- Mediation, grants, natural resource disputes: SHB 1429
- Mediation, state patrol: SB 4972, SSB 4972
- Natural resource disputes, mediation, grants: SHB 1429
- State patrol, mediation procedure: SB 4972, SSB 4972

ARCHAEOLOGY (See also HISTORICAL CONSERVATION AND HISTORY)

- Archaeological sites valued at current use: SB 4755
- Sacred object defined: SB 4974, SSB 4974
- Sites declared finite and irreplaceable, policy regarding sites established: SB 4974, SSB 4974

ARCHAMBEAULT, BEVERLY

- Member, board of pharmacy, GA 166, confirmed pp. 49, 191

ARCHIVES (See SECRETARY OF STATE)**ARCHIVIST ORAL HISTORY**

- Creating a state program, legislature: *SB 4712, CH 275 (1986)

ASIAN-AMERICAN AFFAIRS COMMISSION

- Sunset date extended: *SHB 1333, CH 270 (1986), SB 4453

ATHLETICS (See also FLOOR RESOLUTIONS)

- Athletic trainers act: SB 3316, SSB 3316
- Athletic trainers board, powers and duties: SB 3316, SSB 3316
- Bicycle safety program: SHB 771
- Health clubs, protection for purchasers of services: SSB 3161
- Recreational water contact facilities, slides, regulated: *SSB 3498, CH 236 (1986)
- River running, procedures, responsibilities: SB 4990, *SSB 4990, CH 217 (1986)

ATTORNEY GENERAL (See also CONSUMER PROTECTION)

- Bond counsel, selection of bond counsel by local government: HB 1565
- Election duties regarding ballots to office of legislative counsel: SB 4523
- Fuel refiner/suppliers, are they injuring competition, attorney general to study: SSB 4623
- Hanford as high-level disposal site, priority to causes of action: SCR 106
- Justice department created, governor to appoint attorney general: SB 4709
- Legislature may choose own legal counsel: SB 4525, *SSB 4525, CH 323 (1986)
- Salary increase: SSB 3266
- Service stations, retail market since deregulation, study: SB 4623
- Telephone solicitations, study implemented, regulated, penalties: *SHB 1678, CH 277 (1986)
- Term of office, when it commences: SB 4560

ATTORNEYS (See also CIVIL ACTIONS AND PROCEDURES)

- Adults, vulnerable, abuse, exploitation, abandonment, etc., report to DSHS: SB 4544, *SSB 4544, CH 187 (1986)
- Attorney fee limitations, tort liability reform: SB 4698
- Attorney fees, design pirates, boat hulls: SB 3910
- Attorney fees, major revisions: *SSB 4630, CH 305 (1986)
- Attorney fees, payment to prevailing party allowed, procedure: SB 4630
- Attorney fees, prevailing party, water rights: HB 22
- Fees, regulatory fairness act violations: 2SSB 3414
- Hospice care agencies, natural death act modified: SSB 3228
- Legislative counsel, office of, established: SB 4523
- Tort liability reform, attorney fee limitations: SB 4698

ATTORNEYS—cont.

Tort reform: *SSB 4630, CH 305 (1986)

AUCTIONS

Auctioneers and auction companies, consumer protection revisions: SB 4779, *SSB 4779, CH 324 (1986)

Fur sales at auctions, sale restricted: HB 464

AUDITOR (See COUNTY AUDITOR; STATE AUDITOR)

AUTOPSIES

Forensic pathology fellowship program: *SB 4521, CH 31 (1986)

AVIATION

Aircraft pilot registration fees, increased: SB 4616

Ambulance services, air and land, certificate of need process: HB 1389

Motor vehicle fuel franchises, restrictions: SB 3418

Motor vehicle fuel used in aircraft, transfer revenue to aeronautics account: SB 4615

Noise pollution, transaction assistance and other remedial programs authorized: SSB 3756

BAIL

Bail bond provisions revised: *SSB 4305, CH 322 (1986)

Denial of bail to those posing a danger to the community: SJR 139

Wildlife, illegally killed: *SB 3397, CH 318 (1986)

BAILEY, SENATOR CLIFF

Appointed member, agriculture, education, energy and utilities and governmental operations committees pp. 34-35

Statement for journal, vote on SB 3021 p. 85

BALLAINE, DAVID

Member, state housing finance commission, GA 159, confirmed pp. 808, 1580

BANKS AND BANKING

Adults, vulnerable, abuse, exploitation, abandonment, etc., report to DSHS: SB 4544, *SSB 4544, CH 187 (1986)

Affirmative action plan required if hold or invest state funds: SSB 3345

Bad checks, damage recovery, court costs, interest, remedies: *SSB 3416, CH 128 (1986)

Banks and trust companies, provisions revised: SB 4917, *SSB 4917, CH 279 (1986)

Checking account information, disclosure, liability, law enforcement officer: SB 4165, SSB 4165

Employees may not engage in insurance activity: SB 3788, SSB 3788

Funds to be available within set time period: SB 4782, SSB 4782

Property taxes, lender payment authorized: SB 4602

South Africa or Namibia, public pension or retirement funds, regulated: SB 3226, SSB 3226

South Africa, restricting state investments in countries with apartheid policies: SHB 1992

State funds, hold or invest, must have affirmative action plan: SSB 3345

State land bank established: *HB 1899, CH 284 (1986), SB 4799

Watch list, GA to make available to legislature: SSB 4917

BANNAL, KATHRYN

Trustee, Eastern Washington University, GA 250, confirmed pp. 18, 1133, 1748

BANZER, REPRESENTATIVE CINDY

Oregon state legislator introduced p. 1762

BARCI, DENNIS

Member, Game Commission, GA 200, confirmed pp. 9, 50, 217

BARR, HELEN

Trustee, Peninsula community college district no. 1,
GA 170, confirmed pp. 5, 754, 1732

BARR, SENATOR SCOTT

Appointed member, agriculture, natural resources
and transportation committees pp. 34-35
Motion to defer, ESHB 495 p. 1124

BATH TUBS

Electrical products certification: *SB 4556, CH 263 (1986)

BAUER, SENATOR ALBERT

Appointed member, education, agriculture,
rules and ways and means committees pp. 34-35

BEAUCHAMP, HENRY

Member, corrections standards board, GA 134,
confirmed pp. 75, 189

BECK, RUTH A.

Member, public disclosure commission, GA 292 pp. 633, 714

BEEF COMMISSION (See also LIVESTOCK)

Promotion and research, levies authorized: SB 4553, *SSB 4553, CH 190 (1986)

BEEMAN, DOUGLAS W.

Member, state board of pharmacy, GA 128,
confirmed pp. 49, 158

BEER

Minors may stock and handle for class E and/or F: *SSB 3532, CH 5 (1986)

BELLEVUE COMMUNITY COLLEGE DISTRICT NO. 8

Richard Sonstelie, trustee, GA 231,
confirmed pp. 15, 756, 1734

BENDER, SENATOR RICK S.

Appointed member, financial institutions, education,
rules and transportation committees pp. 34-35

BENITZ, SENATOR MAX E.

Appointed member, agriculture, education,
energy and utilities and rules committees pp. 34-35
Personal privilege, informational workshop,
Department of energy p. 1570

BEVERAGES

Returnable containers, deduct tax amounts from sales from B & O tax: SB 5039
Volunteers of state agencies may be given free nonalcoholic beverages: SB 4566

BICYCLES

State bicycle safety program: SHB 771

BIDS AND BIDDING

Movies, fair competition among exhibitors, civil penalties: SHB 1342, SB 4508

BIG BEND COMMUNITY COLLEGE DISTRICT NO. 18

Dr. Allen D. Deane, trustee, GA 239,
confirmed pp. 16, 1132, 1736

BIGAMY

Statute of limitations revised: *SHB 1399, CH 257 (1986)

BIRTH CERTIFICATE

Child abuse treatment funds from birth certificate registration fee: SB 4460
Putative fathers to be named: SB 4996

BLAKELY, EDDIE

Member, 1937 Cleveland high school championship football team
coached by President Cherberg, introduced p. 236

BLIND PERSONS

- State school, provisions revised, department of services for the blind and deaf: SB 4944
- Superintendent, appointment and discharge modified: SB 3098
- Utility rate relief for low-income veterans, blind, or disabled: SSB 3221
- Voters, absentee, ongoing status provided for: *SB 4443, CH 22 (1986)

BLIND, STATE SCHOOL FOR

- Students introduced p. 628

BLOOD

- AIDS, educational programs, funding: SB 4650
- AIDS, regulating victims or suspects via quarantine: SB 5049
- AIDS, test is confidential: SB 4780
- Blood alcohol level, civil fine for driving with positive level: SB 4984
- Criminal proceedings using chemical analysis of blood or breath need standards, civil don't: SB 5050
- Donors, designated donor program to be initiated by DSHS: SFR 180
- Donors may specify recipients: SB 4652, SSB 4652
- DWI law modified: *HB 1499, CH 153 (1986)
- Health care assistants, dialysis functions in homes, centers, facilities, authority modified: *SHB 1495, CH 115 (1986), SSB 4754
- Health care assistants, renal dialysis centers, authority modified: *SHB 1495, CH 115 (1986), SB 4754, SSB 4754
- School children, blood sugar levels to be monitored: SB 4768
- Sugar level monitoring in school children: SB 4768

BLUECHEL, SENATOR ALAN

- Appointed member, parks and ecology, rules and ways and means committees pp. 34-35
- Point of order, when scope and object in order, SHB 1593 p. 884
- Point of order, scope and object, SHB 1593 p. 884

BOARDS

- Athletic trainers board, powers and duties: SB 3316, SSB 3316
- Basic health plan board established: SSB 3320
- Basic health project board: SB 4777, SSB 4777
- High-technology coordinating board, provides own staff support versus DTED: SB 4892
- Indeterminate sentence review board, prison terms and parole board redesignated as: *SHB 1400, CH 224 (1986)
- Many boards and commissions, various revisions and repealers: SB 4938, SSB 4938
- Radiologic technology advisory board created: SSB 3905

BOATS

- Classic vessel, tax alternative to excise tax: SSB 3157, 2SSB 3157
- Dealers and manufacturers, regulated, licensure: SHB 1613
- Design pirating of hulls, penalty, attorney fees: SB 3910
- Excise tax modified, tax on footage: SSB 3157, 2SSB 3157
- Foreign countries, craft sold for use outside state, sales tax exempt: HB 1440
- Licensing, titling, registration, liability restricted: SB 4911, SSB 4911
- Moorage facilities' procedures for transient vessels modified: *HB 1504, CH 260 (1986)
- Oil spills, advisory committee to study: *HCR 19 (1986), SCR 129
- Pilot discipline, concurrent jurisdiction over state-licensed pilots requested: HJM 32, SJM 139
- Pilots, funding legal fees and investigation of accidents involving state-licensed pilots: *SHB 1762, CH 122 (1986), HB 1928, SB 4919
- Pilots, license and service claims, board to review: *SHB 1762, CH 122 (1986), SB 4920, SSB 4920
- Pilots, \$5,000 fine may be imposed: SHB 1762, SB 4920, SSB 4920
- Property tax, apportion value of ships and vessels, procedures: *SHB 1827, CH 229 (1986), SB 4901

BOATS—cont.

- Registration exemption, not used on U.S. waters or on high seas: SSB 3157
- Registration, 10 horsepower or less exempt: SSB 3157
- Replacement titles: *HB 1482, CH 71 (1986)
- River running, procedures, responsibilities: SB 4990, *SSB 4990, CH 217 (1986)
- Sanitary pumpout facilities at marinas, study need, investigate funding: SB 4773, SSB 4773
- Sanitary pumpout facilities mandatory at marinas, tax credit for installation: SB 4773, SSB 4773
- Seizure, commercial fishing licenses of vessels seized by foreign governments: SB 4741, *SSB 4741, CH 198 (1986)
- Vessel dealers, registration and regulation, supplemental budget: SB 4762
- Vessel local excise tax account created: SSB 3157, 2SSB 3157

BODY CAVITY SEARCHES

- Regulated: *SHB 1148, CH 88 (1986)

BOILERS

- Boilers and unfired pressure vessels, revisions: *HB 1720, CH 97 (1986)

BONDS (See also SECURITY INTERESTS)

- Agricultural water supply projects, recreation and wildlife included, bonds authorized: 2SSB 4136
- Capital projects, bonds authorized: SB 4980
- Community economic revitalization board, general obligation bonds for capital projects: *HB 2055, CH 103 (1986)
- Counsel, selection of bond counsel by local government: HB 1565
- Fidelity bonds, revisions: SB 4625
- Highway improvement bonds, modifying provisions on issuance and sale: *SB 4906, CH 290 (1986)
- Industrial development bonds, broadcast and communications facilities: SB 4479
- Industrial development bonds, mental sports competition and research commission: SB 3405
- Industrial development bonds, public broadcasting: *SSB 4479, CH 309 (1986)
- Industrial development revenue bond financing, historic properties: *HB 1825, CH 308 (1986)
- Industrial development revenue bond financing, parking facilities: HB 1800, *HB 1825, CH 308 (1986)
- Local governments, revenue bonds, alternative procedures for issuing: *SHB 1413, CH 168 (1986)
- Mental sports competition and research commission established: SB 3405
- Parking facilities, industrial development revenue bond financing: HB 1800, *HB 1825, CH 308 (1986)
- Schools, capital projects, bonds authorized: SB 5032
- State finance committee, indebtedness, evidence of terms, modified: SB 4971
- Tax exempt bonds, interim alternative allocation mechanism: SB 4923, *SSB 4923, CH 247 (1986)
- Waste recovery authority established for processing Hanford spent fuel: SB 4987
- Water pollution control facilities, grants or loans from the water quality account, bonds: SB 4700
- Water supply projects, agricultural, recreational, wildlife, bonds authorized: 2SSB 4136
- WPPSS, securities, purchasers or sellers, suits against the state, requirements established: *SSB 3990, CH 304 (1986)

BOTTIGER, SENATOR R. TED

- Appointed member, agriculture, financial institutions, rules and ways and means committees pp. 34-35
- Parliamentary inquiry, time element, third reading, ESSCR 126 p. 86
- Personal privilege, Senator Bluechel better skier p. 178
- Motions to limit debate, 3 minute rule pp. 277, 785
- Point of order, amendment, SSB 4717 p. 330

BOTTIGER, SENATOR R. TED—cont.

- Point of order, amendment, SB 4875 p. 416
- Remarks, regarding amendments, SB 4875 p. 435
- Remarks regarding acquiring signatures on committee report
when senator out of Olympia p. 699
- Point of order, scope and object amendment, SHB 1368 p. 752
- Motion and remarks to adopt remaining amendments, ESHB 32 p. 832
- Point of order, return to business of state, ESHB 1182 p. 1080
- Motion to lay amendment on table, ESHB 495 p. 1120
- Remarks, bills considered after 5 p.m. p. 1123
- Point of order, scope and object, amendment, ESHB 4128 p. 1142
- Point of order, scope and object, amendment, SSB 4905 p. 1200
- Parliamentary inquiry, timing of scope and object,
amendments, SHB 1722 p. 1442
- Remarks, ESSB 4630 p. 1484
- Personal privilege, Pierce county bull ring award to
Senator Johnston p. 1538
- Point of inquiry/McDonald, clarification on
limitations of special session p. 1758

BOUNDARY REVIEW

- Authority modified: SSB 3469
- Board authority, review, approval, disapproval, or modification of actions,
revised: SHB 1492
- Libraries authorized to participate in process: SB 3339
- Notice procedures: SSB 3469
- Request for review procedures modified: SSB 3469

BOWER, MITCHELL, JR.

- Trustee, Clark community college district no. 14,
GA 237, confirmed pp. 16, 1131, 1735

BOWLES, AL H. JR.

- Introduced and addressed senate
senate resolution no. 160 p. 737

BOY SCOUTS OF AMERICA

- Eagle Scouts, guests of senate introduced p. 273
- Eagle Scout Scott Russell Crawford addressed the senate p. 273

BPA

- Surplus energy, DTED, energy office, and utilities to promote use: SHB 1981

BRAZILIAN DIGNITARIES

- Geraldo A. Muzzi, Consul from San Francisco
introduced and addressed senate p. 244
- Captain Jose Ubirajara S. Almeida introduced p. 244

BRIDGE

- Contract bridge is not gambling: SB 4960

BROADCASTING (See also RADIO; TELEVISION)

- Industrial development bonds, broadcast and communications facilities: SB 4479
- Industrial development bonds, public broadcasting: *SSB 4479, CH 309 (1986)

BROOKS, JAMES

- Reappointed member, oil and gas conservation committee,
GA 155, confirmed pp. 182, 771

BROSSETT, TERRY L.

- Member, hospital commission, GA 183, confirmed pp. 7, 157, 772

BROWN, REV. LEO C. JR.

- Reappointed member, state housing finance commission, GA 203,
confirmed pp. 10, 809, 1627

BUDGET AND ACCOUNTING (See also FUNDS; SUPPLEMENTAL BUDGET)

- Adopted: *SSB 4762, CH 312 (1986)

BUDGET AND ACCOUNTING—cont.

Budget and accounting act, agency reporting of fiscal data, revisions: SB 4926, *SSB 4926, CH 215 (1986)

Capital project proposals, submit to review committee by October 20th: SSB 4320
Constitutional convention, federal, regarding budget, proposed amendment: SJM 106

Cost of living retirement adjustments, funding: *SHB 378, CH 306 (1986)

Emergency expenditures, legislature may establish agency to control: SJR 101

Emergency reserve fund established: SB 5007

Governor's, estimated revenues, economic and revenue forecast council to have approval power: *SHB 1401, CH 112 (1986)

LEAP to periodically review the budgeting and accounting act and recommend revisions: *SSB 4926, CH 215 (1986)

Public depositaries, 150% limit on net worth that is attributed to public treasurers: *SB 4593, CH 25 (1986)

Reserve fund, providing for: SJR 142

Retirement, cost of living adjustment, funding: *SHB 378, CH 306 (1986)

Spending limitation on the legislature, expenditure formula: SJR 140, SB 4778

Supplemental budget, 1986 (See SUPPLEMENTAL BUDGET): SB 4762

Supplemental transportation budget, 1986: SB 4905, *SSB 4905, CH 313 (1986)

Unanticipated receipts, budget approval process modified: SB 3017, SSB 3017

BUILDINGS (See also HOUSING)

Life-cycle cost analysis for public buildings: HB 6, *SB 3018, CH 127 (1986)

Smoking pollution control act: SB 4482, SSB 4482

Smoking, workplace accommodations or prohibition: SB 4482, SSB 4482

Smoking, written policy to be adopted by all employers: SB 4482, SSB 4482

BURNS, WILLIAM L.

Member, higher ed coordinating board, GA 222,

confirmed pp. 13, 138, 647

BUSES

Inspection of motor homes, mobile homes, recreational vehicles, factory built housing and commercial coaches, revisions: SB 4881

Passenger charter carriers, redefined, regulated: SB 3523

Passing, certain vehicles to stay right except when passing: SB 4950

School bus maintenance, joint purchasing agency authority: *SB 3334, CH 77 (1986)

School buses, hire without state board of education authorization: *HB 1371, CH 32 (1986)

School buses, SPI to govern driver training and qualification: SB 4872

School buses, wheelchair students, SPI to promulgate rules: SB 4679

BUSINESSES (See also ECONOMIC RECOVERY; TAXES - B & O)

Air pollution source, owner or operator, submit plan for emergency or accident: SHB 1549

Child abuse information, businesses, organizations, and agencies providing services to children given access: SB 4737, SSB 4737

Corporations, business corporations act revised: *SB 4490, CH 117 (1986)

Employee cooperatives, creation authorized: SHB 1675

Employee exchange program, government, nongovernment: SHB 2

Employee-owned businesses encouraged: SHB 1673

Entrepreneurial education, SPI to develop model curriculum: SB 4951

Magnesium production, chemicals used in process, tax revised: *HB 1851, CH 231 (1986), SB 4978

Regulatory fairness act, enforcing: SSB 3414, 2SSB 3414

Single heads of households, higher education opportunities: SB 3444

Small business administration, asking congress to retain: *SJM 113 (1986)

Small business and development center, emphasize high unemployment areas: SB 4291

Small business capital formation program, supplemental budget: SB 4762

Small business economic impact statement to indicate alternatives: 2SSB 3414

BUSINESSES—cont.

- Use tax collection, engages in a business activity within this state: *HB 1743, CH 48 (1986)
- Venture capital corporations, creation provided for: SB 4478
- Vessel dealers and manufacturers, regulated, licensure: SHB 1613

CAMPAIGNS (See also ELECTIONS; PUBLIC DISCLOSURE COMMISSION)

- Contribution reports, post-campaign reports modified: *SB 4781, CH 28 (1986)
- Contributions, none over \$150,000 for state-wide elections last 21 days: *SHB 1838, CH 228 (1986)
- Declarations of candidacy, processing procedure: SSB 3459, *SB 4450, CH 120 (1986)
- Initiatives, public facilities shall not be used for promotion: *SB 4470, CH 239 (1986)
- Political advertising paid from earmarked funds: *SHB 1838, CH 228 (1986)
- Political committees, financial representation, name and address required: SB 3434
- Postage contributions are face value of postage: *SHB 1838, CH 228 (1986)
- Write-in candidates, procedure: SHB 1348

CAMPING (See INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION; PARKS AND RECREATION)**CANCER**

- Cancer registry program: SSB 3447
- Smokeless tobacco products, chewing tobacco, snuff, warning: HB 1475
- Smoking prohibited in public schools: SB 4689
- Toxic air contaminant defined: SHB 1549

CANTU, SENATOR EMILIO

- Appointed member, commerce and labor, parks and ecology
and ways and means committees pp. 34-35

CARNIVALS

- Inspections and regulation, department of licensing: SB 3495

CARPETS

- Carpet buyers, requiring disclosure and providing remedies: SB 5051

CAR-POOLING

- Ride-sharing vehicles, tax exemption extended: SB 4234

CARS (See MOTOR VEHICLES)**CEASE, REPRESENTATIVE RON**

- Oregon State legislator introduced p. 1762

CEMETERIES

- Commissioner oath filed with county auditor: SSB 3310
- Oath of office, file with county auditor: *SHB 1349, CH 167 (1986)

CENTENNIAL COMMISSION

- Citizen assessment and public information volunteer staff: SB 4690
- Citizen assessment revolving fund created: SB 4690
- Commemorative license plates authorized: *SB 4675, CH 280 (1986), SB 4902
- Future, research, part of centennial observation, DCD duties: SB 4690
- License plates, centennial commemorative design, coincides and replaces total reissuance program: *SB 4675, CH 280 (1986)
- License plates, commemorative authorized: SB 4902
- Logos, unauthorized use of official logos prohibited: *HB 1868, CH 157 (1986), SB 4903
- Tall ships, construction: SB 4985
- Tall ships, special excise tax, Grays Harbor area: *HB 1825, CH 308 (1986)
- Washington shareholder: SB 4690

CENTER FOR VOLUNTARY ACTION

- Beverages, nonalcoholic beverages for volunteers, funds may be used to purchase: SB 4566

CENTRAL WASHINGTON STATE UNIVERSITY

- Dr. Carrol A. Hernandez, trustee, GA 248, confirmed pp. 18, 59, 807
- Sterling Munro, trustee, GA 247, confirmed pp. 18, 59, 197
- Dr. R. Y. Woodhouse, trustee, GA 249, confirmed pp. 18, 60, 807
- Extension departments, territory requirement removed: HB 1520, SB 4746
- Fees reset: SSB 3712
- National history day contest, conduct in grades 6-12: SB 3843
- Salary increases for administrators, limited by state operating appropriation act: SSB 3056
- Social studies, research and interpretive skills, develop program: SB 3843
- Tuition to be adjusted annually: *HB 1350, CH 42 (1986)

CENTRALIA COMMUNITY COLLEGE DISTRICT NO. 12

- Deanne Cook, trustee, GA 235, confirmed pp. 16, 1131, 1735
- Twenty-fourth community college district created: HB 1786, SB 3433, SSB 3433

CENTURY OF THE PACIFIC

- Centennial observance: HB 1954

CHALKER, CHARLOTTE

- Trustee, Western Washington University, GA 254, confirmed pp. 19, 1133, 1749

CHALLENGER, SPACE SHUTTLE

- Resolution 1986-135 and moment of silence pp. 185-186

CHARITABLE SOLICITATIONS

- Fund-raising procedures: SB 4935
- Regulated, definitions provided, crimes: *SHB 1726, CH 230 (1986), SB 4788
- Revisions, application modified, registration lapses each year: SB 4935

CHARTERS

- Passenger charter carriers, redefined, regulated: SB 3523
- Travel promoter defined, regulated: *SHB 1870, CH 283 (1986)
- Travel promotion advertising regulated: *SHB 1870, CH 283 (1986)

CHASE, ELEANOR

- Trustee, Eastern Washington University, GA 252, confirmed pp. 19, 60, 653

CHECKS

- Bad checks, damage recovery, court costs, interest, remedies: *SSB 3416, CH 128 (1986)
- Bad checks, knowingly pass, recovery of handling fee from other than drawer: SB 5040
- Bad checks, penalties for payment of vehicle fees with bad checks: SB 4912, SSB 4912
- Bad checks, 1st and 2nd degree: SB 4952
- Checking account information, disclosure, liability, law enforcement officer: SB 4165, SSB 4165
- Funds to be available within set time period: SB 4782, SSB 4782

CHERBERG, LIEUTENANT GOVERNOR JOHN A. (See also LIEUTENANT GOVERNOR; also RULINGS BY THE PRESIDENT; also PRESIDENT OF THE SENATE; also PARLIAMENTARY INQUIRIES)

- Presiding, joint session p. 43

CHILDREN (See also MENTAL HEALTH)

- Adopted children, insurance, coverage, when does it begin: *SHB 1986, CH 140 (1986)
- Adoption, health care coverage, must apply to adopted children: SB 4767
- "Adult" entertainment materials and services, tax revenue to victims of child abuse account: SB 4979
- Alcohol, class E, F, minor employees may stock: SB 3532
- Alcohol, taproom portion of certain premises, off limits to minors, exceptions: SB 3532

CHILDREN—cont.

- Alcohol-related jobs, class E and/or F, minors may stock and handle beer and wine: *SSB 3532, CH 5 (1986)
- Assaults on children, what is unlawful, kicking, burning, cutting, etc.: SB 4704, SSB 4704, *SSB 4814, CH 149 (1986)
- Beer, class E and/or F, minors may stock and handle: *SSB 3532, CH 5 (1986)
- Birth certificates, putative fathers to be named: SB 4996
- Child abuse, birth certificate registration fee to fund victim treatment: SB 4460
- Child abuse, common schools to instruct on the prevention of child abuse: SSB 4462
- Child abuse convictions, registry established, job screening: SB 3377
- Child abuse convictions, study establishment of a registry and employment screening: SSB 3377
- Child abuse, council for the prevention of child abuse and neglect, sunset extended: *SHB 1333, CH 270 (1986), SB 4453
- Child abuse, day care employees, screen employees: *SHB 1134, CH 269 (1986)
- Child abuse, education in private and public schools, curriculum required: SB 4462
- Child abuse information, persons, businesses, organizations, and agencies providing services to children given access: SB 4737, SSB 4737
- Child abuse, marriage license fee to fund victim treatment: SB 4461
- Child abuse prevention, curriculum required in K-12: *SSB 4814, CH 149 (1986)
- Child abuse, privileged communication exception: SB 4630, *SSB 4630, CH 305 (1986)
- Child abuse, reporting, planning and consultation with certain reporters and CPS: *SB 4481, CH 145 (1986)
- Child abuse, reports, bad faith or malicious, gross misdemeanor, no rights: SB 5036
- Child abuse, victims of child abuse account, funds from "adult" entertainment tax: SB 4979
- Child abuse/neglect, sexual abuse, physician-patient privilege exception: SB 4994
- Child sexual abuse, committee on education created: SSB 4737
- Child support award shall be made in dissolution, separation, and maintenance proceedings regardless of income: SB 4753
- Child support, court to consult child support guidelines: SHB 1797
- Child support, exemption to mandatory arbitration: *SHB 1356, CH 95 (1986)
- Child support, family support from decedents' estate: SHB 1621
- Child support orders, specific data required: *HB 1795, CH 138 (1986)
- Child support, terminate or modify only via court order: SHB 1797
- Child support, wage assignment, employer responsibilities: SB 3482, SSB 3482
- Child support, wage assignment has priority over other assignments: SB 3482, SSB 3482
- Children and family services advisory council created: SB 4889
- Children and family services, department created: SB 4889
- Coin-toss, dice, limited wagering in food establishments, minors prohibited: SB 4514
- Community mental health services for children, revisions: SB 4596, *SSB 4596, CH 274 (1986)
- Criminal mistreatment, withholding basic necessities of life from child or dependent person: *SHB 803, CH 250 (1986), SB 4706
- Custodial interference: SSB 3251
- Custody disputes, mediation: SSB 3252
- Custody, joint custody, legal, physical, defined: SSB 3251
- Custody, joint legal, joint physical: SB 4612
- Custody, no presumption regarding joint or sole custody: SSB 3251
- Custody, public interest, parents, share rights and responsibilities: SSB 3251
- Day care, DSHS, screen employees for abuse: *SHB 1134, CH 269 (1986)
- Day care, insurance coverage, individual children, health care, may not reduce/deny based on day care usage: SB 4942

CHILDREN—cont.

- Day care, insurance plans for licensed day care centers: *SHB 2083, CH 142 (1986)
- Day care, state employees, personnel board to create a supportive atmosphere: *HB 1656, CH 135 (1986), SB 4878
- Department of children and family services created: SB 4889
- Dependency proceedings, sexual abuse information, forward to state patrol: SSB 3377
- Discipline, assault, what is unlawful, kicking, burning, cutting, etc.: SB 4704, SSB 4704, *SSB 4814, CH 149 (1986)
- Discipline, use of force is not unlawful automatically: SB 4704, SSB 4704, *SSB 4814, CH 149 (1986)
- Drugs, selling or transferring to children, parents have a cause of action: *HB 1463, CH 124 (1986)
- DTP vaccine, enact legislation to continue production: SJM 125
- Employees of DSHS, prior to employment investigate background: SB 4655
- Families in conflict, harboring a minor without consent of parent: SHB 1731
- Family court services, counties may contract to provide joint services: *SHB 1356, CH 95 (1986)
- Family support from decedents' estate: SHB 1621
- Incentive liberties, prohibited activities, people in positions of authority: *SB 4982, CH 131 (1986)
- Insurance coverage, continues for mental versus developmental disability handicap: SSB 3541
- Juvenile correctional institutions, placement after 18 years of age, specific circumstances: *SB 4738, CH 288 (1986)
- Juvenile detention facilities, county-level, humane, safe, rehabilitative, remain in community if possible: *SB 4738, CH 288 (1986)
- Juvenile detention facilities records release to the juvenile disposition standards commission: *SB 4738, CH 288 (1986)
- Juvenile detention records, access policy: SB 4485
- Juvenile disposition standards commission, composition altered: *SB 4738, CH 288 (1986)
- Juvenile disposition standards commission to propose state-wide standards to the legislature: *SB 4738, CH 288 (1986)
- Juvenile disposition standards commission to review confinement, diversion, first offenders, report to legislature: *SB 4738, CH 288 (1986)
- Juvenile diversion agreements, only 3 allowed: SHB 711
- Juvenile facilities and services, screen employees for abuse: *SHB 1134, CH 269 (1986)
- Juvenile justice laws, joint select legislative oversight committee: *SB 4738, CH 288 (1986)
- Juvenile offenders, order of restitution, penalties for multiple violations: *SB 4738, CH 288 (1986)
- Juvenile statutes, oversight committee created: SHB 1731
- Juveniles, contempt power of court modified: HB 1497
- Juveniles, custody by law enforcement officers, circumstances: *SB 4738, CH 288 (1986)
- Juveniles, detention facilities, counties, state policy to keep in community: SB 4485
- Juveniles, families in conflict procedures modified: SHB 1731, SB 4483, SSB 4483
- Juveniles, mandatory state-wide standards to legislature by 11/1/87: SB 4485
- Juveniles, sealing order for juvenile offenses, when order is nullified: *SHB 1399, CH 257 (1986)
- Juveniles, semi-secure facility, redefined, locked time-out area: SB 4483, SSB 4483
- Juveniles, sexual offender disposition alternative for juveniles: SB 4707
- Juveniles, sexual offenders' treatment, UW pilot project: SB 4532
- Juveniles, voluntary fingerprinting for identicards: SB 4513
- Location of children when parent has support duty, DSHS to find: SSB 3482
- Mental health, community services, revisions: *SSB 4596, CH 274 (1986)
- Missing children, DSHS to locate child for parent with support duty: SSB 3482

CHILDREN—cont.

- Motorcycles, helmets required for driver or passenger under 18: SB 4533
- Motorcycles, helmets required for those under 12: SB 4727
- Parenting plans, dissolutions, provisions for: SHB 1618
- Parents have a cause of action for sale or transfer of drugs to children: *HB 1463, CH 124 (1986)
- Physician-patient privilege, exception, child's neglect or sexual abuse: SB 4994
- Preschool state education and assistance programs, supplemental budget: SB 4762
- Runaways, persons sheltering, notice required: SSB 3243
- Runaways, placement procedures modified: SHB 1731
- Seat belts, passengers under 16, belt or safety seat required: *SHB 1182, CH 152 (1986)
- Seat belts, 16 years or older, driver or riding, mandatory: *SHB 1182, CH 152 (1986)
- Sex abuse, committee on education on the problems of child sexual abuse created: SB 4735
- Sexual abuse, dependency proceedings, forward information to state patrol: SSB 3377
- Sexual abuse of children, physician-patient privileged communication exception: SB 4994
- Sexual exploitation of a minor redefined: SB 4967
- Sexual offender disposition alternative for juveniles: SB 4707
- Sexual offenses, communication with a minor, repeat offenses, class C felony: *SB 4705, CH 319 (1986)
- Sexually explicit conduct, allowing minor to view material, class C felony: SB 3036, SSB 3036
- Snuff and chewing tobacco, sale to minors prohibited: SB 4600
- Support, award shall be made in dissolution, separation, and maintenance proceedings regardless of income: SB 4753
- Support, court to consult child support guidelines: SHB 1797
- Support, enforcement by DSHS, revisions: SB 3482, SSB 3482
- Support, enforcement, DSHS procedures with other states: SB 3482, SSB 3482
- Support, exemption to mandatory arbitration: *SHB 1356, CH 95 (1986)
- Support, family support from decedents' estate: SHB 1621
- Support, location of children for parent with support duty, DSHS to find: SSB 3482
- Support, modify or terminate, must be in order, order is prospective: SB 3323
- Support, orders, specific data required: *HB 1795, CH 138 (1986)
- Support, parent income disclosed in order, order must be reasonable: SB 3323
- Support, terminate or modify only via court order: SHB 1797
- Visitation disputes, mediation: SSB 3252
- Visitational rights of grandparents, etc.: SSB 3251
- Wine, class E and/or F, minors may stock and handle: *SSB 3532, CH 5 (1986)
- Witnesses, competence of revising provisions, children: *SB 4708, CH 195 (1986)

CHILEAN DELEGATION

- Hernan Emeres introduced and addressed senate p. 1569
- Rudolf Aranedo, Edurado Conca, Augusta Crino, Isabel Jaramillo, Fernando Saa, Julio Orellana introduced p. 1569

CHIROPRACTIC DISCIPLINARY BOARD

- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260

CHIROPRACTIC EXAMINERS

- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

CHORE SERVICES

- Eligibility, expenditures, revised: SB 4574, *SSB 4574, CH 222 (1986)

CHRISTMAS TREES

- Agricultural commodity: SB 5044, *SSB 5044, CH 203 (1986)
- Plantation Christmas trees, exempting the raising and wholesale of from certain excise taxes: SB 4459, SSB 4459

CHRISTOPHERSON, MARY

Member, lottery commission, GA 211,
confirmed

pp. 11, 1693, 1694, 1746

CIGARETTES

Cash discount defined: SSB 3571

Anticipatory discount defined: SSB 3571

Consolidation of the cigarette tax statutes: SB 4904

Cost of doing business, lowered from 12 5/10 to 7 5/10 percent: SHB 1357

Cost of doing business, revisions: *SSB 4627, CH 321 (1986)

Cost of doing business, 14%: SSB 3571

Cost of doing business, 3 1/2% in 1987, 1 1/2% in 1990: SB 4534

License required to sell at retail cigarettes, cigars, chewing tobacco, snuff, etc.:
HB 1475

License revoked, denied, or suspended if give or sell product to person under 18:
HB 1475

Licenses required to buy, sell, consign, distribute: SHB 1357, SB 4534

Manufacturers invoice price defined, retail sales price relative: SB 5041

Predatory pricing, eliminate via regulation: SB 4627, *SSB 4627, CH 321 (1986)

Rebate in price defined: SSB 3571

Rebates regulated: SSB 3571

Smoking in state offices restricted: SHB 1432

Smoking pollution control act: SB 4482, SSB 4482

Smoking, workplace accommodations or prohibition: SB 4482, SSB 4482

Smoking, written policy to be adopted by all employers: SB 4482, SSB 4482

Snuff and chewing tobacco, sale to minors prohibited: SB 4600

Tax on cigarettes to fund basic health care: SSB 3320

Tax on sale, use, possession, etc., deposit in water quality account: SB 4519, *SSB
4519, CH 3 (1986)

Unfair cigarette sales below cost act repealed: SHB 1357

Unfair cigarette sales below cost act, revised: SB 5041

Unfair cigarette sales below cost act, revised: *SSB 4627, CH 321 (1986)

Wholesalers, subsidiary, affiliate, cost of doing business, determination: SSB 3571

CITIES (See also LAND USE PLANNING)

Accident or tort liability funds authorized by municipal corporations, judgment
plan: SB 4564

Agreement or contract between taxing districts, contingent upon a particular
property tax, contingency authorized: *SHB 1270, CH 107 (1986)

Annexation of cities, fire department employee transfer process: *SHB 1388, CH
254 (1986)

Annexation of cities or towns by cities or towns, petition process modified: *HB
1386, CH 253 (1986)

Automobiles, confidential plates, accountability enhanced: SB 3030

Bond counsel, selection of bond counsel by local government: HB 1565

Consolidation of cities, fire department employee transfer process: *SHB 1388, CH
254 (1986)

Construction contracts, self-insurance no affect on employer-employee relation
re negligence or wrong of 3rd person: SB 5045

Construction surety bonds or insurance, municipal corporations exempt from
restrictions: SB 4669

Council members, noncharter code cities, limiting consecutive terms: SB 4761

Criminal justice assistance account: 2SSB 3764

Debt calculation, excess indebtedness resulting from reduced valuation, exclude
excess from ceiling: *SHB 1654, CH 50 (1986)

Energy code to be enforced in all cities, towns, and counties by 4/1/86: SSB 4557

Fire departments, consolidation, annexation, employee transfer process: *SHB
1388, CH 254 (1986)

Incorporation proceedings, elections, separate process for offices: *SHB 308, CH
234 (1986)

Industrial insurance, self-insurance, security requirements: SB 5019

Institutional impact account, reimbursement criteria modified: SB 3233

CITIES—cont.

- Japanese civil rights restrictions during World War II, redress by municipalities: *HB 1415, CH 225 (1986)
- Japanese-Americans, WWII, employee losses: SSB 3369
- Joint select committee on telecommunications to study city telephone business utility taxes: SHB 1892
- Levies, 106% levy lid, voter-approved increases limited: *HB 1419, CH 169 (1986), SB 4559, SSB 4559
- Local governments, surplus public funds, public funds investment account: SB 4590, *SSB 4590, CH 294 (1986)
- Low-income housing, assistance authorized: SB 4933, *SSB 4933, CH 248 (1986)
- Maternity leave: SB 4597
- Mayors of noncharter code cities, limiting consecutive terms: SB 4761
- Motor carriers, B & O tax limited to previous 4 years: SB 5000
- Motorist service businesses, municipalities may permit directional signs: *SHB 1493, CH 114 (1986), SB 4958
- Municipal courts, cities may not repeal certain motor vehicle offenses: SSB 3740
- Noncharter code cities, consecutive terms of mayor and council members, limiting: SB 4761
- Oath of office, file with county auditor: *SHB 1349, CH 167 (1986)
- Precinct boundaries, city annexes county territory, adjustment: *SHB 1349, CH 167 (1986)
- Precinct boundary adjustments, city annex of county territory: SSB 3310
- Publication by small communities, alternative to publishing full text: SB 4988
- Resource recovery facilities and solid waste systems, service agreements: SHB 1449, SB 4567
- Rewards, fines, penalties, and forfeitures may reimburse treasury: SB 4571
- Rewards, may be paid for information leading to arrests: SB 4571, *SSB 4571, CH 185 (1986)
- Sales tax, temporary, used for local share of state corridor: SB 4794
- Self-insurance for property damage and casualty insurance authorized: *SHB 1972, CH 302 (1986)
- Service agreements, resource recovery and solid waste handling: SHB 1449, SB 4567
- State corridor, temporary sales tax used for city share of corridor: SB 4794
- Street projects by owners of real property, local government financing alternative: *SHB 1218, CH 252 (1986)
- Taxation of motor vehicle and special fuels, modified: SB 3535
- Taxing districts, agreement or contract between, contingent upon a particular property tax, contingency authorized: *SHB 1270, CH 107 (1986)
- Taxing districts, transfer of funds between districts where transfer is part of a proration agreement: *SHB 1270, CH 107 (1986)
- Telecommunications, joint select committee to study city's ability to uniformly assess taxes: *SHB 1892, CH 70 (1986)
- Telecommunications services, taxation by cities limited: *SHB 1892, CH 70 (1986), SB 4945
- Telephone tax reduction deferral: *SHB 1892, CH 70 (1986)
- Tort liability fund created, payment plan: SB 4564
- Townships, constitutional references deleted: SJR 131
- Townships, provisions repealed: SB 4451
- WWII, reparations, employee losses, Japanese-Americans: SSB 3369

CIVIL ACTIONS AND PROCEDURES (See also ATTORNEYS)

- Accident or tort liability funds authorized by municipal corporations, judgment plan: SB 4564
- Adult abuse, order for protection: *SSB 4544, CH 187 (1986)
- Attorney fee limitations, tort liability reform: SB 4698
- Blood alcohol level, civil fine for driving with positive level: SB 4984
- Carpet buyers, requiring disclosure and providing remedies: SB 5051
- Child abuse/neglect, sexual abuse, physician-patient privilege exception: SB 4494

CIVIL ACTIONS AND PROCEDURES—cont.

- Claims against the state, file with risk management office versus OFM: *SB 4693, CH 126 (1986)
- Claims of state relating to improvements upon real property, time period: *SHB 573, CH 311 (1986)
- Contributory fault, no recovery with motor vehicle case if over 50%, DWI is over 50%: SB 4775
- Credit cards, unused portion of authorization, notify credit institution: SB 4575
- Damage limits, tort liability reform, economic and noneconomic damages: SB 4698
- Damage recovery torts, limits imposed: SB 4466
- Damages, exemplary, specified instances, DWI, sex abuse, outrage, malicious harassment, insurance bad faith: SB 4916
- Design of highways, streets, sidewalks, etc., claims against state and political subdivisions: SSB 4946
- Drugs, selling or transferring to children, parents have a cause of action: *HB 1463, CH 124 (1986)
- DWI, exemplary damages, mental anguish or physical injury: SB 4916
- Exemplary damages, specified instances, DWI, sex abuse, outrage, malicious harassment, insurance bad faith: SB 4916
- Hazardous materials, releases and threatened releases, hazardous substance response fund, remedies, liabilities: SB 5027, SSB 5027
- Health care provider defined: SB 4993
- Helmet, failure to use is evidence to mitigate damages, wrongful death or injuries: SB 5002
- Industrial insurance claimants may review files: SHB 712
- Injury or death to person committing a felony, no civil liability: SB 4775
- Insurance bad faith, exemplary damages, specified instances, mental anguish or physical injury: SB 4916
- Malicious harassment, exemplary damages, specified instances, mental anguish or physical injury: SB 4916
- Malpractice statute of limitation, modified: SB 4993
- Medical program directors, exempted from liability: HB 1776, SB 4642, SSB 4642
- Movies, fair competition among exhibitors, civil penalties: SHB 1342, SB 4508
- Natural death act, procedure when no written directive, attorney power: SSB 3228
- Negligence of injured or deceased person imputed to all persons bringing claims: SB 4928
- Nonhearsay evidence defined: SB 4703
- Outrage, exemplary damages, specified instances, mental anguish or physical injury: SB 4916
- Personal injuries, negligence of injured person imputed to all persons bringing claims: SB 4928
- Personal injuries, wrongful death, medical malpractice, waiver of privileged communications, when: SB 4994
- Physician-patient privilege, exception, child's neglect or sexual abuse: SB 4994
- Privileged communications, nurses, exception, mental illness cases: *SB 4529, CH 212 (1986)
- Regulatory fairness act, enforcing: SSB 3414, 2SSB 3414
- Seat belts and harness, failure to use is evidence to mitigate damages, wrongful death or injuries: SB 5002
- Securities, purchasers or sellers, suits against the state, requirements established: *SSB 3990, CH 304 (1986)
- Service of process, certification of process servers: SB 4897
- Sex abuse, specified instances, exemplary damages, mental anguish or physical injury: SB 4916
- Sexual abuse of children, physician-patient privileged communication exception: SB 4994
- Strip searches, regulated, when allowed: *SHB 1148, CH 88 (1986)
- Tort liability fund created, payment plan: SB 4564
- Tort liability reform, attorney fee limitations: SB 4698

CIVIL ACTIONS AND PROCEDURES—cont.

- Tort liability reform, economic and noneconomic damages, limits: SB 4698
- Tort reform: *SSB 4630, CH 305 (1986)
- Torts against the state, file with risk management office versus OFM: *SB 4693, CH 126 (1986)
- Torts, damage recovery limits imposed: SB 4466
- Torts, motor vehicle, contributory fault, no recovery if over 50%, DWI is over 50%: SB 4775
- Uniform disciplinary act, complaints, immunity: *SHB 131, CH 259 (1986), SB 3260, SSB 3260
- Water rights, attorney fees to prevailing party: HB 22
- Water rights, spouses or family groups considered one defendant for filing and fees: SB 3021
- Witnesses, competence of revising provisions, children: *SB 4708, CH 195 (1986)
- WPPSS, securities, purchasers or sellers, suits against the state, requirements established: *SSB 3990, CH 304 (1986)

CIVIL RIGHTS

- Affirmative action order of governor, submit to state vote: SB 4983
- AIDS, regulating victims or suspects via quarantine: SB 5049
- AIDS test is confidential: SB 4780
- Governor's executive order confirming state policy, submit to state vote: SB 4983
- Hitchhiking outlawed: SB 4480
- Hunting, activities by nonhunters prohibited: SB 4585
- Japanese civil rights restrictions during World War II, redress by municipalities: *HB 1415, CH 225 (1986)
- Judicial review of government actions affecting 1st amendment: HB 483
- Protection of private property rights: SB 4908
- Spot checks by state patrol, program established: HB 1402

CIVIL SERVICE (See STATE AND PUBLIC EMPLOYEES)**CLAMS**

- Marketing, design of an enhanced marketing plan for fisheries products: *HB 1362, CH 62 (1986)
- Nonresidents, shellfish and food fish license required: SB 3171, SSB 3171
- Ocean beach management program: SSB 4510
- Ocean beaches, driving on prohibited, designated as natural areas: SB 4510
- Shellfish, personal use and punchcards, revisions: SB 4886
- Violations, rewards for information: HB 191
- Voluntary license suspension program in conservation crisis: SHB 243

CLARK COMMUNITY COLLEGE DISTRICT NO. 14

- Mitchell Bower, Jr., trustee, GA 237, confirmed pp. 16, 1131, 1735

CLARKE, KARYN

- Trustee, Tacoma community college district no. 22, GA 241, confirmed, pp. 17, 1132, 1736

CLEMENCY AND PARDONS BOARD

- Mark Cooper, member, GA 263, confirmed pp. 21, 76, 812
- S. R. (John) Johnston, member, GA 261, confirmed pp. 20, 158, 812
- B. J. McLean, member, GA 258 p. 20
- Anita Mendez Peterson, member, GA 259, confirmed pp. 20, 75, 812
- Vernon Stoner, member, GA 260, confirmed pp. 20, 76, 812
- Trudy Schmidli, member, GA 262, confirmed pp. 20, 76, 812

CLINICS

- Cancer registry program: SSB 3447

COCKRUM, QUEEN COREEN

- Apple blossom festival, Wenatchee royalty court introduced and addressed senate p. 665

CODE REVISER

- Cigarette tax statutes, consolidation: SB 4904
- Computer, joint legislative service center established: *HB 1345, CH 61 (1986)
- Hearing impaired persons at judicial or administrative proceedings, interpreters, procedures, rights: SSB 3740
- Joint legislative service center established: *HB 1345, CH 61 (1986)
- Legislative systems administrative committee created: *HB 1345, CH 61 (1986)
- Legislative systems committee created: SSB 4141
- LIS transferred from the code reviser to the joint legislative systems administrative committee: *HB 1345, CH 61 (1986)
- LIS transferred to legislative systems committee: SSB 4141
- Register, maximum interest rates to be filed with state register: *HB 1398, CH 60 (1986)
- Regulatory fairness act, enforcing: SSB 3414, 2SSB 3414
- Rules review committee, regulatory fairness act requirements: SSB 3414, 2SSB 3414

COGENERATION

- Certification application procedure: SSB 3112

COIN-OPERATED LAUNDRIES

- B & O tax modified: SB 4442

COLLECTIVE BARGAINING

- Higher education authorized: SHB 32
- Transit workers, union members with public employers, apply public collective bargaining: SB 4471, SSB 4471

COLLEGES AND UNIVERSITIES (See also RETIREMENT AND PENSIONS; INDIVIDUAL INSTITUTIONS)

- Athletic trainers board, powers and duties: SB 3316, SSB 3316
- Collective bargaining authorized: SHB 32
- Extension departments, territory requirement removed: HB 1520, SB 4746
- Fees reset: SSB 3712
- Financial aid, ceiling of 24% eliminated, 1/3 substituted: SB 3132
- Foreign students, tuition and fee waivers, conditions: *SB 3278, CH 232 (1986)
- Higher education competitive faculty salary act of 1986: SB 5003
- Higher education improvement act of 1986: SB 4745
- Life-cycle cost analysis for public buildings: HB 6, *SB 3018, CH 127 (1986)
- Maritime technology program, western interstate compact authorized: SSB 3558
- Mental sports competition and research commission established: SB 3405
- Private degree granting institutions, regulating: *SHB 1688, CH 136 (1986)
- Salaries, increases, funded via business and occupation tax, investment business income: SB 4745
- Salary comparison with peer colleges, OFM to undertake study: SB 4745
- Salary increases for administrators, limited by state operating appropriation act: SSB 3056
- Services and activities fees, expenditure: *SHB 614, CH 91 (1986)
- Single heads of households, higher education opportunities: SB 3444
- Smoke detectors in college dormitories: SHB 719
- Tuition and fee waivers, foreign students, conditions: *SB 3278, CH 232 (1986)
- Tuition endowment fund: SB 4991
- Tuition schedule that distinguished less than 2 and more than 18 credits modified: SB 3140
- Tuition to be adjusted annually: *HB 1350, CH 42 (1986)

COLLINS, CHUCK

- Chairman, higher ed coordinating board,
GA 216, confirmed pp. 12, 137, 197

COLUMBIA BASIN COMMUNITY COLLEGE DISTRICT NO. 19

- Janice M. Ludwig, trustee, GA 240,
confirmed pp. 17, 1132, 1736

COLVILLE RESERVATION

Criminal jurisdiction, retrocession over certain land: *SHB 495, CH 267 (1986)

COMMISSIONS

Agricultural irrigation commission, formation authorized: SB 3286

Asian-American affairs commission, sunset date extended: *SHB 1333, CH 270 (1986) SB 4453

Citizens' commission on salaries for elected officials: *SHB 1331, CH 155 (1986)

Health care project commission, indigents: *SHB 2021, CH 303 (1986)

Local governance study commission to study junior taxing districts: *SHB 1270, CH 107 (1986)

Management and efficiency commission created: SB 4494

Many boards and commissions, various revisions and repealers: SB 4938, SSB 4938

Mental sports competition and research commission established: SB 3405

Public funds investment commission created: SB 4590, *SSB 4590, CH 294 (1986)

COMMITTEES

Child sexual abuse, committee on education created: SSB 4737

Coordinating committee for environmental education: *HB 1711, CH 51 (1986), SB 4890

Criminal justice system, joint legislative committee, study high rate of minority incarceration: *SHB 1399, CH 257 (1986)

Emergency expenditures, joint committee to allocate funds: SJR 101

Emergency medical services committee, sunset extended: *SHB 1333, CH 270 (1986), SB 4453

Environmental education, coordinating committee for established: *HB 1711, CH 51 (1986), SB 4890

Health care cost containment, joint select committee: SCR 110

Joint select committee created to study school construction financing: SHB 1830

Joint select committee on unemployment insurance and compensation established: *SHB 1802, CH 106 (1986)

Legislative systems administrative committee created: *HB 1345, CH 61 (1986)

Mediation, committee for mediation created, natural resource disputes: SHB 1429

Mediation, committee for mediation established at UW graduate school for public affairs, natural resources: SHB 1429

Nonhighway road recreationist committee: *SHB 1382, CH 206 (1986)

Recreation advisory committee: *SHB 1382, CH 206 (1986)

Recreational water contact facility advisory committee created: *SSB 3498, CH 236 (1986)

Respiratory care, advisory committee created: SHB 1609

Retirement, joint interim committee on retirement created: *SSB 3182, CH 317 (1986)

School construction financing, joint select committee created: SHB 1830

Science and technology, joint committee extended: SCR 103

Securities advisory committee membership modified: SSB 3048

Sex abuse, committee on education on the problems of child sexual abuse created: SB 4735

Snowmobile advisory committee, sunset extended: *SHB 1333, CH 270 (1986), SB 4453

Special needs program, categorical educational services, advisory committee formed, SPI to conduct study and report: *SHB 1829, CH 139 (1986)

Unemployment insurance, joint select committee on unemployment insurance and compensation established: *SHB 1802, CH 106 (1986)

Vocational education advisory committee created: SHB 1704

COMMON CARRIERS

Debris falling from vehicles, prohibited, requirements: *SHB 1363, CH 89 (1986), SB 4924

Debris, vehicles to be equipped with screens to prevent escape: *SHB 1363, CH 89 (1986)

Deregulating trucking industry: SB 5025

COMMON CARRIERS—cont.

- Dromedary truck tractors and stinger-steered trailers, allowing for transportation of motor vehicles: SB 4930
- Hazardous or radioactive waste, state radiation control agency to be notified of insurance change: *SSB 4664, CH 191 (1986)
- Passenger charter carriers, redefined, regulated: SB 3523
- Passing, certain vehicles to stay right except when passing: SB 4950
- Proportional registration, IRP plan revised: SB 4618, *SSB 4618, CH 18 (1986)
- Radiation control agency, transportation of radioactive waste, procedures: SB 4663, SSB 4663

COMMUNITY COLLEGE EDUCATION, STATE BOARD FOR

- Helen Radke, member, GA 188, confirmed pp. 8, 59, 197
- Antonio Santoy, member, GA 272, confirmed pp. 22, 1133, 1731
- E. Anne Winchester, member, GA 187, confirmed pp. 8, 1130, 1697

COMMUNITY COLLEGES

- Athletic trainers board, powers and duties: SB 3316, SSB 3316
- Board duties revised, job skills program: SB 5035
- Board, quorum, number specified: *SB 4628, CH 130 (1986)
- Collective bargaining authorized: SHB 32
- Consolidation of district administrations for cost savings, governor authorized: SB 4581
- District 12 split, OFM to report on administrative costs: HB 1786
- Education consolidation act, increase local control, consolidate control: SB 4524
- Fees reset: SSB 3712
- Higher education competitive faculty salary act of 1986: SB 5003
- Higher education improvement act of 1986: SB 4745
- Life-cycle cost analysis for public buildings: HB 6, *SB 3018, CH 127 (1986)
- Literacy, adult literacy program: SSB 3517, 2SSB 3517, 3SSB 3517
- Literacy, state advisory literacy coalition: SSB 3517, 2SSB 3517, 3SSB 3517
- Mental sports competition and research commission established: SB 3405
- Negotiations, provision, compensation increase subject to appropriation: HB 1607
- Private degree granting institutions, regulating: *SHB 1688, CH 136 (1986)
- Private vocational schools regulated: *SHB 1687, CH 299 (1986)
- Salaries, increases, funded via business and occupation tax, investment business income: SB 4745
- Salary comparison with peer colleges, OFM to undertake study: SB 4745
- Salary increases for administrators, limited by state operating appropriation act: SSB 3056
- Tuition endowment fund: SB 4991
- Tuition to be adjusted annually: *HB 1350, CH 42 (1986)
- Tuition waivers, long-term unemployed, expiration repealed: HB 1539, SB 4604
- Twenty-fourth community college district created: HB 1786, SB 3433, SSB 3433
- Twenty-fourth district, OFM to report on administrative costs: HB 1786

COMMUNITY DEVELOPMENT, DEPARTMENT OF

- Centennial, citizen assessment and public information volunteer staff: SB 4690
- Centennial observance, futures research, citizen discussion: SB 4690
- Consolidating agencies into DCD: *SHB 1709, CH 266 (1986), SB 4873
- Debt, state ceiling, report on bonds to governor and legislature: *SSB 4923, CH 247 (1986)
- Employee-owned businesses encouraged: SHB 1673
- Energy conservation, DTED, DCED, and energy office, promote state conservation industry: SHB 1981
- Food banks, DCD process revised to facilitate food distribution: SSB 4963
- Heating bills, assist low-income persons, residential space heating bills, fuel and public utility tax: SB 4765
- Heating, prohibiting termination from 11/15 through 3/15 due to delinquent and unpaid charges: SB 4766, *SSB 4766, CH 245 (1986)
- Homeless, crisis management centers established: SB 4484
- Housing trust fund to assist low-income persons in obtaining housing: SB 4626, SSB 4626, *SSB 4626, CH 298 (1986)

COMMUNITY ECONOMIC REVITALIZATION BOARD

General obligation bonds, capital projects: *HB 2055, CH 103 (1986)

COMMUNITY PROPERTY

Medical assistance eligibility, ignore separate property agreements: SB 4659,
*SSB 4659, CH 220 (1986), SB 4751, SSB 4751

Military retirement benefits, modification of settlement authorized: SB 3211

Quasi-community property established: *HB 1686, CH 72 (1986)

COMPARABLE WORTH

Implementation revised: *HB 1703, CH 1 (1986), SB 4595, SSB 4595

Ratifying the comparable worth agreement: SCR 126, *SSCR 126 (1986)

Schools, comparable worth assessment project: SB 4144

COMPETITIVE BIDDING

Competitive sealed proposals: SHB 393

COMPUTERS

Joint legislative service center established: *HB 1345, CH 61 (1986)

Therapeutic drug utilization; DSHS to establish policies and procedures, computer-based systems: 2SSB 4242

Video terminal operators, occupational safety standards: SB 4909

CONCA, EDURADO

Member Chilean delegation, introduced p. 1569

CONCRETE HIGH SCHOOL LIONS

Football team introduced p. 221

CONCURRENT RESOLUTIONS

Church schools, temporary commission to study unapproved schools: SCR 131

Comparable worth agreement ratified: SCR 126, *SSCR 126 (1986)

Cut-off dates for 1986 established: *SCR 125 (1986)

Governor notified that the legislature is organized to conduct business on 1/13/86:
*HCR 17 (1986)

Governor's state of the state message, joint session of the legislature called
1/14/86: *HCR 16 (1986)

Hanford, governor and attorney general, prevent choosing site prior to complete
site characterization: SHCR 25

Hazardous materials, governor urged to initiate discussions with other states
about transportation: SCR 133, SSCR 133

Hazardous materials, joint select committee to study transportation: SCR 128

Health care cost containment, joint select committee: SCR 110

Industrial insurance, joint select committee on industrial insurance: *SHCR 21,
(1986)

Joint committee on post-retirement adjustments: SCR 134

Joint select committee on disability employment and economic participation:
*HCR 22 (1986), SCR 130

Joint select committee on industrial insurance: *SHCR 21, (1986)

Joint select legislative committee on natural heritage resources: SCR 127

Nuclear waste policy act of 1982, priority to causes of action: SCR 106

Oil spills, advisory committee to study: *HCR 19 (1986), SCR 129

Pacific fisheries legislative task force, creation: HCR 18

Reintroduction of measures introduced during 1985 session: *SCR 124 (1986)

Retirement systems, study of post-retirement adjustments by joint committee: SCR
134

School construction fund, timber sales of surplus over sustained yield, DNR to
study and report: *HCR 29 (1986)

Science and technology, joint committee extended: SCR 103

Sine die 1986: *SCR 136 (1986)

Sine die 1986 session, governor notified: *HCR 28 (1986)

Taiwan as a sister state: SCR 132

Timber sales of surplus over sustained yield, school construction, DNR to study
and report: *HCR 29 (1986)

CONDOMINIUMS

Provisions added and revised: SB 5012

CONFLICT OF INTEREST

Former state employees, restrictions revised: SB 4937

Gambling and lottery employees, private benefit due to job prohibited: *SSB 3590, CH 4 (1986)

Washington state development loan fund committee, exemption repealed: *HB 1337, CH 204 (1986)

CONNER, SENATOR PAUL H.

Appointed member, human services and corrections, natural resources, rules and transportation committees pp. 34-35

CONSERVATION

Aluminum smelters, tax deferrals for energy conservation projects: SB 4733

Appliance energy efficiency standards, adopt, report to legislature: SB 4667

Appliance energy efficiency standards, advise on whether to adopt, report to legislature: SSB 4667

Conservation commission, matching grant program for conservation districts: SSB 3379

Energy conservation, DTED, DCED, and energy office, promote state conservation industry: SHB 1981

Energy conservation, investments, return rate specified: SHB 1981

Energy conservation, potential, 2 and 20 year periods, energy office to address: SHB 1981

Energy, products and services, in-state purchases encouraged: SHB 1981

Energy recovery or incineration, city or county plan, first address waste reduction and recycling: HB 1732

Forest land taxation, exemption for conservation purposes, compensating tax, modifications: *SSB 4458, CH 238 (1986)

Heating bills, assist low-income persons, residential space heating bills, fuel and public utility tax: SB 4765

Joint select legislative committee on natural heritage resources: SCR 127

Matching grant program for conservation districts: SSB 3379

Natural heritage resource, joint select committee: SCR 127

Nursing homes, retrofitting, reimbursement rate adjustments: SHB 197

Oil, recycling, above-ground tanks, state fire protection board and DOE to develop standards: *SHB 37, CH 37 (1986)

Recycling oil, if not enough sites city or county to address in hazardous waste plan: HB 1643

Recycling used oil, above-ground tanks, state fire protection board and DOE to develop standards: *SHB 37, CH 37 (1986)

Recycling used oil, collection sites, DOE to establish a comprehensive list: HB 1643

Recycling used oil, container requirements: HB 1643

Returnable containers, deduct tax amounts from sales from B & O tax: SB 5039

Ride-sharing vehicles, tax exemption extended: SB 4234

Tax credit, energy end use consumer efficiency: SHB 1981

CONSOLIDATION

Fire departments, cities, employment transfer process: *SHB 1388, CH 254 (1986)

CONSTITUTIONAL AMENDMENTS

Bail, denial of bail for those posing a danger to the community: SJR 139

Common school funds revised, sources modified: SJR 143

Counties, alteration of, population limits: SHJR 25

Counties, new, petition procedure: SHJR 25

Current use valuation of low-income housing: SJR 128

Elective offices, vacancies, legislative or county office, procedures: SJR 138, *SSJR 138 (1986)

Emergency expenditures, joint committee to allocate funds: SJR 101

Emergency expenditures, legislature may establish agency to control: SJR 101

Executive branch reorganized: SJR 141

CONSTITUTIONAL AMENDMENTS—cont.

- Governor appointment of state treasurer, insurance commissioner, and superintendent of public instruction: SJR 132
- Home rule charters, procedures for adoption established: SSJR 103
- Judges pro tempore of the court of appeals, providing: SB 4895, SJR 137
- Judges, pro tempore, provisions revised: SJR 137
- Judicial qualifications commission, membership revised: *SJR 136 (1986)
- Low-income housing, current use assessment: SJR 128
- Multi-county districts, vacancies, procedure for filing: SJR 138, *SSJR 138 (1986)
- Ratifying U.S. constitutional amendment, Washington D.C. voting rights: SJR 109
- Reorganization of executive branch: SJR 141
- Reorganization of state government: SJR 118
- Reserve fund, providing for: SJR 142
- School facilities, renovation and construction, 6 year period for levies: *HJR 55 (1986)
- Secretary of state office abolished: SJR 134
- Spending limits on the legislature: SJR 140
- Superior court jurisdiction revised: SJR 135
- Townships, constitutional references deleted: SJR 131
- Voting rights for Washington D.C., ratifying: SJR 109
- Washington D.C. voting rights ratified: SJR 109

CONSTRUCTION

- Self-insurance, municipal corporations, no affect on employer-employee relation re negligence or wrong of 3rd person: SB 5045
- Surety bonds or insurance, municipal corporations exempt from restrictions: SB 4669

CONSUMER PROTECTION

- Appliance energy efficiency standards, adopt, report to legislature: SB 4667
- Appliance energy efficiency standards, advise on whether to adopt, report to legislature: SSB 4667
- Auctioneers and auction companies, consumer protection revisions: SB 4779, *SSB 4779, CH 324 (1986)
- Boat design pirating, penalty, attorney fees: SB 3910
- Carpet buyers protection act: SB 5051
- Citizens' utility board: SB 4666
- Contractors subject to consumer protection law: SB 4722, *SSB 4722, CH 197 (1986)
- Credit service transactions: SB 5005, *SSB 5005, CH 218 (1986)
- Credit services organizations act: SB 5005, *SSB 5005, CH 218 (1986)
- Drugs, brand name or generic, allowing consumer choice: *SHB 1332, CH 52 (1986)
- Fuel refiner/suppliers, are they injuring competition, attorney general to study: SSB 4623
- Health clubs, protection for purchasers of services: SSB 3161
- Hitchhiking outlawed: SB 4480
- Information-access telephone services, consumer protections: SB 4599, SSB 4599
- Insurance, regulation by federal government requested: HJM 29
- Long distance telephone service, consumer assistance in choosing, unit pricing, feature information: SB 4885
- Motor fuel refiner-supplier, control of gas stations limited: SSB 4622
- Motor vehicle fuel franchises, restrictions: SB 3418
- Motor vehicle fuel franchises, trading practices regulated: *SB 4620, CH 320 (1986)
- Motor vehicle fuel, major refiners' control of retail gas stations, limit: SB 4622
- Motor vehicle fuel, retail gasoline market since deregulation, study: SB 4623
- Motor vehicle fuel, specific pricing formula for major refiners supplying independent outlets: SB 4621, SSB 4621
- Nursing home residents, insurance policies, sale regulated: *HB 1462, CH 170 (1986)
- Optometry, unlawful advertising is a violation of consumer protection act: SB 4653

CONSUMER PROTECTION—cont.

- Spas, etc., electrical products certification: *SB 4556, CH 263 (1986)
 Telephone solicitations, study implemented, regulated, penalties: *SHB 1678, CH 277 (1986)
 Telephones, information—access telephone services, protections: SB 4599, SSB 4599
 Telephones, long distance service, consumer assistance in choosing, unit pricing, feature information: SB 4885
 Unfair cigarette sales below cost act repealed: SHB 1357
 Used vehicles, cash price to be displayed by dealers: SB 4888, *SSB 4888, CH 165 (1986)

CONTAINERS

- Returnable containers, deduct tax amounts from sales from B & O tax: SB 5039

CONTEMPT

- Juveniles, contempt power of court modified: HB 1497

CONTRACTORS (See also GENERAL ADMINISTRATION; PUBLIC WORKS)

- Affirmative action plan by banks who hold or invest state funds: SSB 3345
 Affirmative action plan, submitted by state contractors and subcontractors: SSB 3345
 Claims of state relating to improvements upon real property, time period: *SHB 573, CH 311 (1986)
 Competitive sealed proposals: SHB 393
 Consumer protection law applicable: SB 4722, *SSB 4722, CH 197 (1986)
 Infractions, registration requirements: SB 4722, *SSB 4722, CH 197 (1986)
 Nursing homes, retrofitting, reimbursement rate adjustments: SHB 197
 Registration requirements: SB 4722, *SSB 4722, CH 197 (1986)
 Sales representations, contracts and commissions regulated: SSB 3255
 Surety bonds, bond companies to require disclosure of previous criminal convictions: SB 4986
 Water well contractors, reporting and licensing requirements: SB 4554, SSB 4554

CONTRACTS (See also specific subject)

- Credit service transaction, consumer protection: SB 5005, *SSB 5005, CH 218 (1986)
 First source contracts, hire public assistance recipients: *SHB 1754, CH 116 (1986)
 Personal service contracts, oversight procedures established: *SHB 1335, CH 33 (1986)
 Water pollution control facilities, service agreements: SB 4717, *SSB 4717, CH 244 (1986)
 WPPSS, securities, purchasers or sellers, suits against the state, requirements established: *SSB 3990, CH 304 (1986)

COOK, DEANNE

- Trustee, Centralia community college district no. 12,
 GA 235, confirmed pp. 16, 1131, 1735

COOPER, MARK

- Member, corrections standards board, GA 263,
 confirmed pp. 21, 76, 812

COOPERATIVES

- Employee cooperatives, creation authorized: SHB 1675

CORONERS (See also MEDICAL EXAMINERS)

- Forensic pathology fellowship program: *SB 4521, CH 31 (1986)

CORPORATIONS

- Business corporations act revised: *SB 4490, CH 117 (1986)
 Closely held, corrupt or illegal operations, remedies: SB 4520
 Employee cooperatives, creation authorized: SHB 1675
 Health care professionals, professional service corporations, nonprofit, nonstock:
 *SB 4535, CH 261 (1986)
 Long-term care corporations, state council created, voluntary: SHB 1717
 Long-term care, legislative committee to study long-term care corporations: SHB 1717

CORPORATIONS—cont.

- Mental sports competition and research commission established: SB 3405
- Nonprofit corporations, revisions: SB 4491, *SSB 4491, CH 240 (1986)
- Nonprofit, offenders may perform community service for: SB 4682, *SSB 4682, CH 193 (1986)
- Professional service corporations, licensed health care professionals, nonprofit, nonstock: *SB 4535, CH 261 (1986)
- Public company defined: *SB 4490, CH 117 (1986)
- Unemployment compensation, corporate bonding requirements: SB 4646
- Unemployment compensation, must notify officers in writing: *SB 4645, CH 110 (1986)
- Venture capital corporations creation provided for: SB 4478

CORRECTIONS (See also JAILS; PROBATION AND PAROLE)

- Assault by resident or patients, employee reimbursement: *SHB 1134, CH 269 (1986), 2SSB 3188
- Crime victims compensation, prison work program money, portion allocated: *SB 4680, CH 162 (1986)
- Early retirement for employees in state-operated institutions, age 55 or 20 years: SB 4469
- Firlands correction center, operation by secretary required: SB 4743
- Inmate restitution as a result of disciplinary action, procedures to be adopted: SB 4684, *SSB 4684, CH 19 (1986)
- Institutional care employees, assault by resident or patient, reimbursement: *SHB 1134, CH 269 (1986), 2SSB 3188
- Institutional impact account, reimbursement criteria modified: SB 3233
- Institutional industries, production plan for commodities, interstate arrangements: SHB 594
- Institutional industries, state purchase, plan required: *SHB 594, CH 94 (1986)
- Parolee and probationer revolving fund renamed the community services revolving fund: *SB 4681, CH 125 (1986)
- Prison work program, effectiveness, report to legislature: *SHB 594, CH 94 (1986)
- Prison work programs, prisoners help in cost of development and implementation: *SB 4680, CH 162 (1986)
- Sexual offender treatment program, administration plan by DSHS and Corrections, report to legislature: *SHB 1598, CH 301 (1986), SB 4736, SSB 4736
- Sexual offender treatment program, responsibility from DSHS to corrections: *SHB 1598, CH 301 (1986), SB 4736, SSB 4736
- Strip searches, regulated, when allowed: *SHB 1148, CH 88 (1986)
- Workers compensation costs, department shall reimburse community service participants when funds available: SB 4682, *SSB 4682, CH 193 (1986)
- Work/training release facilities, expenses, inmate money deposited in community service revolving fund: *SB 4681, CH 125 (1986)

CORRECTIONS STANDARDS BOARD

- Henry Beauchamp, member, GA 134, confirmed pp. 75, 189
- Mark Cooper, member, GA 263, confirmed pp. 21, 76, 812
- Helen Dorsey, member, GA 174 p. 5
- Ken Eikenberry, member, GA 172, confirmed pp. 5, 75, 191
- Larry V. Erickson, member, GA 133, confirmed pp. 74, 158
- Phyllis M. Kenney, member, GA 135, confirmed pp. 157, 667
- David S. McEachran, member, GA 136, confirmed pp. 75, 189
- Bette Reinhart, member, GA 264, confirmed pp. 21, 76, 819
- Terry Sebring, member, GA 173, confirmed pp. 5, 75, 634
- Internal references corrected, replace jail commission with board: *SSB 4128, CH 118 (1986)
- Supplemental budget, 1986: SB 4762

COULEE-HARTLINE/MANSFIELD HIGH SCHOOL RAMS

- Football team introduced p. 220

COUNCIL FOR POSTSECONDARY EDUCATION

- Single heads of households, higher education opportunities: SB 3444

COUNCILS

- Child abuse, council for the prevention of child abuse and neglect, sunset extended: *SHB 1333, CH 270 (1986), SB 4453
- Children and family services advisory council created: SB 4889
- Long-term care corporations, state council created, voluntary: SHB 1717
- Nursing home advisory council, sunset date extended: *SHB 1333, CH 270 (1986), SB 4453

COUNSELORS

- Educational requirements for mental health professionals: SHB 1651
- Psychologists, licensing revised: SB 4629, *SSB 4629, CH 27 (1986)
- Rape by a counselor is a felony, consent gained via relationship: SB 4796
- Registration and certification of mental health professionals: SHB 470

COUNTIES (See also LAND USE PLANNING; RETIREMENT AND PENSIONS; STATE AND PUBLIC EMPLOYEES)

- Accident or tort liability funds authorized by municipal corporations, judgment plan: SB 4564
- Agreement or contract between taxing districts, contingent upon a particular property tax, contingency authorized: *SHB 1270, CH 107 (1986)
- Alteration, population limits: SHJR 25
- Automobiles, confidential plates, accountability enhanced: SB 3030
- Bond counsel, selection of bond counsel by local government: HB 1565
- Civil violations, legislative authority may designate certain violations as civil: SB 4486, *SSB 4486, CH 278 (1986)
- Construction contracts, self-insurance no affect on employer-employee relation re negligence or wrong of 3rd person: SB 5045
- Construction surety bonds or insurance, municipal corporations exempt from restrictions: SB 4669
- Creation of new county, petition procedure: SHJR 25
- Criminal justice assistance account: 2SSB 3764
- Dances, public dances and recreational activities, counties may regulate: SHB 1723
- Debt calculation, excess indebtedness resulting from reduced valuation, exclude excess from ceiling: *SHB 1654, CH 50 (1986)
- Drug abuse programs, state money, no more than 2% may be used for administration: SB 4981
- Electrical inspections: SB 4934
- Energy code to be enforced in all cities, towns, and counties by 4/1/86: SSB 4557
- Fair property, owned by 1st class or larger county, lease to nonprofit corporation: SB 4563
- Fairgrounds, lease northern state hospital: *SHB 1967, CH 307 (1986)
- Fairgrounds, lease of state lands: *SHB 1967, CH 307 (1986)
- Family court, joint operations by counties authorized: SSB 3252
- Family court services, counties may contract to provide joint services: *SHB 1356, CH 95 (1986)
- Fire code, uniform, when fire district is to enforce versus county: SB 4468
- Fire marshal, funding provided for county offices: SB 4760
- Funds, combine for investment purposes: SB 4449
- Hazardous materials response teams, fire protection districts authorized to cooperate: *SSB 4486, CH 278 (1986)
- Home rule charters, procedures for adoption established: SSJR 103
- Incorporation proceedings, elections, separate process for offices: *SHB 308, CH 234 (1986)
- Industrial insurance, self-insurance, security requirements: SB 5019
- Institutional impact account, reimbursement criteria modified: SB 3233
- Japanese civil rights restrictions during World War II, redress by municipalities: *HB 1415, CH 225 (1986)
- Judicial positions added, Mason and Thurston counties, dividing the district: HB 1393, SB 4759
- Juvenile detention facilities, county-level, humane, safe, rehabilitative, remain in community if possible: *SB 4738, CH 288 (1986)

COUNTIES—cont.

- Land purchase outside of jurisdiction authorized: *SSB 4486, CH 278 (1986)
- Levies, 106% levy lid, voter-approved increases limited: *HB 1419, CH 169 (1986), SB 4559, SSB 4559
- Local governments, surplus public funds, public funds investment account: SB 4590, *SSB 4590, CH 294 (1986)
- Low-income housing, assistance authorized: SB 4933, *SSB 4933, CH 248 (1986)
- Maternity leave: SB 4597
- Motorist service businesses, municipalities may permit directional signs: *SHB 1493, CH 114 (1986), SB 4958
- New, petition procedure: SHJR 25
- Noncharter counties, five-member legislative authorities: SB 4526, SSB 4526
- Noncharter counties, five-member legislative authorities: SB 4526
- Noxious weed control fund created: SB 3234
- Precinct boundaries, city annexes county territory, adjustment: *SHB 1349, CH 167 (1986)
- Precinct boundary adjustments, city annex of county territory: SSB 3310
- Public works assistance account, funded via refuse collection tax: SB 4641, SSB 4641
- Refuse collection tax, revenue used for public works assistance account: SB 4641, SSB 4641
- Resource recovery facilities and solid waste systems, service agreements: SHB 1449, SB 4567
- Rewards, fines, penalties, and forfeitures may reimburse treasury: SB 4571
- San Juan and Island counties, revising the allocation of superior court judges: SB 4764
- Self-insurance for property damage and casualty insurance authorized: *SHB 1972, CH 302 (1986)
- Service agreements, resource recovery and solid waste handling: SHB 1449, SB 4567
- State corridor, temporary fuel tax used to fund local share of corridor: SB 4793, SSB 4793
- Street projects by owners of real property, local government financing alternative: *SHB 1218, CH 252 (1986)
- Tax, temporary fuel tax, fund local share of state corridor: SB 4793, SSB 4793
- Taxing districts, agreement or contract between, contingent upon a particular property tax, contingency authorized: *SHB 1270, CH 107 (1986)
- Taxing districts, transfer of funds between districts where transfer is part of a pro-ration agreement: *SHB 1270, CH 107 (1986)
- Tort liability fund created, payment plan: SB 4564
- Uniform fire code, when fire district is to enforce versus county: SB 4468

COUNTY AUDITOR (See also ELECTIONS)

- Election administration duties: SSB 3310
- Oath of office, file with county auditor: *SHB 1349, CH 167 (1986)
- Precinct boundary adjustments, city annex of county territory: SSB 3310
- Special elections, do not hold between candidate filing/return certifying period: SSB 3310
- Voter registration records, public records, access procedure: *SHB 1349, CH 167 (1986)

COUNTY TREASURER

- Delinquent special assessments: *SSB 4486, CH 278 (1986)
- Funds, combine for investment purposes: SB 4449
- Public depositories, treasurers authorized to deposit funds in out-of-state financial institutions: SB 4665, *SSB 4665, CH 160 (1986)

COURT OF APPEALS

- Appellate backlog reduction, supplemental budget, 1986: SB 4762
- Appellate procedure revised: SB 3095
- Indigent criminal defendants, appellant counsel, LBC and judiciary committee to study: SSB 3740
- Judge pro tem, who may be appointed: SSB 3740

COURT OF APPEALS—cont.

Judges pro tempore, providing: SB 4895, SJR 137

Judges terms clarified: HB 1956

COURTS (See also CIVIL ACTIONS AND PROCEDURES; CRIMES; DRUNK DRIVING; JUDGES)

Adult abuse, order for protection: *SSB 4544, CH 187 (1986)

Alcoholism treatment, court referral, sworn stipulation of guilt: 2SHB 879

Appellate counsel to indigent criminal defendants, LBC and judiciary committee to study: SSB 3740

Appellate procedure revised: SB 3095

Bad checks, damage recovery, court costs, interest, remedies: *SSB 3416, CH 128 (1986)

Bail bond provisions revised: *SSB 4305, CH 322 (1986)

Bail, denial of bail for those posing a danger to the community: SJR 139

Breathalyzer test refusal, evidentiary use restricted: *HB 1459, CH 64 (1986)

Child custody disputes, mediation: SSB 3252

Child custody, jurisdiction: SSB 3251

Child support, exemption to mandatory arbitrations: *SHB 1356, CH 95 (1986)

Child support, modify or terminate must be in order, order is prospective: SB 3323

Child support, parent income disclosed in order, order must be reasonable: SB 3323

Child visitation disputes, mediation: SSB 3252

Commissioners, under jurisdiction of judicial qualifications commission: SB 3092

District or municipal references updated: SSB 3740

Driving without a license, mandatory court appearance requirement removed: *SB 4537, CH 213 (1986)

Family court, joint operations by counties authorized: SSB 3252

Family court services, counties may contract to provide joint service: *SHB 1356, CH 95 (1986)

Fees, filing, civil actions, law library fund, modifications: SSB 3740

Filing fees, etc., distribution and remittance revised: SSB 3740

First amendment, review of government actions affecting: HB 483

Hearing impaired persons at judicial or administrative proceedings, interpreters: SSB 3740

Indian lands, Colville, retrocession of criminal jurisdiction: *SHB 495, CH 267 (1986)

Institutional impact account, reimbursement criteria modified: SB 3233

Interpreters for hearing impaired persons at judicial or administrative proceedings: SSB 3740

Judges, pro tempore, provisions revised: SJR 137

Judicial administration commission, recommendations implemented: SB 4498, SSB 4498, 2SSB 4498

Judicial qualifications commission, membership revised: *SJR 136 (1986)

Judicial review of government actions affecting 1st amendment: HB 483

Juvenile statutes, oversight committee created: SHB 1731

Juveniles, contempt power of court modified: HB 1497

Law library funds, civil action filing fees, modifications: SSB 3740

Lottery winners, state agencies may assert claims prior to disbursement: *SHB 1433, CH 83 (1986)

Maintenance, exemption, to mandatory arbitration: *SHB 1356, CH 95 (1986)

Mandatory arbitration, maintenance or child support, exemptions: *SHB 1356, CH 95 (1986)

Mason and Thurston counties, adding judicial positions, dividing the district: *HB 1393, CH 76 (1986), SB 4759.

Municipal courts, cities may not repeal certain motor vehicle offenses: SSB 3740

Nonhearsay evidence defined: SB 4703

Police judge, references deleted: SSB 3740

Regulatory fairness act, enforcing: SSB 3414, 2SSB 3414

Revenues, distribution and remittance revised: SSB 3740

San Juan and Island counties, revising the allocation of superior court judges: SB 4764

COURTS—cont.

- Sealing order for juvenile offenses, when order is nullified: *SHB 1399, CH 257 (1986)
- Sexual offender treatment program, program admission limited: SB 4656
- Superior court jurisdiction revised: SJR 135
- Venue for landlord and tenant actions, county in which premises are located: SB 4454
- Witnesses, competence of revising provisions, children: *SB 4708, CH 195 (1986)

COVERED LOADS

- Debris falling from vehicles prohibited, requirements: *SHB 1363, CH 89 (1986)
- Debris, vehicles to be equipped with screens to prevent escape: *SHB 1363, CH 89 (1986)

CRABS

- Puget Sound commercial crab fishing license moratorium act of 1986: SB 4837

CRAIG, CLAUDIA K.

- Member, forest practices appeals board, GA 181, confirmed pp. 7, 707, 1694

CRASWELL, SENATOR ELLEN

- Appointed member, education, human services and corrections and ways and means committees pp. 34-35
- Point of order, scope and object, amendment, SHB 1134 p. 985
- Point of order, scope and object, amendment, SSB 4814 p. 1374
- Point of order, scope and object, conference report, SSB 4814 p. 1674

CRAWFORD, SCOTT RUSSELL

- Eagle Scout, introduced and addressed senate p. 273

CREDIT

- Credit services organizations act: SB 5005, *SSB 5005, CH 218 (1986)

CREDIT CARDS

- Surcharges by seller when buyer uses credit card prohibited: SB 4932
- Unused portion of authorization, notify credit institution: SB 4575

CRIME VICTIMS' COMPENSATION

- "Adult" entertainment materials and services, tax revenue to victims of child abuse account: SB 4979
- Effective dates of 1985 legislation (chapter 443) modified: *SHB 1869, CH 98 (1986)
- Prison work program money, portion placed in crime victims compensation account: *SB 4680, CH 162 (1986)

CRIMES (See also MOTOR VEHICLES subtopic traffic infractions)

- Aggravating circumstances, revised, series of offenses, multiple incidents, trust or authority facilitated: SB 4701
- Appellate counsel to indigent criminal defendants, LBC and judiciary committee to study: SSB 3740
- Assault definition provided: SB 3224
- Assault, redefined, 1st, 2nd, 3rd, 4th: SB 4704, SSB 4704
- Assault, 1st, 2nd, 3rd, and 4th degree: *SHB 1399, CH 257 (1986)
- Assaults on children, what is unlawful, kicking, burning, cutting, etc.: SB 4704, SSB 4704, *SSB 4814, CH 149 (1986)
- Assaults on fire personnel, class C felony: *SB 4551, CH 188 (1986)
- Bad checks, damage recovery, court costs, interest, remedies: *SSB 3416, CH 128 (1986)
- Bad checks, 1st and 2nd degree: SB 4952
- Bail bond provisions revised: *SSB 4305, CH 322 (1986)
- Bail, denial of bail for those posing a danger to the community: SJR 139
- Bigamy, statute of limitations revised: *SHB 1399, CH 257 (1986)
- Child abuse convictions, registry established, job screening: SB 3377
- Child abuse convictions, study establishment of a registry and employment screening: SSB 3377

CRIMES—cont.

- Child abuse, day care employees, screen employees: *SHB 1134, CH 269 (1986)
- Child abuse information, businesses, organizations, and agencies providing services to children given access: SB 4737, SSB 4737
- Child abuse, reports, bad faith or malicious, gross misdemeanor, no rights: SB 5036
- Child abuse/neglect, sexual abuse, physician-patient privilege exception: SB 4994
- Community service, offenders may work for state or nonprofit organization: SB 4682, *SSB 4682, CH 193 (1986)
- Community supervision of criminal offenders, standards: SB 4576, SSB 4576
- Corporal punishment, use of force is not unlawful automatically: SB 4704, SSB 4704, *SSB 4814, CH 149 (1986)
- Criminal mistreatment, withholding basic necessities of life from child or dependent person: *SHB 803, CH 250 (1986), SB 4706
- Culpability definitions modified: SB 3224
- Custodial interference revised to include residential care: SSB 3251
- Defenses, defendant must establish by a preponderance of the evidence: SB 3224
- Disorderly conduct, expanded, soliciting, lounging, without return benefit: SSB 3154
- Drug samples, illegal sale or trade, class C felony: SSB 4858
- Drugs, theft or robbery of a controlled substance is a class B felony: SSB 3595
- Elements, establish beyond a reasonable doubt: SB 3224, SSB 3224
- Fingerprints, automatic fingerprinting information system implement and study: SB 4710, *SSB 4710, CH 196 (1986)
- Fire personnel, assaults on, class C felony: *SB 4551, CH 188 (1986)
- Forensic pathology fellowship program: *SB 4521, CH 31 (1986)
- Health clubs, protection for purchasers of services: SSB 3161
- Incest, statute of limitations modified: SB 4624
- Indecent liberties, prohibited activities, people in positions of authority: *SB 4982, CH 131 (1986)
- Indian lands, Colville, retrocession of jurisdiction: *SHB 495, CH 267 (1986)
- Industrial injuries, health services, fraud, etc., civil and criminal liability: *SB 4927, CH 200 (1986)
- Institutional impact account, reimbursement criteria modified: SB 3233
- Juvenile correctional institutions, placement after 18 years of age, specific circumstances: *SB 4738, CH 288 (1986)
- Juvenile diversion agreements, only 3 allowed: SHB 711
- Juvenile offenders, order of restitution, penalties for multiple violations: *SB 4783, CH 288 (1986)
- Juvenile statutes, oversight committee created: SHB 1731
- Juveniles, sealing order for juvenile offenses, when order is nullified: *SHB 1399, CH 257 (1986)
- Juveniles, sexual offender disposition alternative for juveniles: SB 4707
- Juveniles, sexual offenders' treatment, UW pilot program: SB 4532
- Medical assistance, offenses, statute of limitations, 5 years: *SHB 1580, CH 85 (1986), SB 4657
- Misdemeanors, decriminalization of misdemeanors, joint select committee: SB 4610, SSB 4610
- Motor vehicle operation without financial responsibility, penalties: SHB 227, SSB 3306
- Offenders performing community service, may work for state or nonprofit organization: SB 4682, *SSB 4682, CH 193 (1986)
- Physician-patient privilege, exception, child's neglect or sexual abuse: SB 4994
- Pornography, promoting, included within criminal profiteering: *SB 4959, CH 78 (1986)
- Pseudo-games of skill via mail prohibited: SHB 1395
- Public safety and education assessment: *SHB 1869, CH 98 (1986)
- Rape by a counselor is a felony, consent gained via relationship: SB 4796
- Runaways, persons sheltering, notice required: SSB 3243

CRIMES—cont.

- Sealing order for juvenile offenses, when order is nullified: *SHB 1399, CH 257 (1986)
- Seizure provisions of the uniform controlled substances act, all real property: SB 4783
- Seizure provisions of the uniform controlled substances act, money distribution modified: SB 4783, *SSB 4783, CH 246 (1986)
- Sex abuse, civil action, exemplary damages, mental anguish or physical injury: SB 4916
- Sex abuse, committee on education on the problems of child sexual abuse created: SB 4735
- Sexual abuse of children, physician-patient privileged communication exception: SB 4994
- Sexual exploitation of a minor redefined: SB 4967
- Sexual offender disposition alternative for juveniles: SB 4707
- Sexual offender treatment program, escapees have different agenda: *SHB 1598, CH 301 (1986)
- Sexual offender treatment program, program admission limited: SB 4656
- Sexual offender treatment program, responsibility from DSHS to corrections: *SHB 1598, CH 301 (1986), SB 4736, SSB 4736
- Sexual offenders' treatment, juveniles, UW pilot project: SB 4532
- Sexual offenses, communication with a minor, repeat offenses, class C felony: *SB 4705, CH 319 (1986)
- Sexually explicit conduct, allowing minor to view material, class C felony: SB 3036, SSB 3036
- Statute of limitations, date of discovery of the facts: SB 4558
- Statute of limitations, medical assistance, related crimes, 5 years: *SHB 1580, CH 85 (1986), SB 4657
- Teachers, abuse of, criminal provisions revised: HB 1358
- Theft or robbery of a controlled substance, class B felony: SSB 3595
- Theft, partners and partnership included in definition: SB 3093
- Theft, revisions to elements: *SHB 1399, CH 257 (1986)
- Theft, wrongfully obtains or exerts unauthorized control redefined: SB 3093
- Trespass, criminal trespass, process servers, defense: SHB 1586
- Violence on TV, petitioning Congress to study and make recommendations: SJM 142
- Witnesses, competence of revising provisions, children: *SB 4708, CH 195 (1986)
- Witnesses, report of crimes, requirement modified: SB 4702

CRIMINAL JUSTICE ASSISTANCE ADVISORY COMMITTEE

- Target offenses, domestic violence, serious traffic offenses: 2SSB 3764

CRIMINAL JUSTICE TRAINING COMMISSION

- Reauthorized: SB 4668

CRINO, AUGUSTA

- Member Chilean delegation introduced p. 1569

CROSS, VIRGINIA

- Trustee, Green River community college district no. 10,
GA 205, confirmed pp. 10, 754, 1731

CRUELTY TO ANIMALS

- Protections, revisions: SB 4607

CURB RAMPS

- Requirements for handicapped curb ramps modified: SB 4726

CUSTOM INSPECTIONS

- Additional inspectors for west coast requested: SJM 135, *SSJM 135 (1986)

DAIRY PRINCESSES

- Princess Zena Edwards, introduced and addressed senate p. 348
- Alternate Princesses Teresa Rothlin and Kristen Ekstran
introduced p. 348

DAIRY PRODUCTS COMMISSION

Preparer liens, dairy products, notification: *SHB 2014, CH 178 (1986)

DANCES

Public dances and recreational activities, counties may regulate: SHB 1723

DATA PROCESSING AUTHORITY

Sunsetted: HB 1767

DAY CARE

Child abuse convictions, registry established, job screening: SB 3377

Child abuse information, businesses, organizations, and agencies providing services to children given access: SB 4737, SSB 4737

Employees of DSHS, prior to employment investigate background: SB 4655

Insurance, individual children, health coverage may not be reduced/denied based on day care usage: SB 4942

Insurance, joint underwriting association to provide insurance authorized: *SHB 2080, CH 141 (1986)

Insurance plans for licensed day care centers: *SHB 2083, CH 142 (1986)

Insurance, reporting requirements for liability insurance, losses and expenses: SB 4686

Preschools, voluntary accreditation: *SB 5033, CH 150 (1986)

School district facilities may be used for: SHB 1937, SB 4941, SSB 4941, 2SSB 4941

Screen employees for abuse, DSHS: *SHB 1134, CH 269 (1986)

State employees, facilities near or on work, feasibility study: *HB 1635, CH 134 (1986), SB 4874

State employees, personnel board to create a supportive atmosphere: *HB 1656, CH 135 (1986), SB 4878

Supplemental budget: SB 4762

DEADLY FORCE

When may it be used: SB 4465, *SSB 4465, CH 209 (1986)

DEAF

Interpreters for hearing impaired persons at judicial or administrative proceedings: SSB 3740

State school, provisions revised, department of services for the blind and deaf: SB 4944

Superintendent, appointment criteria modified: SB 3098

DEANE, DR. ALLEN D.

Trustee, Big Bend community college district no 18,

GA 239, confirmed pp. 16, 1132, 1736

DEATH

Forensic pathology fellowship program: *SB 4521, CH 31 (1986)

Natural death act, procedure when no written directive, attorney power: SSB 3228

DEATH PENALTY

Death warrants, defendant's presence is not required: SB 4685, SSB 4685

Execution, licensed physician to pronounce death: *SSB 4683, CH 194 (1986)

Intravenous injection, specific substance to be injected deleted: SB 4683, *SSB 4683, CH 194 (1986)

Repealing: SB 4750

DEBTS

Excess indebtedness resulting from reduced valuation, excess excluded from ceiling: *SHB 1654, CH 50 (1986)

Hotel/motel special excise tax, proceeds may be used for capital improvement debts already incurred: *HB 1954, CH 104 (1986), SB 5048

Lottery winners, state agencies may assert claims prior to disbursement: *SHB 1433, CH 83 (1986)

Public debts, given to a collection agency seven days after notice: HB 677

State finance committee, indebtedness, evidence of terms, modified: SB 4971

State to pay bills on time: SB 4953

DEBTS—cont.

Tax exempt bonds, interim alternative allocation mechanism: SB 4923, *SSB 4923, CH 247 (1986)

DECCIO, SENATOR ALEX A.

Appointed member, financial institutions, human services and corrections and ways and means committees pp. 34-35
 Parliamentary inquiry, question substitute amendment, SSB 4630 p. 475
 Point of order, scope and object, amendment, SSB 4630 p. 483
 Point of order, scope and object amendment, ESHB 1270 p. 783
 Parliamentary inquiry, speaking on amendments, ESHB 32 p. 832

DEEDS OF TRUST

Foreclosure, procedure modified: SHB 1792
 Foreclosure, trustees fees, single family dwelling limitation: SHB 1792
 Professional corporation, all of whose shareholders are licensed attorneys, may be trustee: SHB 1792
 Restraint of trustee sale, restrainer's bond, amount of bond modified: SHB 1792
 Trustees, who may be, professional corporation, all whose shareholders are licensed attorneys: SHB 1792

DEFERRED COMPENSATION COMMITTEE

Simplifying implementation of governmental deferred compensation plans: SHB 1840

DeJARNATT, SENATOR ARLIE U.

Appointed member, governmental operations, judiciary, rules and transportation committees pp. 34-35

DENNIS, ELSIE

Trustee, Highline community college district no. 9, GA 232, confirmed pp. 15, 756, 1734

DENTAL DISCIPLINARY BOARD

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

DENTAL EXAMINERS

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

DENTAL HYGIENISTS

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

DENTISTS

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

DIESEL FUEL

Deep sea fishing, commercial passenger boat fishing, diesel fuel sales tax exempt: SB 4671
 Fuel tax, annual license fee in lieu of the fuel tax: SB 4774

DIKING DISTRICTS

Bid limits established: SB 4505
 Emergencies, contract authority: SB 4505
 Improvements under \$5,000 may be performed by employees: SB 4505
 Powers modified: SHB 557, *SSB 4486, CH 278 (1986)

DISCRIMINATION (See also HUMAN RIGHTS COMMISSION)

Affirmative action plan by banks who hold or invest state funds: SSB 3345
 Affirmative action plan, submitted by state contractors and subcontractors: SSB 3345
 Banks holding or investing state funds must have affirmative action plans: SSB 3345
 Criminal justice system, joint legislative committee, study high rate of minority incarceration: *SHB 1399, CH 257 (1986)
 Gay, protection in state employment, governor's executive order, submit to the state vote: SB 4983
 Governor's executive order confirming state policy, submit to state vote: SB 4983

DISPENSING OPTICIANS

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

DISPUTE RESOLUTION CENTERS

Immunity from civil action, good faith acts: *SHB 1356, CH 95 (1986)

DIVORCE

Child support award shall be made in dissolution, separation, and maintenance proceedings regardless of income: SB 4753

Community property, quasi-community property established: *HB 1686, CH 72 (1986)

Family court services, counties may contract to provide joint services: *SHB 1356, CH 95 (1986)

Maintenance, exemption, to mandatory arbitration: *SHB 1356, CH 95 (1986)

Mediation for dissolution proceedings: *SHB 1356, CH 95 (1986)

Parenting plans, dissolutions, provisions for: SHB 1618

DIXON, DICK

Member, state parks and recreation commission, GA 118 p. 691

DOG, McGRUFF

Crime prevention dog and national symbol for

Safe House program introduced and addressed senate p. 62

DOGS

Pets, all pets to have liability insurance and be registered: SB 4961

Pit bulls: SB 4611

Vicious dog defined, regulated via registration and insurance or bond: SSB 4611

DOMESTIC VIOLENCE

Criminal justice assistance account, target offenses: 2SSB 3764

Criminal justice assistance account, 1/40 of 1% motor vehicle tax: 2SSB 3764

DORSEY, HELEN

Member, corrections standards board, GA 174 p. 5

DOUGLASS, HARLAN D.

Member, state housing finance commission, GA 288,

confirmed pp. 196, 809, 1749

DRAINAGE DISTRICTS

Bid limits established: SB 4505

Emergencies, contract authority: SB 4505

Improvements under \$5,000 may be performed by employees: SB 4505

Powers modified: SHB 557, *SSB 4486, CH 278 (1986)

DRIVERS' LICENSES (See MOTOR VEHICLES)**DRUGLESS HEALING**

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

DRUGS

Alcoholism and drug abuse research by UW and WSU: SB 4221, *SSB 4221 CH 87 (1986)

Brand name or generic drugs, allowing consumer choice: *SHB 1332, CH 52 (1986)

Controlled substances provisions modified: *HB 1463, CH 124 (1986)

County programs, state money, no more than 2% may be used for administration: SB 4981

Criminal proceedings using chemical analysis of blood or breath need standards, civil don't: SB 5050

Legend drug providers, registration fees: SB 4947

Methadone treatment services, criteria modified: *SHB 1479, CH 53 (1986)

Optometrists, establishment of approved formulary: SHB 1968

Parents have a cause of action for sale or transfer of drugs to children: *HB 1463, CH 124 (1986)

Samples, illegal sale or trade, class C felony: SSB 4858

DRUGS—cont.

- Seizure provisions of the uniform controlled substances act, all real property: SB 4783
- Seizure provisions of the uniform controlled substances act, money distribution modified: SB 4783, *SSB 4783, CH 246 (1986)
- Selling or transferring drugs to children, parents have a cause of action: *HB 1463, CH 124 (1986)
- Theft or robbery of a controlled substance, class B felony: SSB 3595
- Therapeutic drug utilization; DSHS to establish policies and procedures, computer-based systems: 2SSB 4242

DRUNK DRIVING

- Administrative revocation authority for alcohol violations modified: SSB 3089
- Alcohol diagnostic evaluation and treatment, sworn document of appearance: 2SHB 879
- Alcohol treatment program, must satisfactorily progress: 2SHB 879
- Alcohol-sensing ignition interlocks for DWI deferred prosecution: SB 4577, SSB 4577
- Blood alcohol level, civil fine for driving with positive level: SB 4984
- Breath analysis changed, .10 alcohol per 210 liters of breath: *HB 1499, CH 153 (1986)
- Breathalyzer test refusal, evidentiary use restricted: *HB 1459, CH 64 (1986)
- Civil action, exemplary damages, mental anguish or physical injury: SB 4916
- Contributory fault, no recovery with motor vehicle case if over 50%, DWI is over 50%: SB 4775
- Criminal justice assistance account, target offenses: 2SSB 3764
- Criminal justice assistance account, 1/40 of 1% motor vehicle tax: 2SSB 3764
- Criminal proceedings using chemical analysis of blood or breath need standards, civil don't: SB 5050
- Deferred prosecution, sign statement advising rights, acknowledging guilt: 2SHB 879
- DWI changed to .10 alcohol per 210 liters of breath: *HB 1499, CH 153 (1986)
- Forfeiture of vehicles driven by DWI second-charge persons: SB 4688
- Form instruction for obtaining reissuance or renewal, given at sentencing: 2SHB 879
- Guns forfeited if person has .10 alcohol per 210 liters of breath: *HB 1499, CH 153 (1986)
- Highway safety fund, reinstatement fees used for alcohol-related driver licensing programs: SSB 3089
- License plate and registration renewal, conditioned on valid license: 2SHB 879
- License reinstatement fees used for alcohol-related driver licensing programs: SSB 3089
- Registration cancelled if driving without license, financial responsibility, and with suspension: 2SHB 879
- Revocation of license, department authority modified: SSB 3089
- Suspension, if reconvicted suspension period not extended: 2SHB 879
- Suspension or revocation, extension, conditions: 2SHB 879
- Torts, motor vehicle, contributory fault, no recovery if over 50%, DWI is over 50%: SB 4775
- Treatment for alcoholism, sworn stipulation of guilty: 2SHB 879

DURNEY, JACK

- Trustee, Grays Harbor community college district no. 2,
GA 286, confirmed pp. 77, 1134, 1737

EARTHQUAKES

- School safety: SSB 3448

EASTERN WASHINGTON UNIVERSITY

- Kathryn Bannai, trustee, GA 250, confirmed pp. 18, 1133, 1748
- Eleanor Chase, trustee, GA 252, confirmed pp. 19, 60, 653
- Jack Geraghty, trustee, GA 251, confirmed pp. 19, 1133, 1748
- Extension departments, territory requirement removed: HB 1520, SB 4746

EASTERN WASHINGTON UNIVERSITY—cont.

Fees reset: SSB 3712

Salary increases for administrators, limited by state operating appropriation act: SSB 3056

Supplemental budget, 1986, conditions modified: SB 4762

Tuition to be adjusted annually: *HB 1350, CH 42 (1986)

EATONVILLE HIGH SCHOOL CRUISERS

Football team introduced p. 219

ECOLOGY, DEPARTMENT OF

Air pollution source operating permit program, DOE to study program and study air pollution: SHB 1722

Department renamed public health and environment with certain DSHS divisions: SB 4792, SSB 4792

Environmental health programs of DSHS to DOE: SSB 4308

Environmental health programs transferred from DSHS to DOE, report to legislature: SSB 4308

Hanford low-level waste facility, DOE to contract a study of insurance coverage: *SSB 4876, CH 2 (1986)

Hanford low-level waste facility, DOE to perform studies by contract to define site closure and perpetual care: *SSB 4876, CH 2 (1986)

Hazardous substances, illegal, improper release, study for new laws and funding: SSB 4255

Hazardous waste, DOE authorized to participate in hazardous and solid waste amendments of 1984: SB 4662

Hazardous waste release, DOE, authorized to protect public health and environment: SB 4662

Hydraulic permit, includes storage of water as well as diversion: *SHB 1545, CH 173 (1986), SB 4550

Industrial wastewater discharge, DOE to identify categories for nondeveloped standards: SHB 1787

Industrial wastewater discharge, investigate incentive methods, report to legislature: SHB 1787

Litter control, supplemental budget: SB 4762

Low-level radioactive waste policy, 1985 amendments, DOE responsible: SHB 1655, SB 4876, *SSB 4876, CH 2 (1986)

Multi-aquifer protection, permit granting: HB 22

Oil, recycling, above-ground tanks, state fire protections board and DOE to develop standards: *SHB 37, CH 37 (1986)

Oil spills, advisory committee to study: *HCR 19 (1986), SCR 129

Public health and environment department established from all of DOE and part of DSHS: SB 4792, SSB 4792

Recycling used oil, above-ground tanks, state fire protection board and DOE to develop standards: *SHB 37, CH 37 (1986)

Sludge, DOE to adopt rules for environmentally safe use of sludge: SB 4790, *SSB 4790, CH 297 (1986)

Sludge, DOE to report to legislature: *SSB 4790, CH 297 (1986)

Sludge sold to the public, labeling requirements: SB 4790, *SSB 4790, CH 297 (1986)

Solid waste functional standards, not effective until DOE prepares analysis: *SHB 1540, CH 81 (1986)

Stream gaging basic data fund, increase: SB 4762

Transfer DSHS environmental health programs to DOE: SSB 4308

Water pollution control facilities, financial assistance, OFM and DOE to develop plan: SB 4519, *SSB 4519, CH 3 (1986)

Water pollution control facilities, water quality account use, report by DOE to legislature: SB 4519, *SSB 4519, CH 3 (1986)

Water pollution discharge permits, DOE to report to legislature on effectiveness: SB 4798, SSB 4798

Water quality protection needs of state, excluding Puget Sound, report to legislature: SB 4519, *SSB 4519, CH 3 (1986)

ECOLOGY, DEPARTMENT OF—cont.

Water rights, permit granting: HB 22

Water supply projects, bonds authorized: 2SSB 4136

Woodstoves regulated, public education, reduce air pollution at local level: SHB 905

Yakima enhancement project, DOE duties: *SSB 4418, CH 316 (1986)

ECONOMIC AND REVENUE FORECAST COUNCIL

Budgets, approval authority for estimated revenues: *SHB 1401, CH 112 (1986)

ECONOMIC RECOVERY (See also EXPORTING and IMPORTING)

Agricultural water supply projects, recreation and wildlife included, bonds authorized: 2SSB 4136

First source contracts, hire public assistance recipients: *SHB 1754, CH 116 (1986)

Manufacturing or research and development activities, tax deferral modified and extended: *SHB 1754, CH 116 (1986)

Mediation of natural resource disputes: SHB 1429

Public assistance recipients, hire via first source contracts: *SHB 1754, CH 116 (1986)

Small business and development center, emphasis high unemployment areas: SB 4291

Tax credits for eligible business projects, counties of high unemployment: *SHB 1754, CH 116 (1986)

Tax deferrals, eligible investment projects redefined: *SHB 1754, CH 116 (1986)

Washington state development loan fund committee, conflict of interest exemption repealed: *HB 1337, CH 204 (1986)

EDITOR'S NOTES

Regarding President's reply, votes needed
to pass SSB 4661 p. 370

Further remarks, votes needed, immediately
reconsider, SJR 128 p. 597

Clarification remarks by Senator Gaspard, HJR 55 p. 839

President's ruling, HB 1722 p. 1669

EDMONDS COMMUNITY COLLEGE DISTRICT NO. 23

Karen Miller, trustee, GA 206, confirmed pp. 10, 755, 1733

EDUCATION

Coordinating committee for environmental education: *HB 1711, CH 51 (1986), SB 4890

Entrepreneurial education, SPI to develop model curriculum: SB 4951

Environmental education, coordinating committee for established: *HB 1711, CH 51 (1986), SB 4890

Literacy, adult literacy program: SSB 3517, 2SSB 3517, 3SSB 3517

Literacy, state advisory literacy coalition: SSB 3517, 2SSB 3517, 3SSB 3517

Mental sports competition and research commission established: SB 3405

Prenatal care for low-income women, appropriation increased: HB 1380

Private degree granting institutions, regulating: *SHB 1688, CH 136 (1986)

Private vocational schools regulated: *SHB 1687, CH 299 (1986)

Public safety and education assessment: *SHB 1869, CH 98 (1986)

Sex abuse, committee on education on the problems of child sexual abuse created: SB 4735

EDUCATION, STATE BOARD OF (See also SCHOOLS AND SCHOOL DISTRICTS; SUPERINTENDENT OF PUBLIC INSTRUCTION; individual colleges and universities)

Financing, school plant facilities, not binding until state board authorizes bid opening: SHB 1830

Membership and appointment modified: SB 4872, SSB 4872

Vocational education commission, made up of state board of education members: SB 5035

EDUCATIONAL SERVICE DISTRICTS

Regional offices of SPI: SB 4872

EDWARDS, ZENA

Dairy princess introduced and addressed senate p. 348

EIKENBERRY, KEN

Member, corrections standards board, GA 172,
confirmed pp. 5, 75, 191

EKSTRAN, KRISTEN

Alternate dairy princess introduced p. 348

ELDERLY (See also NURSING HOMES)

Abuse, petition for an order for protection of a vulnerable adult: *SSB 4544, CH 187 (1986)

Criminal mistreatment, withholding basic necessities of life from child or dependent person: *SHB 803, CH 250 (1986), SB 4706

Insurance, accident prevention course and over 55, lower rates: *SSB 3458, CH 235 (1986)

Long-term care for the elderly and disabled, funding for research requested: SJM 141

Taxes, real property, exemption from certificate of delinquency: SB 4915

ELDRIDGE, LESTER W.

Member, Puget Sound water quality authority, GA 195,
confirmed pp. 9, 692, 1746

ELECTIONS (See also CAMPAIGNS)

Absentee ballot application procedure: *SHB 1349, CH 167 (1986)

Absentee ballot distribution procedure: SSB 3310

Absentee ballots, applications, return address, specific: SHB 1348, *SHB 1349, CH 167 (1986)

Absentee voters, ongoing status for blind persons: *SB 4443, CH 22 (1986)

Administration of elections, county auditor duties: SSB 3310

Attorney general ballot duties to office of legislative counsel: SB 4523

Ballot marking procedures: SSB 3310

Ballot marking procedures modified: SHB 1348

Ballots, candidate names, order of appearance: *SB 4450, CH 120 (1986)

Ballots may be deposited by voter: SSB 3310

Ballots may be placed in ballot box by voter: *SHB 1349, CH 167 (1986), SB 4649

Ballots, primary and sample, order of candidates: SSB 3459, *SB 4450, CH 120 (1986)

Blind persons, absentee voters, ongoing status: *SB 4443, CH 22 (1986)

Candidates, filing by mail, procedure: *SB 4450, CH 120 (1986)

Candidates, names, order of appearance on ballot: *SB 4450, CH 120 (1986)

Cost reimbursement by secretary of state, interest rate: *SHB 1349, CH 167 (1986)

Costs, prorated share to be borne by state: SB 3287

Declarations of candidacy, filing period: *SHB 1349, CH 167 (1986)

Declarations of candidacy, processing procedure: SSB 3459, *SB 4450, CH 120 (1986)

Districts 19 and 39, A/B lines removed: SB 3842, SSB 3842

Federal reserve system, constitutionality challenged, referendum: SB 3555

Filing candidacy by mail, procedure: *SB 4450, CH 120 (1986)

Incorporation, municipal, separate election for offices: *SHB 308, CH 234 (1986)

Initiatives, public facilities shall not be used for promotion: *SB 4470, CH 239 (1986)

Oath of office, file with county auditor: *SHB 1349, CH 167 (1986)

Polling hours, request enactment of national hours: SJM 131, SSJM 131

Polling hours revised, 5 a.m. to 6 p.m.: SB 4499

Port districts, industrial development levies, 7th through 12th years, approval required: SB 4467, SSB 4467

Precinct boundaries, alteration: *SHB 1349, CH 167 (1986)

Precinct boundaries, city annexes county territory, adjustment: *SHB 1349, CH 167 (1986)

Precinct boundary adjustments, city annex of county territory: SSB 3310

ELECTIONS—cont.

- Public transportation benefit areas may contract for ambulance services after voter approval: SB 4518, SSB 4518
- Public utility commissioners, vacancies, district creation, reclassification: SHB 1566
- Special election to validate an excess levy or bond issue, when held: *SHB 1349, CH 167 (1986)
- Special elections, do not hold between candidate filing/return certifying period: SSB 3310
- State, prorated share of costs borne by state: SB 3287
- Uncontested office defined: SHB 1348
- Vacancies, appointment, write-in procedure for election: SHB 1348
- Vacancies, elective office, county and legislative, filling: SB 4639, *SSB 4639, CH 159 (1986), SJR 138, *SSJR 138 (1986)
- Write-in candidates, procedure: SHB 1348

ELECTRICAL EXAMINERS, BOARD OF

- Membership of board revised: SB 4473, SB 4476

ELECTRICIANS

- Electrical trades, provisions modified: *SHB 1865, CH 156 (1986)
- Inspections by counties: SB 4934

ELECTRICITY (See also UTILITIES)

- Agricultural irrigation commission, formation authorized: SB 3286
- Citizens' utility board: SB 4666
- Energy conservation for state agencies: SB 3487, SSB 3487, *2SSB 3487, CH 325 (1986)
- Energy conservation plan to be filed by gas and electric companies: SHB 1981
- Energy-efficiency study by UW to permit conversion of single family residences: SSB 4557
- Heating bills, assist low-income persons, residential space heating bills, fuel and public utility tax: SB 4765
- Heating, prohibiting termination from 11/15 through 3/15 due to delinquent and unpaid charges: SB 4766, *SSB 4766, CH 245 (1986)
- Joint operating agencies, bidding, contracting, specific procedures expire when all nuclear plants are operating: SB 4262
- Nursing homes, retrofitting, reimbursement rate adjustments: SHB 197
- Rates, cost of construction, etc., may not be considered unless plant is used and useful: SB 4740
- Spas, etc., electrical products certification: *SB 4556, CH 263 (1986)
- Tax credit, energy end use consumer efficiency: SHB 1981
- Utility rate relief for low-income veterans, blind, or disabled: SSB 3221

ELLIS, W. P.

- Member, board of pilotage commissioners, GA 270 pp. 22, 664

EMBALMERS AND FUNERAL DIRECTORS

- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

EMERES, HERNAN

- Member Chilean delegation introduced and addressed senate p. 1569

EMERGENCIES

- Interception or recording of private communications for emergencies: *HB 1058, CH 38 (1986)
- Telephone communications, interception or recording in emergencies: *HB 1058, CH 38 (1986)

EMERGENCY MANAGEMENT

- Consolidating agencies into DCD: *SHB 1709, CH 266 (1986), SB 4873
- Merged with national guard: SB 4929

EMERGENCY SERVICES

- Emergency information telephone lines, expanding access: *HB 1637, CH 45 (1986), SB 4884

EMERGENCY SERVICES—cont.

- Emergency medical services committee, sunset extended: *SHB 1333, CH 270 (1986), SB 4453
- Hazardous materials command agencies designated: HB 1764
- Medical program directors, exempted from liability: HB 1776, SB 4642, SSB 4642
- Medical program directors, revisions: *HB 1776, CH 68 (1986)
- Telephones, emergency information telephone lines, expanding access: *HB 1637, CH 45 (1986), SB 4884

EMPLOYMENT AGENCIES

- Child abuse convictions, registry established, job screening: SB 3377

EMPLOYMENT SECURITY, DEPARTMENT OF (See also UNEMPLOYMENT COMPENSATION)

- Employment partnership program, employment security and DSHS: *2SHB 1505, CH 172 (1986)
- Group health insurance, eligibility lapses, continuation procedure: SB 3355
- Pilot projects for the hard to employ: *2SHB 1505, CH 172 (1986)

ENDANGERED SPECIES

- Joint select legislative committee on natural heritage resources: SCR 127
- Natural heritage resource, joint select committee: SCR 127

ENERGY

- Agricultural irrigation commission, formation authorized: SB 3286
- Aluminum smelters, tax deferrals for energy conservation projects: SB 4733
- Appliance energy efficiency standards, adopt, report to legislature: SB 4667
- Appliance energy efficiency standards, advise on whether to adopt, report to legislature: SSB 4667
- Building code council versus advisory council to promulgate rules regarding energy code: SSB 4586
- Cogeneration certification application procedure: SSB 3112
- Conservation, investments, return rate specified: SHB 1981
- Conservation potential, 2 year and 20 year periods, energy office to address: SHB 1981
- Conservation products and services, in-state purchases encouraged: SHB 1981
- Energy code to be enforced in all cities, towns, and counties by 4/1/86: SSB 4557
- Energy conservation for state agencies: SB 3487, SSB 3487, *2SSB 3487, CH 325 (1986)
- Energy conservation plan to be filed by gas and electric companies: SHB 1981
- Energy savings account created: SB 3487, SSB 3487
- Energy-efficiency study by UW to permit conversion of single family residences: SSB 4557
- Energy-related building standards, adoption by reference eliminated: SB 4586
- Heating bills, assist low-income persons, residential space heating bills, fuel and public utility tax: SB 4765
- Heating, prohibiting termination from 11/15 through 3/15 due to delinquent and unpaid charges: SB 4766, *SSB 4766, CH 245 (1986)
- Joint operating agencies, bidding, contracting, specific procedures expire when all nuclear plants are operating: SB 4262
- Nursing homes, retrofitting, reimbursement rate adjustments: SHB 197
- Promote development of state conservation industry: SHB 1981
- Surplus energy, DTED, energy office, and utilities to promote use: SHB 1981
- Tax credit, energy end use consumer efficiency: SHB 1981
- Woodstoves regulated, public education, reduce air pollution at local level: SHB 905

ENERGY FACILITY SITE EVALUATION COUNCIL

- Certification recommendation, applicants need a conservation plan: SHB 1981

ENGINEERS AND SURVEYORS

- Revisions: *HB 1962, CH 102 (1986), SB 5008

ENVIRONMENT (See also AIR POLLUTION; CONSERVATION; ECOLOGY, DEPARTMENT OF; HAZARDOUS MATERIALS; LAND USE PLANNING; POLLUTION; WATER)

- Conservation commission, matching grant program for conservation districts: SSB 3379
- Coordinating committee for environmental education: *HB 1711, CH 51, (1986), SB 4890
- Environmental education, coordinating committee for established: *HB 1711, CH 51 (1986), SB 4890
- Joint select legislative on natural heritage resources: SCR 127
- Matching grant program for conservation districts: SSB 3379
- Mediation of natural resource disputes: SHB 1429
- Natural heritage resource, joint select committee: SCR 127
- Oil spills, advisory committee to study: *HCR 19 (1986), SCR 129
- Underground storage tank problem, study, report: SB 4797, *SSB 4797, CH 289 (1986), SB 5030
- Underground storage tanks for hazardous wastes, operation and ownership regulated: SB 5030

ENVIRONMENTAL EDUCATION

- Environmental education coordinating committee established: *HB 1711, CH 51 (1986)

ENVIRONMENTAL HEARINGS OFFICE

- Hydraulic appeals board within the environmental hearings office created: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550

EQUIPMENT, COMMISSION ON

- Motor vehicles; debris, etc., escaping, rules: *SHB 1363, CH 89 (1986), SB 4924
- Motorcycles, helmets required for driver or passenger under 18: SB 4533
- Motorcycles, helmets required on children under 12: SB 4727
- Performance standards for motor vehicle equipment: *HB 1450, CH 113 (1986)
- Seat belts, commission on equipment to report on mandatory law: *SHB 1182, CH 152 (1986)
- Vehicle equipment regulation, federal law recognized, commission duties: SB 4687

ERICKSON, LARRY V.

- Member, corrections standards board, GA 133, confirmed pp. 74, 158

EROTIC MATERIALS

- Tax "adult" entertainment materials and services: SB 4979

ESTATE TAX

- Apportionment among all persons interested in estate: *HB 1424, CH 63 (1986)
- Release and personal representative provisions revised: *HB 1517, CH 44 (1986)

ESTATES

- Family support from decedents' estate: SHB 1621

EVERETT COMMUNITY COLLEGE DISTRICT NO. 5

- Terry Ollis, trustee, GA 230, confirmed pp. 15, 756, 1733

EXPLOSIVES

- Motor vehicles carrying explosives, stay right except to pass: SB 4950

EXPORT ASSISTANCE BOARD OF DIRECTORS

- Merle Adlum, member, GA 280, confirmed pp. 24, 647, 1577
- John Anderson, member, GA 274, confirmed pp. 23, 646, 1576
- Ruthann Kurose, member, GA 279 p. 24
- Marvin Lekstrum, member, GA 275, confirmed pp. 23, 1694, 1746
- Yih-ho (Michael) Pao, member, GA 277 p. 23
- Ken Rohar, member, GA 278, confirmed pp. 23, 646, 1576
- Herb Simon, member, GA 282, confirmed pp. 24, 652, 1577
- Kathy Taggares, member, GA 276, confirmed pp. 23, 646, 1576
- Emily C. Yeh, member, GA 281, confirmed pp. 24, 647, 1577

EXPORTING AND IMPORTING (See also TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)

Port district sponsored trade expansion projects: *SHB 1587, CH 276 (1986)
Ports, export trading companies: *SHB 1587, CH 276 (1986)

FACTORY BUILT HOUSING

Inspection of motor homes, mobile homes, recreational vehicles, factory built housing and commercial coaches, revisions: SB 4881

FAIRS

County fairgrounds, lease of state lands: *SHB 1967, CH 307 (1986)
Fair property, owned by 1st class or larger county, lease to nonprofit corporation: SB 4563
Fairs commission, sunset provisions repealed: *HB 1486, CH 171 (1986), SB 4561
Leases with nonprofit corporations: *HB 1486, CH 171 (1986)
Northern state hospital, lease: *SHB 1967, CH 307 (1986)

FAMILY LAW (See also COMMUNITY PROPERTY; DOMESTIC VIOLENCE)

Adoption, health care coverage, must apply to adopted children: SB 4767
Child abuse information, businesses, organizations, and agencies providing services to children given access: SB 4737, SSB 4737
Child abuse, reports, bad faith or malicious, gross misdemeanor, no rights: SB 5036
Child custody disputes, mediation: SSB 3252
Child custody, joint legal, joint physical: SB 4612
Child custody, joint, legal, physical, defined: SSB 3251
Child custody, jurisdiction: SSB 3251
Child custody, public interest, parents, share rights and responsibilities: SSB 3251
Child support award shall be made in dissolution, separation, and maintenance proceedings regardless of income: SB 4753
Child support, court to consult child support guidelines: SHB 1797
Child support, enforcement by DSHS, revisions: SB 3482, SSB 3482
Child support, enforcement, DSHS procedures with other states: SB 3482, SSB 3482
Child support, exemption to mandatory arbitration: *SHB 1356, CH 95 (1986)
Child support, family support from decedents' estate: SHB 1621
Child support, location of children for parent with support duty, DSHS to find: SSB 3482
Child support, modify or terminate must be in order, order is prospective: SB 3323
Child support, no presumption regarding joint or sole custody: SSB 3251
Child support orders, specific data required: *HB 1795, CH 138 (1986)
Child support, parent income disclosed in order, order must be reasonable: SB 3323
Child support, terminate or modify only via court order: SHB 1797
Child support, wage assignment, employer responsibilities: SB 3482, SSB 3482
Children and family services advisory council created: SB 4889
Children and family services, department created: SB 4889
Community property, quasi-community property established: *HB 1686, CH 72 (1986)
Custodial interference: SSB 3251
Department of children and family services created: SB 4889
Dependency proceedings, sexual abuse information, forward to state patrol: SSB 3377
Families in conflict, harboring a minor without consent of parent: SHB 1731
Families in conflict, procedures modified: SHB 1731, SB 4483, SSB 4483
Family court, joint operations by counties authorized: SSB 3252
Family court services, counties may contract to provide joint services: *SHB 1356, CH 95 (1986)
Family support from decedents' estate: SHB 1621
Juvenile justice laws, joint select legislative oversight committee: *SB 4738, CH 288 (1986)
Juvenile statutes, oversight committee created: SHB 1731
Maintenance, exemption, to mandatory arbitration: *SHB 1356, CH 95 (1986)
Mediation for dissolution proceedings: *SHB 1356, CH 95 (1986)

FAMILY LAW—cont.

- Medical assistance eligibility, ignore separate property agreements: SB 4659, *SSB 4659, CH 220 (1986), SB 4751, SSB 4751
- Mental health professionals, registration and certification: SHB 470
- Parenting plans, dissolutions, provisions for: SHB 1618
- Quasi-community property established: *HB 1686, CH 72 (1986)
- Runaways, persons sheltering, notice required: SSB 3243
- Sexual abuse, dependency proceedings, forward information to state patrol: SSB 3377
- Visitation disputes, mediation: SSB 3252
- Visitation, grandparent rights: SSB 3251

FARMER, SAM J. JR.

- Member, WPPSS executive board, GA 212 p. 11

FARRIS, JUDGE JEROME

- Member, board of regents, University of Washington,
GA 255, confirmed pp. 19, 757, 1749

FEDERAL

- Constitutional convention, convening of, procedure change requested: SJM 105
- Constitutional convention, federal, regarding budget, proposed amendment: SJM 106
- Custom inspectors, additional on the west coast requested: SJM 135, *SSJM 135 (1986)
- Disabled veterans, prevent benefit reduction: *SJM 126 (1986)
- DTP vaccine, enact legislation to continue production: SJM 125
- Federal interest payment fund, tax credit for certain money: SB 5010
- Federal reserve system, constitutionality challenged, referendum: SB 3555
- Fireworks, state jurisdiction to regulate fireworks on federal enclaves: SJM 122
- Fuel, special fuel taxation, logging operations, tax exempt: HB 1485
- Hanford, USDOE, be required to examine all potentially acceptable sites: HJM 33
- Hazardous materials, transportation, petitioning for a regional approach: *SJM 143 (1986)
- Hazardous waste sites, federal agencies charged fees: SB 4943
- Insurance, regulation by federal government requested: HJM 29
- Logging operations, fuel, special fuel taxation, tax exempt: HB 1485
- Long-term care for the elderly and disabled, funding for research requested: SJM 141
- MIA, requesting information: SJM 132, *SSJM 132 (1986)
- MIA's, information concerning requested: SHJM 31, SJM 132, *SSJM 132 (1986)
- National health planning program: SJM 137, SSJM 137
- Nuclear waste storage, short-term encouraged to allow study of long-term alternatives: HJM 38
- Nuclear weapons, negotiate a verifiable test ban treaty: SSJM 120
- Nuclear weapons, negotiate a verifiable test ban treaty and stop testing: *HJM 26 (1986), SJM 120
- Open mines and shafts, requesting Congress to fund sealing: SJM 140
- Pilot discipline, concurrent jurisdiction over state-licensed pilots requested: HJM 32, SJM 139
- Polling hours, request enactment of national hours: SJM 131, SSJM 131
- Radioactive materials, transportation, petitions Congress to protect against problems: SJM 145
- Ratifying U.S. constitutional amendment, Washington D.C. voting rights: SJR 109
- Retirement benefits, federal employee retirement income security act, benefits subject to are exempt from attachment: SB 4660
- Satellite remote sensing receiving station in Hawaii, oceanographic color display: *SJM 133 (1986)
- School system, non-English speaking students, financial assistance: SJM 112
- Small business administration, asking Congress to retain: *SJM 113 (1986)
- Social security, independent social security administration requested: SJM 144
- Swing-bed program, request enlarging to include urban hospitals and hospitals over 50 beds: SJM 138

FEDERAL—cont.

Treaty fish management, requesting federal funds: HJM 17

Violence on TV, petitioning Congress to study and make recommendations: SJM 142

Washington D.C. voting rights ratified: SJR 109

Weather satellite, restore to mid-pacific: SJM 134

FEDERAL RESERVE SYSTEM

Challenge constitutionality referendum: SB 3555

FEED

Excise taxation revised, feedlots or stockyards: SB 4769

Excise taxation revised public livestock markets and stockyards: *SSB 4769, CH 265 (1986)

FERRIES

Appropriations required for expenditure from ferry revenue and bond resolution: SB 4696, *SSB 4696, CH 23 (1986)

Collective bargaining, marine employees, study by legislature and affected groups: SHB 1680

Collective bargaining procedures revised: SB 5006

Collective bargaining, sunset reviews: SB 4785

Expenditures from revenue and bond resolution prohibited without an appropriation: SB 4696, *SSB 4696, CH 23 (1986)

Financial plan to be submitted by transportation commission: SB 4787

Fuel purchase by WSDOT, cost formula provided: SB 4907

Funding structure revised: *SHB 1866, CH 66 (1986)

Marine employees commission, review by LTC and LBC: SB 4956

Marine employees commission, sunset review: SB 4785

Marine transportation department created: SB 4956

Puget Sound capital construction account, funding revised: SB 4787

Salary survey of marine employees: SHB 1681, SB 4786

Transfer system to the recreated toll bridge authority: SB 4989

FERRIN, DR. RICHARD

Member, Spokane joint center for higher education

administrative board, GA 226 p. 14

FINANCIAL INSTITUTIONS (See also BANKS)

Adults, vulnerable, abuse, exploitation, abandonment, etc., report to DSHS: SB 4544, *SSB 4544, CH 187 (1986)

Affirmative action plan required if hold or invest state funds: SSB 3345

Banks and trust companies, provisions revised: SB 4917, *SB 4917, CH 279 (1986)

Checking account information, disclosure, liability, law enforcement officer: SB 4165, SSB 4165

Employees may not engage in insurance activity: SB 3788, SSB 3788

Funds to be available within set time period: SB 4782, SSB 4782

Property taxes, lender payment authorized: SB 4602

Public depositaries, 150% limit on net worth that is attributed to public treasurers: *SB 4593, CH 25, (1986)

South Africa or Namibia, public pension or retirement funds, regulated: SB 3226, SSB 3226

South Africa, restricting state investments in countries with apartheid policies: SHB 1992

State funds, hold or invest, must have affirmative action plan: SSB 3345

State land bank established: *HB 1899, CH 284 (1986), SB 4799

Watch list, GA to make available to legislature: SSB 4917

FINGERPRINTING

Automatic fingerprint information system implement and study: SB 4710, *SSB 4710, CH 196 (1986)

Juveniles, voluntary fingerprinting for identicards: SB 4513

FIRE HYDRANTS

Maintenance required: *SB 4446, CH 119 (1986)

FIRE PROTECTION

- Annexation of cities, fire department employee transfer process: *SHB 1388, CH 254 (1986)
- Assaults on fire personnel, class C felony: *SB 4551, CH 188 (1986)
- Cities, annexation or consolidation, employment transfer process: *SHB 1388, CH 254 (1986)
- Consolidating agencies into DCD: *SHB 1709, CH 266 (1986), SB 4873
- Consolidation of cities, fire department employee transfer process: *SHB 1388, CH 254 (1986)
- Contract authority, reciprocal agreements with state agencies: *SSB 4898, CH 311 (1986)
- Disability board may be reversed by director of retirement: *HB 1652, CH 176 (1986)
- District, uniform fire code, when district is to enforce versus county: SB 4468
- Districts may provide services by contract: *SSB 4898, CH 311 (1986)
- Emergencies, interception or recording of private communications for emergencies: *HB 1058, CH 38 (1986)
- Fire hydrants, maintenance required: *SB 4446, CH 119 (1986)
- Fire marshal, funding provided for county offices: SB 4760
- Forest protection laws revised: *SHB 1403, CH 100 (1986), SB 4573
- Hazardous waste handlers to provide notice and reports: *SHB 1177, CH 82 (1986)
- Hydrants, maintenance required: *SB 4446, CH 119 (1986)
- Interception or recording of private communications for emergencies: *HB 1058, CH 38 (1986)
- LEOFF, disabled in the line of duty, service credits, conditions of receiving: *HB 1652, CH 176 (1986)
- Oath of office, file with county auditor: *SHB 1349, CH 167 (1986)
- Retirement, contributions not required for months not granted service credit: SSB 3717
- Smoke detectors in college dormitories: SHB 719
- Suppressing fires outside jurisdictional boundaries, reimbursement of district, lien: SB 4899
- Suppression of fire on state land, game department duties: SB 4900
- Telephone communications, interception or recording in emergencies: *HB 1058, CH 38 (1986)
- Volunteer firefighters benefits increased: *SB 4894, CH 163 (1986)

FIREWORKS

- State jurisdiction to regulate fireworks on federal enclaves: SJM 122

FIRLANDS CORRECTION CENTER

- Operation by secretary of corrections required: SB 4743

FIRST SOURCE CONTRACTS

- Public assistance recipients, economic development: *SHB 1754, CH 116 (1986)

FISHERIES, DEPARTMENT OF

- William Wilkerson, director, department of fisheries,
GA 186, confirmed pp. 7, 157, 203
- Abolished, state resources department created: SB 4493
- Agriculture commodities include organic food products, fish and fish products,
and Christmas trees: *SSB 5044, CH 203 (1986)
- Bait fishing: SB 4579, SSB 4579, SB 4580
- Commercial fishing licenses of vessels seized by foreign governments: SB 4741,
*SSB 4741, CH 198 (1986)
- Commercial licenses, gear and licensing districts, license application deadlines:
SHB 1734
- Crab fishing, commercial license moratorium, Puget Sound: SB 4837
- Deep sea fishing, commercial passenger boat fishing, diesel fuel sales tax
exempt: SB 4671
- Department abolished, fisheries and game department created: SB 4570
- Department of fisheries and game established: SB 4570

FISHERIES, DEPARTMENT OF—cont.

- Fees for personal use, use for management, enhancement, research, and enforcement: SB 4886
- Food fish violations, rewards for information: HB 191
- Food fish, voluntary license suspension program in conservation crisis: SHB 243
- Forest protection laws revised: *SHB 1403, CH 100 (1986), SB 4573
- Gear and licensing districts: *SSB 4741, CH 198 (1986)
- Gear and licensing districts, license application deadlines: SHB 1734
- Hydraulic appeals board within the environmental hearings office created: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Hydraulic permit, includes storage of water as well as diversion: *SHB 1545, CH 173 (1986), SB 4550
- Hydraulic permit not required for stock or irrigation watering, process established: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Hydraulic permit process, water right impact, diversion alterable: SB 4550
- Hydraulic permit required for construction or repair of ford: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Hydraulic permit required for driving across stream with no established ford: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Initiative 90 alternative: SSB 3704, SB 4568, SSB 4568
- License required for nonresidents to take food fish and shellfish: SB 3171, SSB 3171
- Licenses, recreational, study consolidation of food and game fish: *SB 4569, CH 164 (1986)
- Management funds, alternative to initiative 90: SSB 3704, SB 4568, SSB 4568
- Marketing, design of an enhanced marketing plan for fisheries products: *HB 1362, CH 62 (1986)
- Mediation of natural resource disputes: SHB 1429
- New agency created, DNR, DOG, DOF, parks and recreation, and the interagency committee for outdoor recreation abolished: SB 4493
- Nonresidents, shellfish and food fish license required: SB 3171, SSB 3171
- Ocean beaches, driving on prohibited, designated as natural areas: SB 4510
- Pacific fisheries legislative task force, creation: HCR 18
- Personal use licenses required, revisions: SB 4886
- Puget Sound commercial crab fishing license moratorium: SB 4837
- Puget Sound, whiting fisheries, monitoring: SHB 1527
- Recreational fishing/license punchcard: SSB 4886
- Research, collection of data, search and seizure powers modified: SB 4871
- Rewards for information about food fish/shellfish violations: HB 191
- Salmon, commercial license application deadlines: SHB 1734
- Salmon, commercial licenses, tribal authorized fishers are ineligible: SB 4548
- Salmon punchcard versus license for personal use revisions: SB 4886
- Satellite remote sensing receiving station in Hawaii, oceanographic color display: *SJM 133 (1986)
- Search and seizure powers modified: SB 4871
- Seizure, commercial fishing licenses of vessels seized by foreign governments: SB 4741, *SSB 4741, CH 198 (1986)
- Shellfish, personal use and punchcards, revisions: SB 4886
- Shellfish violations, rewards for information: HB 191
- Shellfish voluntary license suspension program in conservation crisis: SHB 243
- Ships and vessels, property tax, apportion value of ships and vessels, procedures: *SHB 1827, CH 229 (1986), SB 4901
- Smelt, commercial license application deadlines: SHB 1734
- Treaty fish management, requesting federal funds: HJM 17
- Water supply projects, bonds authorized: 2SSB 4136
- Whiting fisheries, monitoring: SHB 1527
- Whiting fishery: *SSB 4741, CH 198 (1986)

FLEMING, SENATOR GEORGE

- Appointed member, education, judiciary, rules and ways and means committees pp. 34-35
- Parliamentary inquiry, question substitute amendment, SSB 4630 p. 476

FLEMING, SENATOR GEORGE—cont.

- Parliamentary inquiry, 3 minute rule in force, SHB 1349 p. 888
 Motion to adopt remaining amendments, ESHB 1992 p. 1071

FLETCHER, KATHERINE

- Chair, Puget Sound water quality authority, GA 199,
 confirmed pp. 9, 692, 1747

FLOOD CONTROL DISTRICTS

- Bid limits established: SB 4505
 Connection charges may be collected by a metropolitan municipal corporation:
 SB 4168
 Districts may engage in lake management district activities: *SSB 4486, CH 278
 (1986), SB 4695
 Emergencies, contract authority: SB 4505
 Flood control management plans revised, grants: *SHB 1622, CH 46 (1986)
 Improvements under \$5,000 may be performed by employees: SB 4505
 Powers modified: SHB 557, *SSB 4486, CH 278 (1986)
 Storm water control assessments on state highways, rates charged to WSDOT by
 public utilities: SHB 1619, *SSB 4486, CH 278 (1986)

FLOOR RESOLUTIONS OF THE SENATE

- Agent orange, U.S. government's responsibility to veterans noted: *SFR 182 (1986)
 Bishop, Mason, unusual nature of accomplishments honored: *SFR 179 (1986)
 Blind, Washington state school for the blind recognized: *SFR 149 (1986)
 Blood donors, designated donor program to be initiated by DSHS: *SFR 180 (1986)
 Bowles, Al H. Bowles honored: *SFR 160 (1986)
 Cashmere high school bulldogs, class A basketball championship: *SFR 170
 (1986)
 Central Washington University swimming achievements applauded: *SFR 183
 (1986)
 College legislative intern program, senior intern program, value recognized:
 *SFR 177 (1986)
 Concrete high school state class B football champs: *SFR 144 (1986)
 Coulee-Hartline/Mansfield rams state class B football champs: *SFR 141 (1986)
 Deaf, school for the deaf acknowledged on its 100th anniversary: *SFR 138 (1986)
 Eatonville high school cruisers, class A division football champs: *SFR 140 (1986)
 Ehlers, Wayne, honored for his years of dedicated service: *SFR 171 (1986)
 Expo 86, B.C. liquor price increase: *SFR 157 (1986)
 Food banks, food drive, "hands across America," food awareness week: *SFR 189
 (1986)
 Forbus, Lady Willie Forbus honored: *SFR 133 (1986)
 Givens, Denny Givens honored: *SFR 136 (1986)
 Goldmark family mourned and honored: *SFR 146 (1986)
 Handicapped, national housing for the handicapped week: *SFR 131 (1986)
 Handicapped, national housing for the handicapped week, reinstitute: SFR 131
 Health Check Northwest, contributions recognized: *SFR 156 (1986)
 Indefinitely postpone all bills, memorials, resolutions, end of 1986 session: *SFR
 194 (1986)
 Jackson, Henry M. Jackson foundation: *SFR 153 (1986)
 Johnston, B.J. Johnston honored: *SFR 162 (1986)
 Juanita high school rebels, triple A football champs: *SFR 139 (1986)
 King, Martin Luther, celebration hailed: *SFR 132 (1986)
 Liberty high school basketball team, state B championship: *SFR 175 (1986)
 Navy, home base in Everett: *SFR 154 (1986)
 Olympia High Bears basketball team, champs: *SFR 166 (1986)
 Olympic hall of fame, Olympia's desire to locate hall in Olympia supported: *SFR
 181 (1986)
 Point Defiance, achievements recognized, Metropolitan Park District com-
 mended: *SFR 145 (1986)
 Reid, Duane, public servants, thanked: *SFR 161 (1986)
 Rusch, Shari Lyn Rusch honored: *SFR 158 (1986)
 Safe house symbol established: *SFR 134 (1986)

FLOOR RESOLUTIONS OF THE SENATE—cont.

Scouts honored: *SFR 147 (1986)

Senate organized, house notified: *SFR 129 (1986)

Senate rules amended: *SFR 130 (1986)

Shelton high school highclimbers state class AA football champs: *SFR 142 (1986)

Sine die 1986, senate committee be appointed to notify house: *SFR 193 (1986)

Small business export finance assistance center, Grays Harbor area noted: *SFR 148 (1986)

Softball associations honored: *SFR 152 (1986)

South Whidbey high school football team, Northwest district A title winners: *SFR 143 (1986)

Space shuttle Challenger honored: *SFR 135 (1986)

Tacoma Grand Prix, recognized and supported: *SFR 169 (1986)

Third house message center, Sarah D. Simons service congratulated: *SFR 192 (1986)

Thomas, Gerald E., administrator's administrators: *SFR 137 (1986)

Vela Luka ensemble honored: *SFR 164 (1986)

Ward, Bill, coaching career remarked on: *SFR 191 (1986)

Washington, George Washington honored: *SFR 155 (1986)

Yamasuki, Minoru Yamasuki honored: *SFR 151 (1986)

FLOWER SHOPS

Liquor license, class P, wine delivery: *SHB 1460, CH 40 (1986)

FLUKE, JOHN, JR.

Member, higher education coordinating board, GA 217,

confirmed pp. 12, 137, 633

FOG

Headlights required in fog: SB 5004

FOLK SONG

State folk song, Roll on Columbia: HB 1567

FOOD

Agriculture commodities include organic food products, fish and fish products, and Christmas trees: *SSB 5044, CH 203 (1986)

Food stamps, eligible food purchases with food stamps sales tax exempt: SB 4711, SSB 4711

Livestock sold for personal consumption exempt from sales and use tax: *SSB 4425, CH 182 (1986)

Popcorn, disclosure of butter or butter flavor: *SSB 5044, CH 203 (1986)

Returnable containers, deduct tax amounts from sales from B & O tax: SB 5039

FOOD BANKS

DCD process revised to facilitate food distribution: SSB 4963

Encouraging increased food donation and distribution: SB 4963

FORBUS, SENATOR LADY WILLIE

Former senator introduced, presented Resolution 1986-133

and addressed senate pp. 177-178

FORD, DONALD M.

Member, oil and gas conservation committee, GA 141,

confirmed pp. 181, 667

FORENSIC PATHOLOGY

Fellowship program: *SB 4521, CH 31 (1986)

FOREST PRACTICES APPEALS BOARD

Claudia K. Craig, member, GA 181, confirmed pp. 7, 707, 1694

FOREST PRODUCTS

Christmas trees, plantation, exempting from certain excise taxes: SB 4459, SSB 4459

Forest protection laws revised: *SHB 1403, CH 100 (1986), SB 4573

Fuel, special fuel taxation, logging operations, tax exempt: HB 1485

FOREST PRODUCTS—cont.

- Log truck liens and real property liens for labor and services on timber and lumber extended: *SSB 3948, CH 179 (1986)
- Logging operations, fuel, special fuel taxation, tax exempt: HB 1485
- Open space classification, transfer to from forest land, compensating tax, delay: SSB 4315
- Public land sale, notice, timber sold separate is subject to tax: *HB 1602, CH 65 (1986)
- Sustainable harvest, deficit, department to sell sustainable harvest from 1984-1993, plus the deficit: SHB 508

FORT STEILACOOM COMMUNITY COLLEGE DISTRICT NO. 11

- Laura Stoner, trustee, GA 234, confirmed pp. 15, 1131, 1735

FUNDS

- Accident or tort liability funds authorized by municipal corporations, judgment plan: SB 4564
- "Adult" entertainment materials and services, tax revenue to victims of child abuse account: SB 4979
- Aeronautics account, motor vehicle fuel used in aircraft, transfer revenue: SB 4615
- Aquatic lands enhancement account receipts, to building bond redemption fund: SB 4715
- Automatic fingerprint information system account created: *SSB 4710, CH 196 (1986)
- Basic health plan trust account, hospital assessments: SSB 3320
- Basic health plan trust account, tax on physicians: SSB 3320
- Basic health project trust account: SB 4777, SSB 4777
- Building bond redemption fund paid via aquatic lands enhancement account receipts: SB 4715
- Citizen assessment revolving fund, centennial program: SB 4690
- Common school funds revised, sources modified: SJR 143
- County, funds held for local governments, combine for investment purposes: SB 4449
- Criminal justice assistance account: 2SSB 3764
- Emergency expenditures, legislature may establish agency to control: SJR 101
- Emergency reserve fund established: SB 5007
- Endangered landmarks preservation fund established, trustees appointed: SB 4976, SSB 4976
- Energy savings account created: SB 3487, SSB 3487
- Federal interest payment fund, tax credit for certain money: SB 5010
- Federal interest payment fund, transfer funds to unemployment compensation administration fund: *SB 4968, CH 249 (1986)
- Ground water withdrawal fee, \$25 annually, deposit in ground water protection account: SB 5028
- Hazardous substances, illegal, improper release, study for new laws and funding: SSB 4255
- Health professions account, all fees, fines, etc., to be deposited in: *SHB 131, CH 259 (1986), SB 3260
- Housing trust fund created, low-income assistance: SB 4626
- Housing trust fund, low-income persons: SB 4626, SSB 4626, *2SSB 4626, CH 298 (1986)
- Initiative 90 alternative: SSB 3704, SB 4568, SSB 4568
- Institutional impact account, reimbursement criteria modified: SB 3233
- Insurance commissioner's insurance and fire marshal regulatory accounts created: SSB 3657
- Insurance commissioner's regulatory account created, operating costs: SB 4542, SSB 4542
- Insurance fund, state insurance fund created, municipalities insured against casualty loss: SSB 4820
- Management funds, alternative to Initiative 90: SSB 3704, SB 4568, SSB 4568
- Noxious weed control fund created: SB 3234

FUNDS—cont.

- ORV account renamed ORV and nonhighway vehicle account, allocation modified: *SHB 1382, CH 206 (1986)
- Parolee and probationer revolving fund renamed the community services revolving fund: *SB 4681, CH 125 (1986)
- Public depositaries, treasurers authorized to deposit out-of-state: SB 4665, *SSB 4665, CH 160 (1986)
- Public depositaries, 150% limit on net worth that is attributed to public treasurers: *SB 4593, CH 25 (1986)
- Public funds investment account, surplus public funds: SB 4590, *SSB 4590, CH 294 (1986)
- Public works assistance account, funded via refuse collection tax: SB 4641, SSB 4641
- Reserve fund, providing for: SJR 142
- School equalization fund abolished: HB 1510, SB 4592
- Self-insurance insolvency fund: SB 5019
- Self-insurers' insolvency trust established: *SHB 1783, CH 57 (1986)
- State insurance fund created, municipalities insured against casualty loss: SSB 4820
- State patrol highway account to receive accident report fees: HB 1397
- Tort liability fund created, payment plan: SB 4564
- Trade development services, coordinated network, use state trade fair surplus funds: SHB 1488
- Trade fair surplus funds, use for trade development services: SHB 1488
- Tuition endowment fund: SB 4991
- Unanticipated receipts, budget approval process modified: SB 3017, SSB 3017
- Underground storage tank fund created: SB 5030
- Unemployment compensation administration fund to receive funds from federal interest payment fund: *SB 4968, CH 249 (1986)
- Vessel local excise tax account created: SSB 3157, 2SSB 3157
- Victims of child abuse account established, birth certificate fees: SB 4460
- Victims of child abuse account established, marriage license fee: SB 4461
- Washington state development loan fund committee, conflict of interest exemption repealed: *HB 1337, CH 204 (1986)
- Waste recover account: SB 4987
- Water pollution facilities, service provider agreements, water quality account, cigarette tax, industrial pretreatment to be paid by industries: SB 4739
- Water quality account funded by cigarette tax, financial assistance for pollution control: SB 4519, *SSB 4519, CH 3 (1986)
- Work/training release facilities, expenses, inmate money deposited in community service revolving fund: *SB 4681, CH 125 (1986)

FURS

- Sale at auctions, restricting: HB 464

FUTURES RESEARCH

- Centennial observance, DCD duties: SB 4690

GAMBLING (See also HORSES)

- Bowling, wagering revisions: SB 4514
- Bridge, contract bridge is not gambling: SB 4960
- Coin-toss, dice, limited wagering in food establishments, minors prohibited: SB 4514
- Conflict of interest, private benefit due to public employment prohibited: *SSB 3590, CH 4 (1986)
- Contract bridge is not gambling: SB 4960
- Employees, private benefit due to public employment prohibited: *SSB 3590, CH 4 (1986)
- Fund raising events, limit increased: SB 4475
- Player defined for gambling, business premises defined: SSB 4514
- Private benefit due to public employment prohibited: *SSB 3590, CH 4 (1986)
- Pseudo-games of skill via mail prohibited: SHB 1395

GAMBLING—cont.

- Punchboards and pulltabs, merchandise prizes must be immediately awarded: SB 4515
- Punchboards and pulltabs, prizes, merchandise must be displayed: SB 4515

GAMBLING COMMISSION

- Ann H. Noel, member, GA 207 p. 10
- Robert Tull, member, GA 179 p. 6

GAME COMMISSION

- Dennis Barci, member, GA 200, confirmed pp. 9, 50, 217
- Terry L. Karro, member, GA 201, confirmed pp. 9, 50, 217
- Dr. James Walton, member, GA 214, confirmed pp. 12, 50, 218

GAME, DEPARTMENT OF

- Abolished, state resources department created: SB 4493
- Commission made advisory: SB 4578
- Commissioner appointed by governor: SB 4578
- Department abolished, fisheries, and game department created: SB 4570
- Department of fisheries and game established: SB 4570
- Fire suppression duties, contract power: *SSB 4898, CH 311 (1986)
- Fire suppression on state land, game department duties: SB 4900
- Fishing licenses, free if use 2 crutches: SB 3259
- Forest protection laws revised: *SHB 1403, CH 100 (1986), SB 4573
- Fur sales at auctions, restricting the sale: HB 464
- Game fund increase: SB 4762
- Game fund, special wildlife account increase: SB 4762
- Governor to appoint director: SB 4875
- Handicapped, if use 2 crutches hunting and fishing license free: SB 3259
- Hunters, protection of hunters during legally established seasons: SB 4585
- Hunting, activities by nonhunters prohibited: SB 4585
- Hunting license free if use 2 crutches: SB 3259
- Hydraulic appeals board within the environmental hearings office created: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Hydraulic permit, includes storage of water as well as diversion: *SHB 1545, CH 173 (1986), SB 4550
- Hydraulic permit not required for stock or irrigation watering, process established: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Hydraulic permit process, water right impact, diversion alterable: SB 4550
- Hydraulic permit required for construction or repair of ford: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Hydraulic permit required for driving across stream with no established ford: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Illegally killed, bail revised: *SB 3397, CH 318 (1986)
- Illegally killed wildlife, reimbursement revised: *SB 3397, CH 318 (1986)
- Initiative 90 alternative: SSB 3704, SB 4568, SSB 4568
- Licenses, recreational, study consolidation of food and game fish: *SB 4569, CH 164 (1986)
- Management funds, alternative to Initiative 90: SSB 3704, SB 4568, SSB 4568
- Mediation of natural resource disputes: SHB 1429
- New agency created, DNR, DOG, DOF, parks and recreation, and the interagency committee for outdoor recreation abolished: SB 4493
- Protection of hunters during legally established seasons: SB 4585
- Residency requirements altered, citizen provision removed: HB 1523
- Suppression of fire on state land, game department duties: SB 4900

GARDNER, GOVERNOR BOOTH

- State of state address p. 44
- Proclamation, convening special session p. 1757

GARNISHMENT

- Amount garnishee permitted to hold modified: HB 390

GARRETT, SENATOR AVERY

Appointed member, governmental operations,
rules and transportation committees pp. 34-35

GASOLINE

City taxation of motor vehicle and special fuels modified: SB 3535
 Dealer bill of rights act: SB 4620
 Deep sea fishing, commercial passenger boat fishing, diesel fuel sales tax
 exempt: SB 4671
 Diesel fuel, annual license fee in lieu of the fuel tax: SB 4774
 Franchises for retail sale of fuel, restrictions: SB 3418
 Franchises, retail trading practices, regulated: *SB 4620, CH 320 (1986)
 Fuel refiner/suppliers, are they injuring competition, attorney general to study:
 SSB 4623
 Keylock metered pump, repealing provisions on collection of special fuel tax: HB
 1729, SB 4758, *SSB 4758, CH 29 (1986)
 Purchasing preference by state repealed: HB 392, SB 3476
 Refiners, control of retail gas stations, limit: SB 4622
 Refiners, motor fuel refiner-supplier, control of gas station limited: SSB 4622
 Refiners, specific pricing formula for major refiners supplying independent out-
 lets: SB 4621, SSB 4621
 Retail gasoline market since deregulation, study: SB 4623
 Ride-sharing vehicles, tax exemption extended: SB 4234

GASPARD, SENATOR MARCUS S.

Appointed member, education, ways and means,
 agriculture and governmental operations committees pp. 34-35
 Remarks, clarification of point of inquiry, ESB 3278 p. 119
 Remarks, clarification of point of inquiry, HJR 55 p. 840
 Point of order, scope and object, amendment, EHB 1339 p. 1107
 Personal privilege, thanking Senator Goltz for good work p. 1752

GAVIN, JUDGE F. JAMES

Member, sentencing guidelines commission,
 GA 265, confirmed pp. 21, 232, 901

GAY RIGHTS (See also DISCRIMINATION)

AIDS, educational programs, funding: SB 4650
 AIDS, regulating victims or suspects via quarantine: SB 5049
 AIDS test is confidential: SB 4780
 Governor's executive order confirming state policy, submit to state vote: SB 4983

GELMAN, HERBERT

Trustee, The Evergreen State College,
 GA 242, confirmed pp. 17, 59, 139

GENERAL ADMINISTRATION (See also BANKS)

Affirmative action plan by banks who hold or invest state funds: SSB 3345
 Affirmative action plan, submitted by state contractors and subcontractors: SSB
 3345
 Competitive sealed proposals: SHB 393
 Contractors and subcontractors to submit affirmative action plan: SSB 3345
 Day care facilities for state employees on or near work, feasibility study: *HB
 1635, CH 134 (1986), SB 4874
 Energy conservation for state agencies: SB 3487, SSB 3487, *2SSB 3487, CH 325
 (1986)
 Institutional industries, state purchase, plan required: *SHB 594, CH 94 (1986)
 Life-cycle cost analysis for public buildings: HB 6, *SB 3018, CH 127 (1986)
 Watch list, GA to make available to legislature: SSB 4917

GERAGHTY, JACK

Trustee, Eastern Washington University,
 GA 251, confirmed pp. 19, 1133, 1748

GOLDE, MARCY J.

Member, state parks and recreation commission, GA 117 p. 691

GOLTZ, SENATOR H. A. "BARNEY" (See also PRESIDENT PRO TEMPORE; also RULINGS BY PRESIDENT PRO TEMPORE; also PARLIAMENTARY INQUIRIES)

- Personal privilege, welcomes Senator Win Granlund p. 1
 Appointed member, agriculture, rules,
 education and ways and means committees pp. 34-35
 Motion to lay amendment to SSB 4762 on table p. 655
 Parliamentary inquiry, timing of scope and object,
 amendments, SHB 1722 p. 1442
 Personal privilege, thanks Senator Rasmussen for thoughts p. 1673

GOVERNOR

- State of state address p. 44
 Proclamation, convening special session p. 1757
 Affirmative action order of governor, submit to state vote: SB 4983
 Appointment of director of WSDOT, game director, and director of parks and recreation: SB 4875
 Appointment of state treasurer, insurance commissioner, and superintendent of public instruction: SJR 132
 Appointments, special senate sessions for confirmation authorized: SJR 133
 Appointments, successors to be appointed within 90 days of removal: SB 4496
 Award of excellence for achievement in hazardous or solid waste management: SHB 681
 Budgets, economic and revenue forecast council has approval power for estimated revenues: *SHB 1401, CH 112 (1986)
 Community colleges, consolidation of district administration for cost savings: SB 4581
 Day care facilities for state employees on or near work, feasibility study: *HB 1635, CH 134 (1986), SB 4874
 Debt ceiling, DCD to report to governor and legislature on bonds: *SSB 4923, CH 247 (1986)
 Food banks, donations, encouraging increased donation and distribution: SB 4963
 Game commission, governor to appoint: SB 4578
 Hanford as high-level disposal site, priority to causes of action: SCR 106
 Hanford low-level radioactive waste disposal facility, governor may assess surcharges and penalties: SHB 1655, SB 4876, *SSB 4876, CH 2 (1986)
 Hazardous materials, governor urged to initiate discussions with other states about transportation: SCR 133, SSCR 133
 Justice department created, governor to appoint attorney general: SB 4709
 Legislature is organized and ready to conduct business, 1/13/86: *HCR 17 (1986)
 Management and efficiency commission created: SB 4494
 Mediation, office of mediation created, natural resource disputes: SHB 1429
 Reorganization of executive branch: SJR 141
 Reorganization of state government: SJR 118
 Reorganization of state government, procedures: SB 3806
 Salaries, elected state officials, adjustment, 1987 through 1991, state committee on salaries to do major review: SB 4674, *SSB 4674, CH 161 (1986)
 Salaries of elected officials, fixed by an independent commission: *SHJR 49 (1986)
 Salary increase: SSB 3266
 Senate confirmations required within set time or appointment expires: SB 4496
 Sine die 1986 session, governor notified: *HCR 28 (1986)
 State of the state message before joint session of the legislature, 1/14/86: *HCR 16 (1986)
 Tax exempt bonds, interim alternative allocation mechanism: SB 4923, *SSB 4923, CH 247 (1986)
 Term of office, when it commences: SB 4560
 Transportation secretary appointment: SB 4492

GRAHAM, RICHARD

- Trustee, Lower Columbia community college
 district no. 13, GA 236, confirmed pp. 16, 1131, 1735

GRANLUND, SENATOR BARBARA

Former senator introduced p. 33

GRANLUND, SENATOR WIN

Remarks on senate welcome p. 1

Appointed member, education, financial institutions, human
services and corrections and transportation committees pp. 34-35

Remarks, appointments to senate p. 432

GRAYS HARBOR COMMUNITY COLLEGE DISTRICT NO. 2

Jack Durney, trustee, GA 286, confirmed pp. 77, 1134, 1737

Ann Hobbi Scroggs, trustee, GA 227, confirmed pp. 14, 755, 1733

GREEN RIVER COMMUNITY COLLEGE DISTRICT NO. 10

Virginia Cross, trustee, GA 205, confirmed pp. 10, 754, 1731

Benay Nordby, trustee, GA 233, confirmed pp. 15, 756, 1734

GUBERNATORIAL APPOINTMENTSAbney, Otis, member, board of pilotage commissioners,
GA 273 p. 22Adlum, Merle, member, export assistance board of
directors, GA 280, confirmed pp. 24, 647, 1577Anderson, John, member, export assistance board of
directors, GA 274, confirmed pp. 23, 646, 1576Anthony, Patricia W., member, sentencing guidelines
commission, GA 191, confirmed pp. 8, 232, 772Apodaca, Virginia P., member, higher education personnel
board, GA 153, confirmed pp. 1130, 1683Archambeault, Beverly, member, state board of pharmacy,
GA 166, confirmed pp. 49, 191Ballaine, David, member, state housing finance
commission, GA 159, confirmed pp. 808, 1580Bannai, Kathryn, trustee, Eastern Washington
University, GA 250, confirmed pp. 18, 1133, 1748Barci, Dennis, member, game commission,
GA 200, confirmed pp. 9, 50, 217Barr, Helen, trustee, Peninsula community college
district no. 1, GA 170, confirmed pp. 5, 754, 1732Beauchamp, Henry, member, corrections standards board,
GA 134, confirmed pp. 75, 189Beck, Ruth A., member, public disclosure commission,
GA 292 pp. 633, 714Beeman, Douglas W., member, state board of pharmacy,
GA 128, confirmed pp. 49, 158Bower, Mitchell Jr., trustee, Clark community college
district no. 14, GA 237, confirmed pp. 16, 1131, 1735Brooks, James, reappointed member, oil and gas conservation
committee, GA 155, confirmed pp. 182, 771Brossett, Terry L., member, hospital commission,
GA 183, confirmed pp. 7, 157, 772Brown, Rev. Leo C. Jr., reappointed member, state housing
finance commission, GA 203, confirmed pp. 10, 809, 1627Burns, William L., member, higher education coordinating
board, GA 222, confirmed pp. 13, 138, 647Chalker, Charlotte, trustee, Western Washington
University, GA 254, confirmed pp. 19, 1133, 1749Chase, Eleanor, trustee, Eastern Washington University,
GA 252, confirmed pp. 19, 60, 653Christopherson, Mary, member, lottery commission,
GA 211, confirmed pp. 11, 1693, 1694, 1746Clarke, Karyn, trustee, Tacoma community college
district no. 22, GA 241, confirmed pp. 17, 1132, 1736

GUBERNATORIAL APPOINTMENTS—cont.

- Collins, Chuck, chairman, higher education coordinating board, GA 216, confirmed pp. 12, 137, 197
- Cook, Deanne, trustee, Centralia community college district no. 12, GA 235, confirmed pp. 16, 1131, 1735
- Cooper, Mark, member, corrections standards board, GA 263, confirmed pp. 21, 76, 812
- Craig, Claudia K., member, forest practices appeals board, GA 181, confirmed pp. 7, 707, 1694
- Cross, Virginia, trustee, Green River community college district no. 10, GA 205, confirmed pp. 10, 754, 1731
- Deane, Dr. Allen D., trustee, Big Bend community college district no. 18, GA 239, confirmed pp. 16, 1132, 1736
- Dennis, Elsie, trustee, Highline community college district no. 9, GA 232, confirmed pp. 15, 756, 1734
- Dixon, Dick, member, state parks and recreation commission, GA 118 pp. 691
- Dorsey, Helen, member, corrections standards board, GA 174 p. 5
- Douglass, Harlan D., member, state housing finance commission, GA 288, confirmed pp. 196, 809, 1749
- Durney, Jack, trustee, Grays Harbor community college district no. 2, GA 286, confirmed pp. 77, 1134, 1737
- Eikenberry, Ken, member, corrections standards board, GA 172, confirmed pp. 5, 75, 191
- Eldridge, Lester W., member, Puget Sound water quality authority, GA 195, confirmed pp. 9, 692, 1746
- Ellis, W. P., member, board of pilotage commissioners, GA 270 pp. 22, 664
- Erickson, Larry V., member, corrections standards board, GA 133, confirmed pp. 74, 158
- Farmer, Sam J. Jr., member, WPPSS executive board, GA 212 p. 11
- Farris, Judge Jerome, member, board of regents, University of Washington, GA 255, confirmed pp. 19, 757, 1749
- Ferrin, Dr. Richard, member, Spokane joint center for higher education administrative board, GA 226 p. 14
- Fletcher, Katherine, chair, Puget Sound water quality authority, GA 199, confirmed pp. 9, 692, 1747
- Fluke, John, Jr., member, higher education coordinating board, GA 217, confirmed pp. 12, 137, 633
- Ford, Donald M., member, oil and gas conservation committee, GA 141, confirmed pp. 181, 667
- Gavin, Judge F. James, member, sentencing guidelines commission, GA 265, confirmed pp. 21, 232, 901
- Gelman, Herb, trustee, The Evergreen State College, GA 242, confirmed pp. 17, 59, 139
- Geraghty, Jack, trustee, Eastern Washington University, GA 251, confirmed pp. 19, 1133, 1748
- Golde, Marcy J., member, state parks and recreation commission, GA 117 p. 691
- Graham, Richard, trustee, Lower Columbia community college district no. 13, GA 236, confirmed pp. 16, 1131, 1735
- Gutherie, Margery, trustee, Highline community college district no. 9, GA 176, confirmed pp. 6, 754, 1732
- Henry, William E., member, board of prison terms and paroles, GA 189, confirmed pp. 8, 63, 639
- Hernandez, Dr. Carrol A., trustee, Central Washington University, GA 248, confirmed pp. 18, 59, 807
- Honda, Joseph M., member, state board of pharmacy, GA 129, confirmed pp. 49, 158

GUBERNATORIAL APPOINTMENTS—cont.

Huey, Charles, chairman, human rights commission, GA 103, confirmed	pp. 714, 1683
Huey, Ester B., reappointed member, state housing finance commission, GA 202, confirmed	pp. 10, 809, 1581
Ikeda, Tsuguo, member, vocational education commission, GA 180, confirmed	pp. 6, 1130, 1731
Jackson, Michael Jerod, member, judicial qualifications commission, GA 267, confirmed	pp. 21, 499, 902
Jacobsen, Lyle, member, higher education coordinating board, GA 221, confirmed	pp. 13, 138, 633
James, Mary, member, higher education coordinating board, GA 218, confirmed	pp. 12, 137, 244
Johnson, George W., member, board of prison terms and paroles, GA 190, confirmed	pp. 8, 63, 639
Johnston, S. R. (John), member, clemency and pardons board, GA 261, confirmed	pp. 20, 158, 812
Karro, Terry L., member, game commission, GA 201, confirmed	pp. 9, 50, 217
Kenney, Phyllis M., member, corrections standards board, GA 135, confirmed	pp. 157, 667
Kirschbaum, James L., member, state housing finance commission, GA 165, confirmed	pp. 809, 1581
Knechtel, Dorothy, trustee, Spokane community college district no. 17, GA 238, confirmed	pp. 16, 1131, 1736
Krug, Mary Ellen, member, public employment relations commission, GA 169	p. 4
Kurose, Ruthann, member, export assistance board of directors, GA 279	p. 24
Lee, Kai N. Ph.D., member, Pacific Northwest electric power and conservation planning council, GA 290	pp. 344, 735
Lekstum, Marvin, member, export assistance board of directors, GA 275, confirmed	pp. 23, 1694, 1746
Long, Delbert L., member, state housing finance commission, GA 162, confirmed	pp. 809, 1580
Lonnquist, Judith, member, lottery commission, GA 209, confirmed	pp. 11, 1693, 1694, 1745
Lucas, Moyes, member, state parks and recreation commission, GA 175	pp. 5, 691
Luders, Ed, member, state parks and recreation commission, GA 116	p. 691
Ludwig, Jan, trustee, Columbia Basin community college district no. 19, GA 240, confirmed	pp. 17, 1132, 1736
Lukins, Scott B., member, board of regents, Washington State University, GA 245, confirmed	pp. 17, 59, 197
Martin, Dr. Edith, member, high-technology coordinating board, GA 171	p. 5
Martinez, Simon, member, oil and gas conservation committee, GA 143, confirmed	pp. 181, 668
McEachran, David S., member, corrections standards board, GA 136, confirmed	pp. 75, 189
McElheran, Pearl, member, higher education coordinating board, GA 219, confirmed	pp. 13, 137, 807
McLean, B. J., member, clemency and pardons board, GA 258	p. 20
Mickelson, Kaye, member, Spokane joint center for higher education administrative board, GA 225	p. 14
Miller, Arlene, trustee, Skagit Valley community college district no. 4, GA 229, confirmed	pp. 14, 756, 1733
Miller, Karen, trustee, Edmonds community college district no. 23, GA 206, confirmed	pp. 10, 755, 1733

GUBERNATORIAL APPOINTMENTS—cont.

- Mitchell, John, trustee, Olympic community college district no. 3, GA 228, confirmed pp. 14, 755, 1733
- Montoya, Fred, member, human rights commission, GA 210, confirmed pp. 11, 499, 806
- Munro, Sterling, trustee, Central Washington University, GA 247, confirmed pp. 18, 59, 197
- Nelson, Craig, trustee, Wenatchee Valley community college district no. 15, GA 208, confirmed pp. 11, 755, 1733
- Noel, Ann H., member, gambling commission, GA 207 p. 10
- Nordby, Benay, trustee, Green River community college district no. 10, GA 233, confirmed pp. 15, 756, 1734
- Ollis, Terry, trustee, Everett community college district no. 5, GA 230, confirmed pp. 15, 756, 1734
- Oreskovich, Rosalyn, member, juvenile disposition standards commission, GA 144, confirmed pp. 691, 1683
- Ostlund, Jon, member, sentencing guidelines commission, GA 257, confirmed pp. 20, 232, 811
- Pao, Dr. Yih-Ho (Michael), member, export assistance board of directors, GA 277 p. 23
- Peterson, Anita Mendez, member, clemency and pardons board, GA 259, confirmed pp. 20, 75, 812
- Primley, Nanci C., member, state housing finance commission, GA 158, confirmed pp. 808, 1579
- Radke, Helen, member, state board for community college education, GA 188, confirmed pp. 8, 59, 197
- Ramon, Sheriff Felix, member, sentencing guidelines commission, GA 266, confirmed pp. 21, 499, 902
- Redman, Marjorie, member, Puget Sound water quality authority, GA 193, confirmed pp. 9, 1693, 1694, 1745
- Reinhart, Bette, member, corrections standards board, GA 264, confirmed pp. 21, 76, 819
- Richmond, Charles R., member, state housing finance commission, GA 185, confirmed pp. 7, 809, 1581
- Rohar, Ken, member, export assistance board of directors, GA 278, confirmed pp. 23, 646, 1576
- Rose, Anne, member, state housing finance commission, GA 160, confirmed pp. 808, 1580
- Rosellini, Albert D., member, transportation commission, GA 177 pp. 6, 664
- Ruff, Ralph C., director, minority and women's business enterprises, GA 289, confirmed pp. 280, 810, 1749
- Runstad, Jon, member, higher education coordinating board, GA 220 p. 13
- Runstad, Judith M., member, Puget Sound water quality authority, GA 197, confirmed pp. 9, 692, 1747
- Rutledge, Donalee, member, Washington high-technology coordinating board, GA 124, confirmed pp. 1693, 1694, 1745
- Santoy, Antonio, member, board for community college education, GA 272, confirmed pp. 22, 1133, 1731
- Sawyer, John, member, Puget Sound water quality authority, GA 198, confirmed pp. 9, 692, 1747
- Schmidli, Trudy, member, clemency and pardons board, GA 262, confirmed pp. 20, 76, 812
- Scott, Frances, member, board of regents, Washington State University, GA 246, confirmed pp. 18, 757, 1748
- Scroggs, Ann Hobi, trustee, Grays Harbor community college district no. 2, GA 227, confirmed pp. 14, 755, 1733
- Sebring, Terry, member, corrections standards board, GA 173, confirmed pp. 5, 75, 634

GUBERNATORIAL APPOINTMENTS—cont.

Shanewise, Dr. Robert, member, hospital commission, GA 184	p. 7
Siegal, Arthur, trustee, Seattle community college district no. 6, GA 268, confirmed	pp. 22, 1133, 1736
Simon, Herb, member, export assistance board of directors, GA 282, confirmed	pp. 24, 652, 1577
Sonstelie, Richard, trustee, Bellevue community college district no. 8, GA 231, confirmed	pp. 15, 756, 1734
Soriano, Amigo, member, board of pilotage commissioners, GA 271	p. 22
Stell, Patricia, member, higher education personnel board, GA 178, confirmed	pp. 6, 1130, 1729
Stoneypher, Vern, member, personnel appeals board, GA 204, confirmed	pp. 10, 809, 1627
Stoner, Laura, trustee, Fort Steilacoom community college district no. 11, GA 234, confirmed	pp. 15, 1131, 1735
Stoner, Vernon, member, clemency and pardons board, GA 260, confirmed	pp. 20, 76, 812
Stroum, Samuel, member, board of regents, University of Washington, GA 256, confirmed	pp. 19, 60, 1628
Taggares, Kathy, member, export assistance board of directors, GA 276, confirmed	pp. 23, 646, 1576
Tang, David K., trustee, The Evergreen State College, GA 243, confirmed	pp. 17, 1132, 1748
Taylor, Larry, trustee, Western Washington University, GA 253, confirmed	pp. 19, 60, 1628
Teals, Brenda, member, judicial qualifications commission, GA 192, confirmed	pp. 8, 232, 772
Troyer-Merkel, Marian, member, hospital commission, GA 182, confirmed	pp. 7, 75, 639
Thomas, Bernie, trustee, Whatcom community college district no. 21, GA 269, confirmed	pp. 22, 1133, 1731
Tice, Jack, trustee, Peninsula community college education district no. 1, GA 285, confirmed	pp. 77, 1134, 1737
Tonn, Dr. Sheri Jeanne, member, Puget Sound water quality authority, GA 196, confirmed	pp. 9, 692, 1747
Trujillo, Gregory, trustee, Yakima Valley community college district no. 16, GA 293, confirmed	pp. 736, 1694, 1737
Trulove, Tom, member, Pacific Northwest electric power and conservation planning council, GA 291	pp. 344, 736
Tull, Robert, member, gambling commission, GA 179	p. 6
Vanderkolk, Barbara A., member, state board of pharmacy, Reappointed member, GA 284	pp. 49, 76, 138
Walton, Dr. James, member, game commission, GA 214, confirmed	pp. 12, 50, 217
Walton, Linda, member, juvenile disposition standards commission, GA 283, confirmed	pp. 24, 499, 1576
Weinstein, Allan, trustee, The Evergreen State College, GA 244, confirmed	pp. 17, 1132, 1748
White, Hiram H., member, oil and gas conservation committee, GA 140, confirmed	pp. 181, 667
Whitney, Evelyn J., member, state personnel board, GA 154, confirmed	pp. 808, 1712
Wiggs, Gary B., chairman, board of industrial insurance appeals, GA 213, confirmed	pp. 12, 626, 773
Wiley, William, member, higher education coordinating board, GA 224, confirmed	pp. 14, 138, 653
Wilkerson, William, director, department of fisheries, GA 186, confirmed	pp. 7, 157, 203

GUBERNATORIAL APPOINTMENTS—cont.

- Wilkinson, Jane, member, public employees relations commission,
GA 215, confirmed pp. 12, 627, 807
- Williams, Terry, member, Puget Sound water quality authority,
GA 194, confirmed pp. 9, 691, 1697
- Wilson, Chris, trustee, Walla Walla community college
district no. 20, GA 287, confirmed pp. 196, 1134, 1737
- Winchester, E. Anne, member, state board for community
college education, GA 187, confirmed pp. 8, 1130, 1697
- Winston, Vivian, member, higher education coordinating
board, GA 223, confirmed pp. 13, 755, 1747
- Woodhouse, Dr. R. Y., trustee, Central Washington University,
GA 249, confirmed pp. 18, 60, 807
- Yamashita, Robert, trustee, Tacoma community college
district no. 22, GA 168, confirmed pp. 4, 754, 1732
- Yeh, Emily C., member, export assistance board of
directors, GA 281, confirmed pp. 24, 647, 1577
- Young, Dr. Lloyd Yee, member, state board of pharmacy,
GA 167, confirmed pp. 157, 771

GUESS, SENATOR SAM C.

- Appointed member, education, rules and
transportation committees pp. 34-35
- Point of order, amendment to ESHB 1484 p. 769
- Remarks, ESHB 1182, properly before Senate pp. 1078-1079
- Remarks, bills considered after 5 p.m. p. 1123
- President presented certificates on retirement
from senate p. 1757

GUNS

- Disposition of forfeited firearms, use by law agencies, auction: SB 4734
- Electric weapons, outlawing general use and possession: SB 4756, SSB 4756
- Forfeit firearm if person has .10 alcohol per 210 liters of breath: *HB 1499, CH 153
(1986)
- Gunshot wounds, report of by health care professionals: HB 1561
- Stun guns, outlawing general use and possession: SB 4756
- Violence on TV, petitioning Congress to study and make recommendations: SJM
142

GUTHRIE, MARGERY

- Member, Highline community college district no. 9,
GA 176, confirmed pp. 6, 754, 1732

HALSAN, SENATOR STUART A. "STU"

- Appointed member, judiciary, commerce and labor, energy
and utilities and natural resources committees pp. 34-35
- Remarks, all his amendments, SSB 4630, votes be recorded p. 455
- Personal privilege, amendments to SSB 4630 p. 458

HANDICAPPED

- Adult abuse, order for protection: *SSB 4544, CH 187 (1986)
- Community beds, 1986 supplemental budget: SB 4762
- Community beds, 42 additional, funds appropriated: *HB 1702, CH 13 (1986), SB
4719, SSB 4719
- Criminal mistreatment defined and penalties established: *SHB 803, CH 250 (1986)
- Curb ramps, requirements modified: SB 4726
- Developmentally disabilities planning council, supplemental budget: SB 4762
- Disability employment and economic participation, joint select committee: *HCR
22 (1986), SCR 130
- Disabled parking privileges for senior citizens, nonprofit agencies, and nursing
home transport vehicles: *SHB 1815, CH 96 (1986)
- Disabled parking privileges for vehicles operated by nursing homes: *SHB 1815,
CH 96 (1986)
- Disabled veterans, prevent benefit reduction: *SJM 126 (1986)

HANDICAPPED—cont.

- Employees of DSHS, prior to employment investigate background: SB 4655
 Employees of DSHS, screen against child abuse: *SHB 1134, CH 269 (1986)
 Fishing licenses, free if use 2 crutches: SB 3259
 Handicapped education programs, supplemental budget: SB 4762
 Hunting license free if use 2 crutches: SB 3259
 Insurance coverage, children, past age of majority, modified: SSB 3541
 Joint select committee on disability employment and economic participation:
 *HCR 22 (1986), SCR 130
 Neurologically impaired, demonstration project at Northern State Hospital: SB
 4914
 Residential services, community beds, funds appropriated: *HB 1702, CH 13
 (1986), SB 4719, SSB 4719
 School buses, wheelchair students, SPI to promulgate rules: SB 4679
 State residential schools, alternative services need to have specific appropria-
 tion: SB 4658
 State residential schools, departments duties made discretionary regarding
 alternatives: *SSB 4658, CH 146 (1986)
 Utility rate relief for low-income veterans, blind, or disabled: SSB 3221

HANFORD (See HAZARDOUS MATERIALS)**HANSEN, SENATOR FRANK "TUB"**

- Appointed member, agriculture, transportation and
 parks and ecology committees pp. 34-35
 Personal privilege, thanks women for survival of
 agriculture, gift packages p. 383

HARPER, PRINCESS LORI

- Apple blossom festival, Wenatchee royalty court
 introduced p. 665

HAWAII

- Satellite remote sensing receiving station in Hawaii, oceanographic color dis-
 play: *SJM 133 (1986)

HAYNER, SENATOR JEANNETTE

- Appointed member, judiciary, rules and
 ways and means committees pp. 34-35
 Point of order, scope and object, amendment, HB 1647 p. 1064
 Remarks, ESSB 4630 p. 1485
 Point of order, scope and object, amendment, HB 1795 p. 1569

HAZARDOUS MATERIALS

- Amnesty days for farmers, deposit small amounts of hazardous waste free of
 charge: SB 5026
 Award of excellence for achievement in hazardous or solid waste management:
 SHB 681
 Cancer registry program: SSB 3447
 Command agencies designated: HB 1764
 Community and worker right to know, administration and enforcement modified:
 SB 4975
 DOE authorized to participate in hazardous and solid waste amendments of 1984:
 SB 4662
 DOE authorized to protect public health and environment, release of hazardous
 waste: SB 4662
 Farmers, authorizing the disposal of small amounts of wastes free of charge: SB
 5026
 Farmers, DOE to report on small amounts of farm hazardous waste: *SSB 5026, CH
 201 (1986)
 Fees for using waste sites, charge state, federal, local agencies: SB 4943
 Fire protection districts authorized to assist hazardous waste response teams: HB
 1662, *SSB 4486, CH 278 (1986)

HAZARDOUS MATERIALS—cont.

- Governor's award of excellence for achievement in hazardous or solid waste management: SHB 681
- Handlers notification forms or annual reports, provide to fire departments: *SHB 1177, CH 82 (1986)
- Hanford as high-level disposal site, priority to causes of action: SCR 106
- Hanford, governor and attorney general, prevent choosing site prior to complete site characterization: SHCR 25
- Hanford low-level radioactive waste disposal facility, DOE to assess adequacy of insurance: SB 4876
- Hanford low-level radioactive waste disposal facility, DOE to study, computer operation: SB 4876, *SSB 4876, CH 2 (1986)
- Hanford low-level radioactive waste disposal facility, governor may assess surcharges and penalties: SHB 1655, SB 4876, *SSB 4876, CH 2 (1986)
- Hanford low-level waste facility, DOE to contract a study of insurance coverage: *SSB 4876, CH 2 (1986)
- Hanford low-level waste facility, DOE to perform studies by contract to define site closure and perpetual care: *SSB 4876, CH 2 (1986)
- Hanford, storage of nuclear waste, encourage short-term to allow for long-term study: HJM 38
- Hanford, USDOE, be required to examine all potentially acceptable sites: HJM 33
- Hazardous household substances, pilot projects: *2SHB 136, CH 210 (1986)
- Hazardous household substances, voluntary public education programs on handling: *2SHB 136, CH 210 (1986)
- Hazardous substances, illegal, improper release, study for new laws and funding: SSB 4255
- Hazardous substances, treatment, disposal, etc., expeditious permit process: *2SHB 136, CH 210 (1986)
- Hazardous waste, DOE authorized to participate in hazardous and solid waste amendments of 1984: SB 4662
- Hazardous waste facilities, new facilities, permit process: SB 4943
- Hazardous waste release, DOE, authorized to protect public health and environment: SB 4662
- Hazardous wastes, farmers may deposit free of charge: SB 5026
- Hotline for reporting of hazardous working conditions: SB 4977
- Household hazardous substances, pilot projects: *2SHB 136, CH 210 (1986)
- Household hazardous substances, voluntary public education programs on handling: *2SHB 136, CH 210 (1986)
- Identified site defined, generates hazardous wastes: SB 4943
- Insurance adequacy at Hanford low-level facility, DOE to assess: SB 4876, *SSB 4876, CH 2 (1986)
- Insurance, low-level radioactive waste, DOE to review and require levels: *SSB 4664, CH 191 (1986)
- Insurance, operator/owner of low-level facility, required to carry \$10 million: SB 4664
- Interstate compact on radioactive materials transportation management: SB 4995
- Joint operating agencies, bidding, contracting, specific procedures expire when all nuclear plants are operating: SB 4262
- Low-level radioactive waste, liability coverage, DOE to review and require levels: *SSB 4664, CH 191 (1986)
- Low-level radioactive waste management, user permit system, fees: SHB 1655, SB 4876, *SSB 4876, CH 2 (1986)
- Low-level radioactive waste, operator/owner required to carry \$10 million insurance: SB 4664
- Low-level radioactive waste policy, 1985 amendments, DOE responsible: SHB 1655, SB 4876, *SSB 4876, CH 2 (1986)
- Nuclear waste policy act of 1982, priority to causes of action: SCR 106
- Nuclear weapons, negotiate a verifiable test ban treaty: SSJM 120
- Nuclear weapons, negotiate a verifiable test ban treaty and stop testing: *HJM 26 (1986), SJM 120

HAZARDOUS MATERIALS—cont.

- Oil recycling, if not enough sites city or county to include in hazardous waste plan: HB 1643
- Radiation control agency, transportation of radioactive waste, procedures: SB 4663, SSB 4663
- Radioactive waste, transportation, procedures: SB 4663, SSB 4663
- Releases and threatened releases, hazardous substance response fund, remedies, liabilities: SB 5027, SSB 5027
- Response teams, fire protection districts may assist: HB 1662, *SSB 4486, CH 278 (1986)
- Short-term nuclear waste storage encouraged to allow further study of long-term alternatives: HJM 38
- Storage, short-term nuclear waste storage encouraged to allow further study of long-term alternatives: HJM 38
- Thermal plant certification, applicants need a conservation plan: SHB 1981
- Toxic air contaminant defined: SHB 1549
- Transportation, common carriers, state radiation control agencies to be notified of insurance change: *SSB 4664, CH 191 (1986)
- Transportation, governor urged to initiate discussions with other states: SCR 133, SSCR 133
- Transportation, incidents, clean up duties: HB 1764
- Transportation, interstate compact on radioactive materials transportation: SB 4995
- Transportation, joint select committee to study: SCR 128
- Transportation of hazardous materials, petitioning for a regional approach: *SJM 143 (1986)
- Transportation of radioactive materials, petitions congress to protect against problems: SJM 145
- Underground storage tank problem, study, report: SB 4797, *SSB 4797, CH 289 (1986), SB 5030
- Underground storage tanks for hazardous wastes, operation and ownership regulated: SB 5030
- Voluntary public education programs on the handling of hazardous household substances: *2SHB 136, CH 210 (1986)
- Waste recovery authority established for processing Hanford spent fuel: SB 4987
- Workers' right to know, employee fee provisions revised, exemption: SB 4676, *SSB 4676, CH 310 (1986)

HEALTH CARE AND SERVICES (See also HOME HEALTH CARE; INSURANCE; NURSING HOMES; PHYSICIANS)

- Adoption, health care coverage, must apply to adopted children: SB 4767
- AIDS, regulating victims or suspects via quarantine: SB 5049
- Air pollution source, owner or operator, submit plan for emergency or accident: SHB 1549
- Basic health care funded by tax on cigarettes: SSB 3320
- Basic health care plan board, terminates 6/30/91: SSB 3320
- Basic health care services, board to submit schedule to legislature: SSB 4777
- Basic health plan board established: SSB 3320
- Basic health plan, managed systems to provide for low-income persons: SSB 3320
- Basic health plan trust account, hospital assessments: SSB 3320
- Basic health plan trust account, tax on physicians: SSB 3320
- Basic health project board: SB 4777, SSB 4777
- Blood donors may specify recipients: SB 4652, SSB 4652
- Cancer registry program: SSB 3447
- Cost containment, joint select committee: SCR 110
- Cost containment program, health care, establish within OFM: SSB 4242, 2SSB 4242
- Cost control of health care services: SB 4242, SSB 4242, 2SSB 4242
- Criminal mistreatment defined and penalties established: *SHB 803, CH 250 (1986)
- Day care, insurance coverage, individual children, health care, may not reduce/deny based on day care usage: SB 4942
- Disability coverage, surgeons' assistants, denial prohibited: SB 4445

HEALTH CARE AND SERVICES—cont.

- DTP vaccine, enact legislation to continue production: SJM 125
- Group disability coverage, surgeons' assistants, denial prohibited: SB 4445
- Group health insurance, eligibility lapses, continuation procedure: SB 3355
- Gunshot wounds, report of by health care professionals: HB 1561
- Health care access and cost containment act of 1986: SB 4777, SSB 4777
- Health care assistants, dialysis functions in homes, centers, facilities, authority modified: *SHB 1495, CH 115 (1986), SSB 4754
- Health care assistants, injections, health care practitioner must be in immediate area: SB 4949, *SSB 4949, CH 216 (1986)
- Health care assistants, minimum requirements for specialty: SB 4949, *SB 4949, CH 216 (1986)
- Health care assistants, renal dialysis centers, authority modified: *SHB 1495, CH 115 (1986), SB 4754, SSB 4754
- Health care cost containment program, establish within OFM: SSB 4242, 2SSB 4242
- Health care false claim act: *SB 4582, CH 243 (1986)
- Health care project commission, indigents: *SHB 2021, CH 303 (1986)
- Health care service providers and contractors, revisions termination, cancellation, etc.: *HB 1630, CH 223 (1986)
- Health care services, definition modified: SSB 3541
- Health care services, indemnity or reimbursement: SSB 3541
- Health care services, master list filed annually: SSB 3541
- Health care services, provider defined: SSB 3541
- Health professions account, all fees, fines, etc., to be deposited in: *SHB 131, CH 259 (1986), SB 3260
- Home health agencies, licensure: SB 4896, SSB 4896
- Home health care agencies are not health care facilities for certificate of need purposes: SSB 3789
- Home-delivered nursing home services, insurance coverage: SB 3231, SSB 3231
- Homeless, crisis management centers established: SB 4484
- Hospice care agencies, natural death act modified: SSB 3228
- Hospices are not health care agencies for certificate of need purposes: SSB 3789
- Insurance coverage for nursing home, home-delivered services: SB 3231, SSB 3231
- Insurance, denial of benefits prohibited, surgeons' assistants: SB 4445
- Insurance, fraud in acquisition of benefits or payments prohibited: *SB 4582, CH 243 (1986)
- Insurance, health care access and cost containment act of 1986: SB 4777, SSB 4777
- Insurance, health care coverage to parents of the insured: SB 4973
- Insurance, health care service providers and contractors, revisions, termination, cancellation, etc.: *HB 1630, CH 223 (1986)
- Insurance payment directly to provider of health care services: SB 3916, SSB 3916
- Insurance, political subdivisions of state, coverage for retired and disabled employees: SHB 1457, SB 4583
- Insurance, preferred provider arrangements authorized: SB 4323
- Mental health insurance coverage, provisions revised: SB 4531, *SSB 4531, CH 184 (1986)
- National health planning program: SJM 137, SSJM 137
- Natural death act, procedure when no written directive, attorney power: SSB 3228
- Parents of the insured, health care coverage: SB 4973
- Payment directly to provider of health care services: SB 3916, SSB 3916
- Political subdivisions of the state, health coverage for retired and disabled employees: SHB 1457, SB 4583
- Prenatal and obstetrical care clinics for uninsured women: SB 4699
- Prenatal care for low-income women, appropriation increased: HB 1380
- Professional service corporations, licensed health care professionals, nonprofit, nonstock: *SB 4535, CH 261 (1986)
- Provider, definition: SSB 3541
- Public water supply systems, quality regulated, penalties, enforcement: *SHB 1458, CH 271 (1986)

HEALTH CARE AND SERVICES—cont.

- Respiratory care practitioner, certification mandatory, procedure: SHB 1609
- School-based health clinics: SB 4752
- Smoking pollution control act: SB 4482, SSB 4482
- Smoking, workplace accommodations or prohibition: SB 4482, SSB 4482
- Smoking, written policy to be adopted by all employers: SB 4482, SSB 4482
- Staff privileges, rules for granting required: *SHB 1593, CH 205 (1986), SB 4654, SSB 4654
- Surgeons' assistants, health care service contracts, coverage provided for: SB 4445
- Tax on cigarettes to fund basic health care: SSB 3320
- Toxic air contaminant defined: SHB 1549
- Uniform disciplinary act, complaints, immunity: *SHB 131, CH 259 (1986), SB 3260, SSB 3260
- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

HEALTH CARE ASSISTANTS

- Injections: *SSB 4949, CH 216 (1986)
- Renal dialysis and related services, modified: *SHB 1495, CH 115 (1986)
- Specialities, minimum requirements: *SSB 4949, CH 216 (1986)

HEALTH CLUBS AND STUDIOS

- Purchasers of services, protection provided: SSB 3161

HEALTH COORDINATING COUNCIL

- Ambulance services, air and land, needs assessment and certificate of need review: HB 1389

HEALTH MAINTENANCE ORGANIZATIONS

- Services allowed, certain limitations removed: SSB 3541

HEALTH, STATE BOARD OF

- Sunset provisions repealed: *SB 4506, CH 273 (1986)

HEARING AIDS

- Sales and use tax exempt: SB 4893
- Sales and use tax exemption: *SHB 1391, CH 255 (1986)
- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

HEARSAY

- Nonhearsay evidence defined: SB 4703

HEATING ASSISTANCE

- Heating, prohibiting termination from 11/15 through 3/15 due to delinquent and unpaid charges: *SSB 4766, CH 245 (1986)

HELICOPTERS

- Health care facilities use as ambulances, needs assessment and certificate of need review: HB 1389

HENRY, WILLIAM E.

- Member, board of prison terms and paroles, GA 189, confirmed pp. 8, 63, 639

HERNANDEZ, DR. CARROL A.

- Trustee, Central Washington University, GA 248, confirmed pp. 18, 59, 807

HIGHER EDUCATION COORDINATING BOARD

- Bill Burns, member, GA 222, confirmed pp. 13, 138, 647
- Chuck Collins, chairman, GA 216, confirmed pp. 12, 137, 197
- John Fluke, Jr., member, GA 217, confirmed pp. 12, 137, 633
- Lyle Jacobsen, member, GA 221, confirmed pp. 13, 138, 633
- Mary James, member, GA 218, confirmed pp. 12, 137, 244
- Pearl McElheran, member, GA 219, confirmed pp. 13, 137, 807
- Jon Runstad, member, GA 220 p. 13
- William Wiley, member, GA 224, confirmed pp. 14, 138, 653
- Vivian Winston, member, GA 223, confirmed pp. 13, 755, 1747

HIGHER EDUCATION COORDINATING BOARD—cont.

- Higher education competitive faculty salary act of 1986: SB 5003
- Private degree granting institutions, regulating: *SHB 1688, CH 136 (1986)
- Supplemental budget increase, 1986: SB 4762
- Tuition endowment fund: SB 4991
- Washington state and employers' higher education opportunities program: SB 3444

HIGHER EDUCATION PERSONNEL BOARD

- Virginia P. Apodaca, member, GA 153, confirmed pp. 1130, 1683
- Patricia Stell, member, GA 178, confirmed pp. 6, 1130, 1729
- Comparable worth implementation revised: *HB 1703, CH 1 (1986), SB 4595, SSB 4595
- Day care, state employees, personnel board to create a supportive atmosphere: *HB 1656, CH 135 (1986), SB 4878
- Employee exchange program, government, nongovernment: SHB 2

HIGHLINE COMMUNITY COLLEGE DISTRICT NO. 9

- Elsie Dennis, trustee, GA 232, confirmed pp. 15, 756, 1734
- Margery Guthrie, trustee, GA 176, confirmed pp. 6, 754, 1732

HIGH-TECHNOLOGY COORDINATING BOARD

- Dr. Edith Martin, member, GA 171 p. 5
- Donalee Rutledge, member, GA 124, confirmed pp. 1693, 1694, 1745

HILL, TIM

- King County Executive introduced and addressed senate p. 236

HISTORICAL CONSERVATION AND HISTORY

- Archaeological sites are finite and irreplaceable, policy established: SB 4974, SSB 4974
- Archaeological sites valued at current use: SB 4755
- Archivist and oral history program, created, legislature: *SB 4712, CH 275 (1986)
- Consolidating agencies into DCD: *SHB 1709, CH 266 (1986), SB 4873
- Endangered landmarks preservation act: *SB 4976, SSB 4976
- Endangered landmarks preservation fund established, trustees appointed: SB 4976, SSB 4976
- Industrial development revenue bond financing, historic properties: *HB 1825, CH 308 (1986)
- Metropolitan park district authorized: SHB 1484
- Military installations on the national register, tax exempt: SB 3878
- National history day program for schools: SB 3843
- Park and recreation districts authorized to engage in historic preservation: SHB 1484
- Park and recreation service areas may engage in historic preservation: SHB 1484
- Rehabilitation and assessment of property: *SB 4601, CH 221 (1986)
- Sacred object defined: SB 4974, SSB 4974
- Ships and vessels, property tax, apportion value of ships and vessels, procedures: *SHB 1827, CH 229 (1986), SB 4901

HITCHHIKING

- Outlawed: SB 4480

HOME HEALTH CARE

- Licensure of home health agencies: SB 4896, SSB 4896

HOME SCHOOLING (See SCHOOLS AND SCHOOL DISTRICTS)**HOMELESS**

- Crisis management centers established: SB 4484

HONDA, JOSEPH M.

- Member, state board of pharmacy, GA 129, confirmed pp. 49, 158

HORSES

- Cruelty to animals, protections, revisions: SB 4607

HORSES—cont.

Horse racing commission enlarged: SB 4632

Horse racing commission, funds provided via exotic races: *SHB 1496, CH 43 (1986)

Washington-bred horses, marketing program: *SHB 1355, CH 202 (1986)

HORTICULTURE

Commodity inspection division, horticultural inspection trust fund, administrative expenses paid from: SB 5044, SSB 5044

Horticultural inspection trust fund, balance requirement revised, payments to commodity inspection division: SB 5044, SSB 5044

HOSPITALS (See also HEALTH CARE AND SERVICES)

Ambulances, needs assessment and certificate of need review: HB 1389

Assessments, annual charge, deposit in basic health plan trust account: SSB 3320

Basic health plan trust account, hospital assessments: SSB 3320

Blood donors may specify recipients: SB 4652, SSB 4652

Cancer registry program: SSB 3447

Certificate of need, acquisition of major medical equipment: SSB 3789

Certificate of need, activities subject to be modified: SB 5042

Certificate of need program, capital expenditures, exclude rural hospital swing-bed programs: SSB 3788

Certificate of need review, activities subject to review revised: SB 4488

Certificate of need reviews, existing health care activity, certain included: SB 3789, SSB 3789

Competitive market, certain restrictions lifted: SB 5042

Free hospitals, excise tax exemption: SB 4562

Health care assistants, injections, health care practitioner must be in immediate area: SB 4949, *SSB 4949, CH 216 (1986)

Helicopter use, needs assessment and certificate of need review: HB 1389

Home health care agencies are not health care facilities for certificate of need purposes: SSB 3789

Hospices are not health care agencies for certificate of need purposes: SSB 3789

Insurance payment directly to provider of health care services: SB 3916, SSB 3916

LBC to conduct a performance audit of the state hospital commission: SB 5042

Master price list: SB 5042

Medical malpractice, hospitals to have coordinated prevention programs: *SHB 1950, CH 300 (1986), SB 4631

Natural death act, procedure when no written directive, attorney power: SSB 3228

Negotiation directly for impatient service payments by HMOs, insurers, etc.: SB 4323

Organ donation procedures to be developed: SB 4455, *SSB 4455, CH 129 (1986)

Payment directly to provider of health care services: SB 3916, SSB 3916

Physicians' professional liability insurance merit rating plan: SB 4631

Public hospital districts excluded from state hospital commission jurisdiction: SB 4728

Respiratory care practitioner, certification mandatory, procedure: SHB 1609

Rural hospitals, procedures established: SB 4487

Staff privileges, prior to granting physician needs to provide misconduct, claims, etc., information: *SHB 1950, CH 300 (1986)

Staff privileges, rules for granting required: *SHB 1593, CH 205 (1986), SB 4654, SSB 4654

State hospitals for the mentally ill, purchasing authority: SB 4613, SSB 4613

Swing-bed program, request enlarging to include urban hospitals and hospitals over 50 beds: SJM 138

HOSPITAL COMMISSION

Terry L. Brossett, member, GA 183, confirmed pp. 7, 157, 772

Dr. Robert Shanewise, member, GA 184 p. 7

Marion Merkel-Troyer, member, GA 182, confirmed pp. 7, 75, 639

HOT TUBS

Electrical products certification: *SB 4556, CH 263 (1986)

HOTELS

Liquor by the bottle may be sold: *SB 3336, CH 208 (1986)

Special excise tax, proceeds may be used for capital improvement debts already incurred: *HB 1954, CH 104 (1986), SB 5048

Special excise tax, use to expand tourism in distressed areas: *HB 1825, CH 308 (1986)

HOUSING

Current use valuation of low-income housing: SJR 128

Heating bills, assist low-income persons, residential space heating bills, fuel and public utility tax: SB 4765

Heating prohibiting termination from 11/15 through 3/15 due to delinquent and unpaid charges: SB 4766, *SSB 4766, CH 245 (1986)

Housing trust fund created: SB 4626, SSB 4626, *2SSB 4626, CH 298 (1986)

Housing trust fund created, low-income assistance: SB 4626

Inspection of motor homes, mobile homes, recreational vehicles, factory built housing and commercial coaches, revisions: SB 4881

Low-income housing, cities and counties may assist: SB 4933, *SSB 4933, CH 248 (1986)

Low-income housing, current use assessment: SJR 128

Low-income housing, multiple-unit buildings, current use assessment: SB 4264

Low-income persons, housing trust fund established, to assist in obtaining housing: SB 4626, SSB 4626, *2SSB 4626, CH 298 (1986)

HOUSING FINANCE COMMISSION, STATE

David Ballaine, member, GA 159, confirmed pp. 808, 1580

Rev. Leo C. Brown, Jr., reappointed member,
GA 203, confirmed pp. 10, 809, 1627

Harlan D. Douglass, member, GA 288, confirmed pp. 196, 809, 1749

Ester B. Huey, reappointed member,
GA 202, confirmed pp. 10, 809, 1581

James L. Kirschbaum, member, GA 165, confirmed pp. 809, 1581

Delbert L. Long, member, GA 162, confirmed pp. 809, 1580

Nanci C. Primley, member, GA 158, confirmed pp. 808, 1579

Charles R. Richmond, member, GA 185, confirmed pp. 7, 809, 1581

Anne Rose, member, GA 160, confirmed pp. 808, 1580

Audit of HFC by state auditor: *SSB 4661, CH 264 (1986)

Bonds, issuance authority, expiration of extension repealed: SB 4661, *SSB 4661, CH 264 (1986)

Outstanding indebtedness, limit increased, calculation revised: SB 4661, *SSB 4661, CH 264 (1986)

Tax exempt bonds, interim alternative allocation mechanism: SB 4923, *SSB 4923, CH 247 (1986)

HUEY, CHARLES

Chairman, human rights commission, GA 103,
confirmed pp. 714, 1683

HUEY, ESTER

Reappointed member, state housing finance commission, GA 202,
confirmed pp. 10, 809, 1581

HUGO, REPRESENTATIVE BRUCE

Oregon State Legislator introduced p. 1762

HUMAN RIGHTS COMMISSION

Charles Huey, chairman, GA 103, confirmed pp. 714, 1683

Fred Montoya, member, GA 210, confirmed pp. 11, 499, 806

Affirmative action plan by banks who hold or invest state funds: SSB 3345

Affirmative action program by all state agencies and higher education: SSB 3345

Contractors and subcontractors to submit affirmative action plan: SSB 3345

HYDRAULIC PROJECTS

- Driving across stream with no established ford, permit required: *SHB 1545, CH 173 (1986), SB 4550
- Fords, construction or repair, permit required: *SHB 1545, CH 173 (1986), SB 4550
- Hydraulic appeals board within the environmental hearings office created: *SHB 1545, CH 173 (1986), SB 4550
- Process modified: *SHB 1545, CH 173 (1986)
- Stock or irrigation watering, process established, permit not required: *SHB 1545, CH 173 (1986), SB 4550
- Storage of water, included in permit: *SHB 1545, CH 173 (1986), SB 4550
- Water right impact, permit process, diversion alterable: SB 4550

HYDROTHERAPY

- Recreational water contact facilities, slides, regulated: *SSB 3498, CH 236 (1986)

HYPNOTHERAPISTS

- Registration and certification of mental health professionals: SHB 470

IDENTICARDS

- Expiration on holder's birthdate: *SB 4512, CH 15 (1986)

IKEDA, TSUGUO

- Member, vocational education commission, GA 180 confirmed pp. 6, 1130, 1731

IMMUNITY

- Dispute resolution centers, immune from civil liability for good faith acts: *SHB 1356, CH 95 (1986)
- Runaways, persons sheltering, notice required: SSB 3243
- Uniform disciplinary act, complaints, immunity: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

IMPLIED CONSENT

- Bréath or blood test: *HB 1499, CH 153 (1986)
- Breathalyzer test refusal evidentiary use restricted: *HB 1459, CH 64 (1986)
- Repealing written summary requirement: *HB 1518, CH 101 (1986)

INCENTIVES

- First source contracts, employer incentives, trainee's wages: *SHB 1754, CH 116 (1986)
- Industrial wastewater discharge, investigate incentive methods, report to legislature: SHB 1787
- Wastewater, industrial and municipal, incentives for dischargers, DOE to study: SB 5029

INCORPORATION

- Municipal, election procedure, separate process for offices: *SHB 308, CH 234 (1986)

INDIANS (See NATIVE AMERICANS)**INDIGENTS**

- Appellate counsel to indigent criminal defendants, LBC and judiciary committee to study: SSB 3740
- Public defender for defendant who cannot afford counsel: SHB 1964

INDUSTRIAL INSURANCE APPEALS BOARD

- Gary B. Wiggs, chairman, GA 213, confirmed pp. 12, 626, 773

INDUSTRIAL SAFETY AND HEALTH

- Citations, appeals, penalties, revisions: *SB 4721, CH 20 (1986)

INGRAM, PAUL

- Thurston County Sheriff's Deputy introduced (Safe House Program) p. 627

INITIATIVES

- Fish and wildlife funds, alternative to Initiative 90: SSB 3704, SB 4568, SSB 4568
- Public facilities shall not be used to promote: *SB 4470, CH 239 (1986)

INOUE, DR. MICHAEL

Vice President, Kyocera Corporation, investor
 electronic facilities in Clark County,
 introduced and addressed senate p. 678

INSURANCE (See also HEALTH CARE AND SERVICES; LABOR AND INDUSTRIES, DEPARTMENT OF; STATE EMPLOYEES' INSURANCE BOARD)

- Additional tax removed: *SB 3636, CH 296 (1986)
 Adopted children, insurance, coverage, when does it begin: *SHB 1986, CH 140 (1986)
 Adoption, health care coverage, must apply to adopted children: SB 4767
 Agents, cancellation of written agreement between agent and insurer: *SB 4540, CH:286 (1986)
 Annual statement convention blank to be filed with national association: HB 43
 Automobile abstracts, speeding exclude energy resource use restrictions from abstracts: SB 4795
 Automobile, financial responsibility required, insurance, bond, deposit, or self-insurance: SB 4313, SSB 4313
 Automobile insurance or surety bond required: SHB 227, SSB 3306
 Automobile, lower rates if over 55 and take accident prevention course: *SSB 3458, CH 235 (1986)
 Automobile or proof of financial responsibility required, penalties: SHB 227, SSB 3306
 Automobile, reasonable minimum standards established by commissioner: SHB 41
 Bad faith, exemplary damages, mental anguish or physical injury: SB 4916
 Cancellation, etc., all types of insurance, notify insured or applicant in writing of reason if requested: SHB 2089
 Cancellation of written agreement between agent and insurer: *SB 4540, CH 286 (1986)
 Cancelling procedures, actual reason: SB 4541, *SSB 4541, CH 287 (1986)
 Casualty, reasonable minimum standards established by commissioner: SHB 41
 Child coverage, continues for mental handicap past age of majority: SSB 3541
 Construction contracts, municipal corporations, self-insurance, no affect on employer-employee relation re negligence or wrong of 3rd person: SB 5045
 Construction surety bonds or insurance, municipal corporations exempt from restrictions: SB 4669
 Cost containment program, health care, establish within OFM: SSB 4242, 2SSB 4242
 Cost control of health care services: SB 4242, SSB 4242, 2SSB 4242
 Coverage, unable to obtain, property or casualty procedures: SB 4539, SSB 4539
 Day care, insurance coverage, individual children, health care, may not reduce/deny based on day care usage: SB 4942
 Day care, insurance plans for licensed day care centers: *SHB 2083, CH 142 (1986)
 Day care reporting requirements for liability insurance, losses and expenses: SB 4686
 Discrimination based on race, color, creed, national origin, unfair practice: SB 4965
 Driving record, abstracts, denial of insurance based on: prohibited unless at fault: *SHB 1368, CH 74 (1986)
 Federal regulation requested: HJM 29
 Group health insurance, eligibility lapses, continuation procedure: SB 3355
 Hanford low-level radioactive waste disposal facility, DOE to assess insurance adequacy: SB 4876, *SSB 4876, CH 2 (1986)
 Health care access and cost containment act of 1986: SB 4777, SSB 4777
 Health care contracts, required provisions, misstatements, incontestable: SSB 3541
 Health care cost containment program, establish within OFM: SSB 4242, 2SSB 4242
 Health care coverage, providing medical coverage to parents of insured: SB 4973
 Health care coverage, retired or disabled employees of state political subdivisions: SHB 1457, SB 4583

INSURANCE—cont.

Health care false claim act: *SB 4582, CH 243 (1986)

Health care, fraud in acquisition of benefits or payments prohibited: *SB 4582, CH 243 (1986)

Health care payments directly to provider: SB 3916, SSB 3916

Health care service providers and contractors, revisions, termination, cancellation, etc.: *HB 1630, CH 223 (1986)

Health care services cost control: SB 4242, SSB 4242, 2SSB 4242

Health care services, surgeons' assistants, denial of benefits prohibited: SB 4445

Health preferred provider arrangements authorized: SB 4323

Home health agency coverage for nursing home services: SB 3231, SSB 3231

Insolvent insurers, provisions: SSB 3520

Insurance fund, state insurance fund created, municipalities insured against casualty loss: SSB 4820

Long-term care insurance act: *HB 1462, CH 170 (1986)

Low-level radioactive waste, liability coverage, DOE to review and require levels: *SSB 4664, CH 191 (1986)

Low-level radioactive waste, operator/owner required to carry \$10 million insurance: SB 4664

Malpractice, providers to report certain payments to disciplinary board: *SHB 1950, CH 300 (1986)

Market assistance plan: SHB 2088

Mental health, coverage, provisions revised: SB 4531, *SSB 4531, CH 184 (1986)

National association of insurance commissioners, insurers to file with: HB 43

Noneconomic damage: *SSB 4630, CH 305 (1986)

Nursing home, home-delivered services, coverage: SB 3231, SSB 3231

Nursing homes residents, sale of policies regulated: *HB 1462, CH 170 (1986)

Operating costs of commissioner, fees charged to insurers and health care services contractors: *SB 3636, CH 296 (1986)

Parents of the insured, health care coverage: SB 4973

Payment directly to provider of health care services: SB 3916, SSB 3916

Physicians' professional liability insurance merit rating plan: SB 4631

Pit bulls: SB 4611

Political subdivisions of the state, health coverage for retired and disabled employees: SHB 1457, SB 4583

Premium tax, increasing tax rates for purpose of equalization: SB 5009, SSB 5009

Premium tax modified: *SB 3636, CH 296 (1986)

Premiums, assessment upon for share of operating commissioners office: SSB 3657

Prenatal and obstetrical care clinics for uninsured women: SB 4699

Property and casualty insurance, commercial policies, reporting of loss and expense experience: HB 1699, *SB 4749, CH 148 (1986)

Property or casualty, equitable apportionment among insurers to provide coverage for those unable to obtain, report to legislature: SSB 4539

Property or casualty, unable to obtain, coverage provided for: SB 4539, SSB 4539

Property, reasonable minimum standards established by commissioner: SHB 41

Rates, filing, approval process: SB 4936, SSB 4936

Renewal, notice in rates or contract provisions: SB 4541, *SSB 4541, CH 287 (1986)

Self-insurance for property damage and casualty insurance authorized: *SHB 1972, CH 302 (1986)

Senior citizens, accident prevention course, lower rates if take course and over 55: *SSB 3458, CH 235 (1986)

Speeding, energy resource use restrictions, exclude violations from insurance abstract: SB 4795

State insurance fund created, municipalities insured against casualty loss: SSB 4820

Tort reform: *SSB 4630, CH 305 (1986)

Trust accounts, maintenance of separate accounts required: *SHB 2011, CH 69 (1986)

Unable to obtain, property or casualty, coverage provided for: SB 4539, SSB 4539

Unfair practice, discrimination based on race, color, creed, national origin: SB 4965

INSURANCE COMMISSIONER

- Assessments upon insurers for cost of operating commissioners office: SSB 3657
- Cost of operating commissioner's office, insurers assessed: SSB 3657
- Day care, joint underwriting association to provide insurance authorized: *SHB 2080, CH 141 (1986)
- Fees may be charged for operating costs: SB 4542, SSB 4542
- Governor appointment of state treasurer, insurance commissioner, and superintendent of public instruction: SJR 132
- Insurance commissioner's insurance and fire marshal regulatory accounts created: SSB 3657
- Insurance commissioner's regulatory account created, operating costs: SB 4542, SSB 4542
- Operating costs, fees may be charged: SB 4542, SSB 4542
- Salaries, elected state officials, adjustment, 1987 through 1991, state committee on salaries to do major review: SB 4674, *SSB 4674, CH 161 (1986)
- Term of office, when it commences: SB 4560

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION (See also PARKS AND RECREATION)

- Abolished, state resources department created: SB 4493
- New agency created, DNR, DOG, DOF, parks and recreation, and the interagency committee for outdoor recreation abolished: SB 4493
- Nonhighway road recreationist committee: *SHB 1382, CH 206 (1986)
- ORV account renamed ORV and nonhighway vehicle account, allocation modified: *SHB 1382, CH 206 (1986)
- ORV and nonhighway vehicle program, hearing process: *SHB 1382, CH 206 (1986)
- ORV, permit process revised: *SHB 1382, CH 206 (1986)
- ORV trail redefined as a multiple-use corridor: *SHB 1382, CH 206 (1986)
- River running, procedures, responsibilities: SB 4990, *SSB 4990, CH 217 (1986)

INTEREST RATES

- Federal interest payment fund, tax credit for certain money: SB 5010
- Maximum rates to be filed in state register by treasurer: *HB 1398, CH 60 (1986)

INVESTMENTS AND SECURITIES

- Advisory committee membership increased, representation modified: SSB 3048
- Cheap stock versus other securities: HB 1784
- Commodities and securities licensing program: *SB 4527, CH 14 (1986)
- Limited offering exemption authorized: *SHB 205, CH 90 (1986)
- Local governments, surplus public funds, public funds investment account: SB 4590, *SSB 4590, CH 294 (1986)
- Securities, purchasers or sellers, suits against the state, requirements established: *SSB 3990, CH 304 (1986)
- Securities registration, disclosure, plain English on first page: HB 1784, SB 5043
- Securities, 1977 amendments to UCC article 8 adopted: *SHB 1451, CH 35 (1986)
- South Africa, restricting state investments in countries with apartheid policies: SHB 1992
- Tax deferrals, eligible investment projects redefined: *SHB 1754, CH 116 (1986)
- Tax deferrals for manufacturing or research and development, expiration date extended: *SHB 1754, CH 116 (1986)
- Uniform commercial code amendments adopted: *SHB 1451, CH 35 (1986)
- Venture capital corporations, creation provided for: SB 4478
- WPPSS, securities, purchasers or sellers, suits against the state, requirements established: *SSB 3990, CH 304 (1986)

IRRIGATION DISTRICTS

- Agricultural irrigation commission, formation authorized: SB 3286
- Law suits and proceedings, district may defend officers, employees, agents: *SB 4770, CH 8 (1986)
- Plats, prerequisite is a completed water distribution facility: *HB 1353, CH 39 (1986)
- Promotion of irrigated agriculture, state-wide association: HB 1392

ISLAND COUNTY

Superior court judges, revising the allocation: SB 4764

JACKSON, MRS. HELEN HARDIN

Wife of Senator Henry Jackson, introduced and
addressed senate (resolution 1986-153) p. 634

JACKSON, MICHAEL JEROD

Member, judicial qualifications commission, GA 267,
confirmed pp. 21, 499, 902

JACOBSEN, LYLE

Member, higher education coordinating board, GA 221,
confirmed pp. 13, 138, 633

JAILS

Bail bond provisions revised: *SSB 4305, CH 322 (1986)
Corrections standards board, local jail improvement: SB 4762
Institutional impact account, reimbursement criteria modified: SB 3233
Juvenile detention facilities, county-level, humane, safe, rehabilitative, remain in
community if possible: *SB 4738, CH 288 (1986)
Juvenile detention facilities records release to the juvenile disposition standards
commission: *SB 4738, CH 288 (1986)
Juvenile detention facilities, state-wide standards: SB 4485
Juvenile, semi-secure facility, redefined, locked time-out area: SB 4483, SSB 4483
Special detention facility included in jail definition: *SSB 4128, CH 118 (1986)
Strip searches, regulated, when allowed: *SHB 1148, CH 88 (1986)

JAMES, MARY

Member, higher education coordinating board, GA 218,
confirmed pp. 12, 137, 244

JAPANESE - AMERICANS

Civil rights restrictions during World War II, redress by municipalities: *HB 1415,
CH 225 (1986)
WWII, employee losses, reparations: SSB 3369

JARAMILLO, ISABEL

Member, Chilean delegation introduced p. 1569

JOHNSON, GEORGE W.

Member, board of prison terms and paroles, GA 190,
confirmed pp. 8, 63, 639

JOHNSON, SENATOR STANLEY C.

Appointed member, education, human services and corrections,
natural resources and transportation committees pp. 34-35

JOHNSON, WILLIAM F. "B. J."

Introduced, senate resolution 1986-162 p. 737

JOHNSTON, S. R. (JOHN)

Member, clemency and pardons board, GA 261,
confirmed pp. 20, 158, 812

JOINT MEMORIALS

Constitutional convention, convening of, procedural change requested: SJM 105
Constitutional convention, regarding federal budget, proposed amendment: SJM
106
Custom inspectors, additional on the west coast requested: SJM 135, *SSJM 135
(1986)
Disabled veterans, prevent benefit reduction: *SJM 126 (1986)
DTP vaccine, enact legislation to continue production: SJM 125
Fireworks, state jurisdiction to regulate fireworks on federal enclaves: SJM 122
Hanford, USDOE, be required to examine all potentially acceptable sites: HJM 33
Hazardous materials, transportation, petitioning for a regional approach: *SJM
143 (1986)
Insurance, federal regulation requested: HJM 29

JOINT MEMORIALS—cont.

- Long-term care for the elderly and disabled, funding for research requested: SJM 141
- MIA, requesting information: SJM 132, *SSJM 132 (1986)
- MIA's, information concerning requested: SHJM 31, SJM 132, *SSJM 132 (1986)
- National health planning program: SJM 137, SSJM 137
- Nuclear waste storage, short-term encouraged to allow study of long-term alternatives: HJM 38
- Nuclear weapons, negotiate a verifiable test ban treaty: SSJM 120
- Nuclear weapons, negotiate a verifiable test ban treaty and stop testing: *HJM 26 (1986), SJM 120
- Open mines and shafts, requesting Congress to fund sealing: SJM 140
- Pilot discipline, concurrent jurisdiction over state-licensed pilots requested: HJM 32, SJM 139
- Polling hours, request enactment of national hours: SJM 131, SSJM 131
- Radioactive materials, transportation, petitions Congress to protect against problems: SJM 145
- Satellite remote sensing receiving station in Hawaii, oceanographic color display: *SJM 133 (1986)
- School system, non-English speaking students, financial assistance: SJM 112
- Small business administration, asking Congress to retain: *SJM 113 (1986)
- Social security, independent social security administration requested: SJM 144
- Swing-bed program, request enlarging to include urban hospitals and hospitals over 50 beds: SJM 138
- Treaty fish management, requesting federal funds: HJM 17
- Veterans' cemetery, national, within state, assistance in obtaining: *SJM 136 (1986)
- Violence on TV, petitioning Congress to study and make recommendations: SJM 142
- Weather satellite, restore to mid-pacific: SJM 134

JOINT OPERATING AGENCIES

- Bidding, contracting, JOA procedures expire when all plants are in operation: SB 4262

JOINT RESOLUTIONS (See CONSTITUTIONAL AMENDMENTS)**JOINT RULES REVIEW COMMITTEE (See RULES REVIEW)****JOINT SESSION**

- Governor Gardner state of state address p. 44

JUANITA HIGH SCHOOL REBELS

- Football team introduced p. 219

JUDGES (See also COURTS)

- First amendment, review of government actions affecting: HB 483
- Hearing impaired persons at judicial or administrative proceedings, interpreters: SSB 3740
- Institutional impact account, reimbursement criteria modified: SB 3233
- Interpreters for hearing impaired persons at judicial or administrative proceedings: SSB 3740
- Judges, pro tempore, provisions revised: SJR 137
- Judicial administration commission, recommendations implemented: SB 4498, SSB 4498, 2SSB 4498
- Judicial qualifications commission, membership revised: *SJR 136 (1986)
- Judicial retirement system, transfer from PERS, 1958 withdrawal date: SSB 3718
- Judicial review of government actions affecting 1st amendment: HB 483
- Mason and Thurston counties, adding positions, dividing the district: HB 1393, SB 4759
- Police judge, references deleted: SSB 3740
- Retirement, PERS transfer, mandatory, optional: SHB 458
- Salaries, citizens' commission on salaries for elected officials: *SHB 1331, CH 155 (1986)

JUDGES—cont.

- Salaries of elected officials, fixed by an independent commission: *SHJR 49 (1986)
 San Juan and Island counties, revising the allocation of superior court judges: SB
 4764
 Superior court jurisdiction revised: SJR 135

JUDICIAL QUALIFICATIONS COMMISSION

- Michael Jerod Jackson, member, GA 267,
 confirmed pp. 21, 499, 902
 Brenda Teals, member, GA 192, confirmed pp. 8, 232, 772
 Jurisdiction revised, covers court commissioners and magistrate: SB 3092

JUSTICE, DEPARTMENT OF

- Created, governor to appoint attorney general: SB 4709

JUVENILE DISPOSITION STANDARDS COMMISSION

- Rosalyn Oreskovich, member, GA 144, confirmed pp. 691, 1683
 Linda Walton, member, GA 283, confirmed pp. 24, 499, 1576
 Juvenile detention records, access policy: SB 4485
 Mandatory state-wide standards to legislature by 11/1/87: SB 4485
 Membership revised: SB 4485

KARRO, TERRY L.

- Member, game commission, GA 201,
 confirmed pp. 9, 50, 217

KENNEY, PHYLLIS M.

- Member, corrections standards board, GA 135,
 confirmed pp. 157, 667

KEYLOCK METERED PUMP

- Repealing provisions on collection of special fuel tax: HB 1729, SB 4758, *SSB 4758,
 CH 29 (1986)

KIDNEYS

- Health care assistants, dialysis functions in homes, centers, facilities, authority
 modified: *SHB 1495, CH 115 (1986), SSB 4754
 Health care assistants, renal dialysis centers, authority modified: *SHB 1495, CH
 115 (1986), SB 4754, SSB 4754

KIM, DR. HYUNUK

- Member, National Assembly of Korea introduced and
 addressed senate p. 684
 Mrs. Hyunuk Kim, wife of member, Korean Assembly
 introduced p. 684

KING COUNTY

- Kingdome bonds, special hotel/motel excise tax: *HB 1954, CH 104 (1986)

KINGDOME

- Special hotel/motel tax to pay for Kingdome bonds: *HB 1954, CH 104 (1986)

KIRSCHBAUM, JAMES L.

- Member, state housing finance commission, GA 165,
 confirmed pp. 809, 1581

KISKADDON, SENATOR BILL

- Appointed member, education, human services and
 corrections and parks and ecology committees pp. 34-35
 Personal privilege, consideration of all amendments
 in committee, ESHB 1479 p. 698
 Point of order, order of amendments, HB 1643 p. 865
 Parliamentary inquiry, when scope and object in
 order, SHB 1593 p. 874
 Personal privilege, clarification of statement, ESHB 1598 p. 901
 Parliamentary inquiry, question request for previous
 question, ESHB 1992 p. 1685

KNECHTEL, DOROTHY

Trustee, Spokane community college district no. 17,
GA 238, confirmed pp. 16, 1131, 1736

KNOBLAUCH, SENATOR REUBEN

Former senator introduced and addressed senate p. 596

KOREA NATIONAL ASSEMBLY

Dr. and Mrs. Hyunuk Kim, member and wife
introduced p. 684

KOSHER FOODS

Uniformity of regulations with FFDC: requirement waived: *SSB 5044, CH 203
(1986)

KREIDLER, SENATOR MIKE

Appointed member, parks and ecology, human services and
corrections and energy and utilities committees pp. 34-35
Point of order, scope and object, amendment, SSB 4936 p. 530

KRUG, MS. MARY ELLEN

Member, public employment relations commission, GA 169 p. 4

KUROSE, RUTHANN

Member, export assistance board of directors, GA 279 p. 24

KYOCERA CORPORATION

Vice President Dr. Michael Inoue introduced and
addressed senate p. 678

LABOR AND INDUSTRIES, DEPARTMENT OF (See also PUBLIC WORKS)

Amputation table, back provisos deleted: SB 5023
Amputation table, monetary recovery limits increased: *SHB 1873, CH 58 (1986)
Community and worker right to know, administration and enforcement modified:
SB 4975
Disability, total bodily impairment, permanent partial disabilities, maximum
recovery increased: *SHB 1873, CH 58 (1986)
Industrial injuries, claims, orders, appeals: *SB 4927, CH 200 (1986)
Industrial injuries, health services, fraud, etc., civil and criminal liability: *SB
4927, CH 200 (1986)
Industrial insurance, agricultural labor exemption removed: HB 1377
Industrial insurance appeals procedures, judges participation, modifications: *SB
4713, CH 10 (1986)
Industrial insurance benefits for retired workers and pensioners, revisions: *SHB
1875, CH 59 (1986)
Industrial insurance, benefits revised: *SHB 1873, CH 58 (1986), SB 5017
Industrial insurance, building industry employers, base rate computation elimi-
nated: SB 4638
Industrial insurance, ceiling raised: SB 5013
Industrial insurance, certificate of coverage, requirements: SB 4720, *SSB 4720, CH
9 (1986)
Industrial insurance claimants may review files: SHB 712
Industrial insurance, claims closure, self-insurance, return to work: *SHB 1581, CH
55 (1986), SB 4648
Industrial insurance, delinquent, taxes due, process, distraint: SB 4720, *SSB 4720,
CH 9 (1986)
Industrial insurance, disability disqualification when receive unemployment
benefit: *SHB 686, CH 75 (1986)
Industrial insurance, dividends on premium discounts, contractor to retain: SB
4970
Industrial insurance, joint select committee on industrial insurance: *SHCR 21,
(1986)
Industrial insurance, notice and order to withhold and deliver, how served: SB
4720, *SSB 4720, CH 9 (1986)
Industrial insurance, offenders performing community service, corrections to
reimburse participants when able: SB 4682, *SSB 4682, CH 193 (1986)

LABOR AND INDUSTRIES, DEPARTMENT OF—cont.

- Industrial insurance, "physician" defined: SB 4472
- Industrial insurance, repayment for rejected but already paid claims: *HB 1490, CH 54 (1986), SB 5018
- Industrial insurance, revising benefits for voluntarily retired workers: SB 5020
- Industrial insurance, self-insurance, claims closure: *SHB 1581, CH 55 (1986), SB 4648
- Industrial insurance, tax collection procedure modified: *SSB 4720, CH 9 (1986)
- Industrial insurance, taxicab operators, leased taxis, independent contracts, excluded: SB 4910
- Industrial safety and health act, citations, appeals, penalties, revisions: *SB 4721, CH 20 (1986)
- Industrially injured workers, department may recommend particular treatment: *SB 4927, CH 200 (1986)
- Industrially injured workers, monitor health services: *SB 4927, CH 200 (1986)
- Injury defined, preexisting back or heart condition, must show exertion contributed substantially: SB 5023
- Innoculation or immunological, treatment may be authorized: *SHB 1873, CH 58 (1986), SB 5015
- Joint select committee on industrial insurance: *SHCR 21, (1986)
- Local governments, self-insurance, security requirements: SB 5019
- Monitor health services furnished to industrially injured workers: *SB 4927, CH 200 (1986)
- Occupational disease resulting in death, self-insured pays into supplemental pension fund: *HB 1721, CH 56 (1986)
- Occupational disease, retirement in instances of total disability: *SB 3193, CH 207 (1986)
- Permanent total disability, must elect an option: *SHB 1873, CH 58 (1986)
- Record keeping by employer required, condition to certain actions: *SSB 4720, CH 9 (1986)
- Self-insurance, claims closure: *SHB 1581, CH 55 (1986), SB 4648
- Self-insurance insolvency fund: SB 5019
- Self-insured employers, study claims closure, fund study via assessment: *SHB 1581, CH 55 (1986)
- Self-insurers, default liability, reimbursement: SB 5022
- Self-insurers, default, reimbursement: *SHB 1783, CH 57 (1986)
- Self-insurers' insolvency trust established: *SHB 1783, CH 57 (1986)
- Self-insurers, local governments, security requirements: *SHB 1783, CH 57 (1986)
- Self-insurers, security requirements for local government: SB 5021
- Smoking, written policy to be adopted by all employers: SB 4482, SSB 4482
- Social security payments, compensation to be offset by: *SHB 1875, CH 59 (1986), SB 5014
- Successor defined, taxes when due stated: *SSB 4720, CH 9 (1986)
- Supplemental pension fund, occupational disease resulting in death, self-insured pays into fund: *HB 1721, CH 56 (1986)
- Taxicab operators, leased taxis, independent contracts, exclude from industrial insurance: SB 4910
- Third party liability modified: *SHB 1873, CH 58 (1986)
- Total disability, return to work, readjust compensation without producing medical evidence re-diminution: *SHB 1875, CH 59 (1986), SB 5016
- Underinsured motorist coverage, subject to 3rd party liability only when owner of policy is the employer: *SHB 1873, CH 58 (1986)

LABOR RELATIONS

- Affirmative action plan by banks who hold or invest state funds: SSB 3345
- Affirmative action plan, submitted by state contractors and subcontractors: SSB 3345
- Collective bargaining, ferry workers, sunset review: SB 4785
- Collective bargaining, higher education, authorized: SHB 32
- Collective bargaining, lapsed, agreements extended until execution of successor agreement: SB 4882

LABOR RELATIONS—cont.

- Collective bargaining, marine employees, study by legislature and affected groups: SHB 1680
- Collective bargaining procedures for the ferry system revised: SB 5006
- Collective bargaining, state patrol, does not include wages and wage-related matters: SB 4972, SSB 4972
- Collective bargaining, union transit worker with public employers: SB 4471, SSB 4471
- Community college negotiations, provision, compensation subject to appropriation: HB 1607
- Ferry system collective bargaining procedures revised: SB 5006
- Ferry workers, collective bargaining, legislature and affected groups to study: SHB 1680
- Ferry workers, sunset review of collective bargaining: SB 4785
- Higher education, collective bargaining authorized: SHB 32
- Industrial insurance, definition of child revised, injuries to mother: *SB 4691, CH 293 (1986)
- Job site safety inspections: *SB 4678, CH 192 (1986)
- Marine employees commission, review by LTC and LBC: SB 4956
- Marine employees commission, sunset review: SB 4785
- State patrol, collective bargaining does not include wages and wage-related matters: SB 4972, SSB 4972
- State patrol considered a public employer of officers: SB 4972, SSB 4972
- Transit workers, union members with public employers, apply public collective bargaining: SB 4471, SSB 4471

LAKEFAIR QUEEN

- Queen Molly Roe welcomes senate members to Olympia p. 50

LAKES

- Flood control districts may engage in lake management district activities: *SSB 4486, CH 278 (1986), SB 4695

LAND USE PLANNING (See also OPEN SPACE)

- Mediation of natural resource disputes: SHB 1429
- Plat approval without a public hearing, conditions: *SSB 3419, CH 233 (1986)
- Plats, irrigation districts, condition, completed water distribution facility: *HB 1353, CH 39 (1986)

LANDLORD AND TENANT

- Public assistance recipients, direct payment of rent on behalf of: SB 4716
- Rent, direct payment of rent on behalf of public assistance recipients: SB 4716
- Venue, county in which premises are located: SB 4454

LAUNDRIES - COIN-OPERATED

- B & O tax modified: SB 4442

LAUNDROMATS

- Taxation of coin-operated laundry facilities modified: SB 4442

LAW ENFORCEMENT (See also DOMESTIC VIOLENCE; STATE PATROL)

- Adults, vulnerable, abuse, exploitation, abandonment, etc., report to DSHS: SB 4544, *SSB 4544, CH 187 (1986)
- Checking account information, disclosure, liability, law enforcement officer: SB 4165, SSB 4165
- Disability board may be reversed by director of retirement: *HB 1652, CH 176 (1986)
- Emergencies, interception or recording of private communications for emergencies: *HB 1058, CH 38 (1986)
- Institutional impact account, reimbursement criteria modified: SB 3233
- Interception or recording of private communications for emergencies: *HB 1058, CH 38 (1986)
- LEOFF, disabled in the line of duty, service credits, conditions of receiving: *HB 1652, CH 176 (1986)
- Liability of police for failing to carry out duties eliminated: SB 4957

LAW ENFORCEMENT—cont.

- Retirement, contributions not required for months not granted service credit: SSB 3717
- Runaways, persons sheltering, notice required: SSB 3243
- Seizure provisions of the uniform controlled substances act, money distribution modified: SB 4783, *SSB 4783, CH 246 (1986)
- Taproom portion of class A, B, D, H, off limits to minors, law enforcement exception: SB 3532
- Telephone communications, interception or recording in emergencies: *HB 1058, CH 38 (1986)

LEASEHOLD EXCISE TAX

- Taxable value, full true and fair value: *HB 1374, CH 251 (1986)

LEASES

- Fair property, owned by 1st class or larger county, lease to nonprofit corporation: SB 4563
- Oil and gas on state land, development, required with due diligence: *HB 1442, CH 34 (1986)
- Sale/leaseback agreements, certain are sales and use tax exempt: SB 4562

LEE, KAI N., Ph.D.

- Member, Pacific Northwest electric power and conservation planning council, GA 290 pp. 344, 735

LEE, SENATOR ELEANOR

- Appointed member, commerce and labor, natural resources and ways and means committees pp. 34-35
- Point of order, scope and object, amendment, SHB 1839 p. 1100
- Point of order, time of free conference report, ESSB 4762 p. 1439
- Point of order, twenty-four hour rule, SSB 4905 p. 1614
- Point of order, twenty-four hour rule, HB 1633 p. 1663

LEGISLATURE (See also CONCURRENT RESOLUTIONS; FLOOR RESOLUTIONS)

- Actuarial fiscal notes for retirement legislation: SHB 376
- Administrative procedure act, joint legislative task force: SSB 4530
- Air pollution source operating permit program, DOE to study program and study air pollution: SHB 1722
- Appellate counsel to indigent criminal defendants, LBC and judiciary committee to study: SSB 3740
- Appliance energy efficiency standards, adopt, report to legislature: SB 4667
- Appliance energy efficiency standards, advise on whether to adopt, report to legislature: SSB 4667
- Archivist and oral history program created: *SB 4712, CH 275 (1986)
- Capital project proposals, submit to review committee by October 20th: SSB 4320
- Child abuse convictions, study establishment of a registry and employment screening: SSB 3377
- Child support, prosecutors to report to legislature on effectiveness of legislation: SSB 3482
- Community college district 12, split, OFM to report on administrative costs: HB 1786
- Comparable worth, LEAP committee to report on implementation: *HB 1703, CH 1 (1986)
- Computer, joint legislative service center established: *HB 1345, CH 61 (1986)
- Computer terminals, L & I to report to legislature on preventative measures: SB 4909
- Counsel, office of legislative counsel established: SB 4523
- Criminal justice system, joint legislative committee, study high rate of minority incarceration: *SHB 1399, CH 257 (1986)
- Cutoff dates for 1986 established: *SCR 125 (1986)
- Day care facilities for state employees on or near work, feasibility study: *HB 1635, CH 134 (1986), SB 4874

LEGISLATURE—cont.

- Day care, joint underwriting association, insurance commissioner to report on experience: *SHB 2080, CH 141 (1986)
- Debt ceiling, DCD to report to governor and legislature on bonds: *SSB 4923, CH 247 (1986)
- Disability employment and economic participation, joint select committee: *HCR 22 (1986), SCR 130
- Districts 19 and 39, A/B lines removed: SB 3842, SSB 3842
- Driver's license as a prerequisite to registration, LTC to study merits: *HB 1614, CH 174 (1986)
- Emergency expenditures, joint committee to allocate funds: SJR 101
- Emergency expenditures, legislature may establish agency to control: SJR 101
- Employment partnership program, report by DSHS and the department of employment security: *2SHB 1505, CH 172 (1986)
- Entrepreneurial education, SPI to develop curriculum, report: SB 4951
- Environmental health programs transferred from DSHS to DOE, report to legislature: SSB 4308
- Ferry system, Puget Sound, transportation commission to submit a financial plan: SB 4787
- Ferry workers, collective bargaining, legislature and affected groups to study: SHB 1680
- Fingerprints, automatic finger printing information system implement and study: SB 4710, *SSB 4710, CH 196 (1986)
- Fishing, recreational licenses, food and game, study and report on consolidation: *SB 4569, CH 164 (1986)
- Fuel refiner/suppliers, are they injuring competition, attorney general to study: SSB 4623
- Governor appointments, confirmation within set time or appointment expires: SB 4496
- Governor appointments, senate sessions for confirmation authorized: SJR 133
- Governor appointments, successors appointed within 90 days of removal: SB 4496
- Governor notified that the legislature is organized to conduct business on 1/13/86: *HCR 17 (1986)
- Governor's state of the state message, joint session of the legislature called 1/14/86: *HCR 16, (1986)
- Hanford low-level waste facility, DOE to report on site closure, perpetual care, and insurance coverage: *SSB 4876, CH 2 (1986)
- Hazardous materials, joint select committee to study transportation: SCR 128
- Hazardous wastes, farms, small amounts, DOE to report on: *SSB 5026, CH 201 (1986)
- Heating termination, WUTC to report to legislature: *SSB 4766, CH 245 (1986)
- High school dropout alternative program, SPI report: SB 4321, SSB 4321
- Industrial insurance, joint select committee on industrial insurance: *SHCR 21, (1986)
- Industrial wastewater discharge, investigate incentive methods, report to legislature: SHB 1787
- Insurance, property or casualty, equitable apportionment among insurers to provide coverage for those unable to obtain, report: SSB 4539
- Joint legislative service center established: *HB 1345, CH 61 (1986)
- Joint select committee on disability employment and economic participation: *HCR 22 (1986), SCR 130
- Joint select committee on industrial insurance: *SHCR 21, (1986)
- Joint select committee on telecommunications to study city telephone business utility taxes: SHB 1892
- Joint select legislative committee on natural heritage resources: SCR 127
- Juvenile disposition standards commission to propose state-wide standards to the legislature: *SB 4738, CH 288 (1986)
- Juvenile disposition standards commission to review confinement, diversion, first offenders, report to legislature: *SB 4738, CH 288 (1986)
- Juveniles, mandatory state-wide standards to legislature by 11/1/87: SB 4485
- LBC and judiciary committee to study appellate defense for indigents: SSB 3740

LEGISLATURE—cont.

- LBC and LTC to review marine employees commission: SB 4956
- LBC oversight duties curtailed: *SB 4452, CH 158 (1986)
- LBC to review ORV allocations and limitations: *SHB 1382, CH 206 (1986)
- LBC to study nursing home reimbursement system: *HB 1631, CH 175 (1986)
- LBC, unanticipated receipts, budget approval process modified: SB 3017, SSB 3017
- LEAP committee to report on comparable worth implementation: *HB 1703, CH 1 (1986)
- Legal representation, legislature may employ own counsel: SB 4525, *SSB 4525, CH 323 (1986)
- Legislative systems administrative committee created: *HB 1345, CH 61 (1986)
- Legislative systems committee created: SSB 4141
- LIS transferred from the code reviser to the legislative systems administrative committee: *HB 1345, CH 61 (1986)
- LIS transferred to legislative systems committee: SSB 4141
- Long-term care, legislative committee to study long-term care corporations: SHB 1717
- Marine employees commission, review by LTC and LBC: SB 4956
- Mediation of natural resource disputes, committee to report to legislature: SHB 1429
- Mediation of natural resource disputes, report to legislature: SHB 1429
- Misdemeanors, decriminalization of misdemeanors, joint select committee: SB 4610, SSB 4610
- Nursing homes, LBC to study reimbursement system: *HB 1631, CH 175 (1986)
- Office of legislative counsel established: SB 4523
- Pacific fisheries legislative task force, creation: HCR 18
- Prison work program, effectiveness, report to legislature: *SHB 594, CH 94 (1986)
- Public disclosure commission to report on public disclosure: SB 4509
- Reintroduction of measures introduced during 1985 session: *SCR 124 (1986)
- Residential schools, program options, report to legislature by DSHS: *SSB 4658, CH 146 (1986)
- Retirement, joint interim committee on retirement created: *SSB 3182, CH 317 (1986)
- Retirement legislation to have actuarial fiscal notes: SHB 376
- Retirement systems, study of post-retirement adjustments by joint committee: SCR 134
- Salaries, citizens' commission on salaries for elected officials: *SHB 1331, CH 155 (1986)
- Salaries, elected state officials, adjustment, 1987 through 1991, state committee on salaries to do major review: SB 4674, *SSB 4674, CH 161 (1986)
- Salaries of elected officials, fixed by an independent commission: *SHJR 49 (1986)
- School construction financing, joint select committee created: SHB 1830
- School construction fund, timber sales of surplus over sustained yield, DNR to study and report: *HCR 29 (1986)
- School dropouts, grade 9-12, report annually to legislature: SB 5037, *SSB 5037, CH 151 (1986)
- Schools, primary block programs, K-3, pilot program established: SB 5038, SSB 5038
- Science and technology, joint committee extended: SCR 103
- Seat belts, commission on equipment to report on mandatory law: *SHB 1182, CH 152 (1986)
- Seat belts mandatory, report effectiveness to legislature: SB 4589
- Self-insured employers, study claims closure, fund study via assessment: *SHB 1581, CH 55 (1986)
- Senate confirmations required within set time or appointment expires: SB 4496
- Senate confirmations, special sessions authorized: SJR 133
- Service stations, retail market since deregulation, study: SB 4623
- Sessions, odd-numbered year, purposes specified and limited: SB 4560
- Sessions, regular to begin in February: SB 4560
- Sessions, senate confirmation sessions authorized: SJR 133

LEGISLATURE—cont.

- Sexual offender treatment program, administration plan by DSHS and Corrections, report to legislature: *SHB 1598, CH 301 (1986), SB 4736, SSB 4736
- Sine die 1986: *SCR 136 (1986)
- Sine die 1986 session, governor notified: *HCR 28 (1986)
- Sludge, DOE to report to legislature: *SSB 4790, CH 297 (1986)
- Smoking restrictions in state offices, DSHS to provide an evaluation of compliance: SHB 1432
- Special needs program, categorical educational services, advisory committee formed, SPI to conduct study and report: *SHB 1829, CH 139 (1986)
- SPI to develop model curriculum concerning entrepreneurial education, report: SB 4951
- State agency emergency expenditures, establish agency to control: SJR 101
- Teacher evaluation, SPI to report to legislature: *SHB 1831, CH 73 (1986)
- Telephones, WUTC to study and report on switching costs for local service: SB 5046
- Timber sales of surplus over sustained yield, school construction, DNR to study and report: *HCR 29 (1986)
- Trade development services, report by DTED: SHB 1488
- Trade information services, report to legislature: *SB 4463, CH 183 (1986)
- Underground storage tank problem, study, report: SB 4797, *SSB 4797, CH 289 (1986), SB 5030
- Unemployment insurance, joint select committee on unemployment insurance and compensation established: *SHB 1802, CH 106 (1986)
- Vacancies, elective office, multi-county district, procedures: SB 4639, *SSB 4639, CH 159 (1986), SJR 138, *SSJR 138 (1986)
- Water pollution control facilities, water quality account use, report by DOE to legislature: SB 4519, *SSB 4519, CH 3 (1986)
- Water pollution discharge permits, DOE to report to legislature on effectiveness: SB 4798, SSB 4798
- Water quality protection needs of state, excluding Puget Sound, report to legislature: SB 4519, *SSB 4519, CH 3 (1986)
- Water supply availability for agriculture, department of agriculture to study and report: *SSB 4418, CH 316 (1986)
- Woodstoves, DOE to provide rules to appropriate standing committees: SHB 905

LEKSTRUM, MARVIN

- Member, export assistance board of directors, GA 275,
confirmed pp. 23, 1694, 1746

LIBRARIES

- Boundary review participation by libraries authorized: SB 3339
- Commission duties regarding grants modified: *SB 4723, CH 79 (1986)
- Grants, acceptance and distribution, commission duties regarded: *SB 4723, CH 79 (1986)
- Law library funds, civil action filing fees, modifications: SSB 3740
- Library districts, redefined: *SB 4584, CH 189 (1986)

LICENSING, DEPARTMENT OF (See also BUSINESS LICENSE CENTER;

- MASTER LICENSE SYSTEM: MOTOR VEHICLES)
- Amusement rides regulated: *SB 3495, CH 86 (1986)
- Commodities and securities licensing program: *SB 4527, CH 14 (1986)
- Commodity-related activities, regulation of, supplemental budget: SB 4762
- Consolidating the administrative functions of the state licensing program: SHB 1758, SB 4879
- Master license system, supplemental budget: SB 4762
- Respiratory care practitioner, certification mandatory, procedure: SHB 1609
- Secretary of state abolished, duties transferred: SB 4495
- Vessel dealers, registration and regulation, supplemental budget: SB 4762

LEUTENANT GOVERNOR (See also CHERBERG, JOHN A.; also PRESIDENT OF THE SENATE)

Salaries, elected state officials, adjustment, 1987 through 1991, state committee on salaries to do major review: SB 4674, *SSB 4674, CH 161 (1986)

Salary increase: SSB 3266

Term of office, when it commences: SB 4560

LIFE-CYCLE COST ANALYSIS

Public buildings: *SB 3018, CH 127 (1986)

LIQUOR CONTROL BOARD (See also ALCOHOL; DRUNK DRIVING)

Alcoholic content of drinks, class H licensees need to list: SB 4555

Auto racetracks, sale of wine authorized: SHB 529

Beer, class E and/or F, minors may stock and handle: *SSB 3532, CH 5 (1986)

Board terms modified: *HB 1708, CH 105 (1986), SB 4940

Class A, B, D, H, taproom portion off limits to minors, exceptions: SB 3532

Class E and/or F, minors may stock and handle: *SSB 3532, CH 5 (1986)

Class E, F, minor employees may stock: SB 3532

Class H license, liquor by the bottle: *SB 3336, CH 208 (1986)

Class H licensees need to list alcoholic content of drinks: SB 4555

Class P licenses authorized, flower shops: *SHB 1460, CH 40 (1986)

Flower shops, class P license, wine delivery: *SHB 1460, CH 40 (1986)

Guns forfeited if person has .10 alcohol per 210 liters of breath: *HB 1499, CH 153 (1986)

Hotels may sell liquor by the bottle: *SB 3336, CH 208 (1986)

Language, regulation of content of spoken language, authority removed: HB 1378, *SB 4538, CH 214 (1986)

Taproom portion of class A, B, D, H, off limits to minors, exceptions: SB 3532

Toxicological laboratory funding modified: SB 4221, *SSB 4221, CH 87 (1986)

Wine, class E and/or F, minors may stock and handle: *SSB 3532, CH 5 (1986)

Wine containing nonalcoholic beverages, tax reduced by ratio of alcohol to beverage: SB 4718

Wine delivery by flower shops, class P license: *SHB 1460, CH 40 (1986)

Wine, sale at auto racetracks authorized: SHB 529

Wine, wine grower's license for sale of wine: *SB 4538, CH 214 (1986)

LITERACY

Adult literacy program: SSB 3517, 2SSB 3517, 3SSB 3517

Advisory coalition for adult literacy created: SB 4692

State advisory literacy coalition: SSB 3517, 2SSB 3517, 3SSB 3517

LITTER

Litter control, supplemental budget: SB 4762

LIVESTOCK (See also HORSES)

Brucellosis, appropriation for the prevention: SB 4771

Bulls, proportion of bull to cow ratio, agreements allowed: *HB 1900, CH 177 (1986), SB 4552, SSB 4552

Bulls, range areas, may agree to run any bull in common areas: *HB 1900, CH 177 (1986), SB 4552, SSB 4552

Cruelty to animals, protections, revisions: SB 4607

Diagnostic services program, fees, revenue usage: SB 5044, *SSB 5044, CH 203 (1986)

Diseases, appropriation for the prevention of brucellosis: SB 4771

Feed, excise taxation revised, feedlots or stockyards: SB 4769

Feed, excise taxation revised, public livestock markets and stockyards: *SSB 4769, CH 265 (1986)

Fencing, of stock restricted areas adjoining running at large, costs: SB 4552, SSB 4552

Personal consumption, exempt from sales and use tax: *SSB 4425, CH 182 (1986)

Range areas, may agree to run any bull in common areas: *HB 1900, CH 177 (1986), SB 4552, SSB 4552

Sales for personal consumption exempt from sales and use tax: *SSB 4425, CH 182 (1986)

LIVESTOCK—cont.

- Security interests, livestock, meat, or meat products, when they cannot attach:
 *SHB 2014, CH 178 (1986)
 Tax, livestock sold for personal consumption exempt from sales and use tax: *SSB
 4425, CH 182 (1986)

LIVING WILLS

- Organ donation procedures to be developed by hospitals: SB 4455, *SSB 4455, CH
 129 (1986)

LOANS

- Housing trust fund created, low-income assistance: SB 4626
 State land bank established: *HB 1899, CH 284 (1986), SB 4799
 Washington state development loan fund committee, conflict of interest exemp-
 tion repealed: *HB 1337, CH 204 (1986)
 Washington state development loan fund committee, grants to entitlement com-
 munities, conditions altered: *HB 1337, CH 204 (1986)

LOCAL GOVERNANCE STUDY COMMISSION

- Taxation, study junior taxing districts: *SHB 1270, CH 107 (1986)

LOCAL IMPROVEMENT DISTRICTS

- Appeal of formation, extending time allowed: *SHB 1564, CH 256 (1986)
 Creation, appeal, extending time allowed: *SHB 1564, CH 256 (1986)
 Protests, extending time allowed: *SHB 1564, CH 256 (1986)
 Publication notice requirements: SB 4448, *SSB 4486, CH 278 (1986)

LOG TRUCKS

- Liens for labor and services on timber and lumber extended: *SSB 3948, CH 179
 (1986)

LONG, DELBERT L.

- Member, state housing finance commission, GA 162,
 confirmed pp. 809, 1580

LONNQUIST, JUDITH

- Member, lottery commission, GA 209,
 confirmed pp. 11, 1693, 1694, 1746

LOTTERY

- Claims against winners, state agencies may assert prior to disbursement: *SHB
 1433, CH 83 (1986)
 Conflict of interest, private benefit due to public employment prohibited: *SSB
 3590, CH 4 (1986)
 Employees, private benefit due to public employment prohibited: *SSB 3590, CH
 4 (1986)
 Funds, use for urban area parks: SB 4516
 Private benefit due to public employment prohibited: *SSB 3590, CH 4 (1986)
 Prizes subject to debts owed state, taxes, support, unpaid judgments: SB 5001, SSB
 5001
 Urban area parks, funded via lottery proceeds: SB 4516

LOTTERY COMMISSION

- Mary Christopherson, member, GA 211,
 confirmed pp. 11, 1693, 1994, 1746
 Judith Lonnquist, member, GA 209,
 confirmed pp. 11, 1693, 1694, 1745

LOUIE LOUIE

- Official state rock-n-roll song: SB 5024

LOWER COLUMBIA COMMUNITY COLLEGE DISTRICT NO. 13

- Richard Graham, trustee, GA 236, confirmed pp. 16, 1131, 1735

LUCAS, MOYES

- Member, state parks and recreation
 commission, GA 175 pp. 5, 691

LUDERS, ED

Member, state parks and recreation commission.

GA 116 p. 691

LUDWIG, JANICE M.

Trustee, Columbia Basin community college

district no. 19, GA 240, confirmed pp. 17, 1132, 1736

LUKINS, SCOTT B.

Member, board of regents, Washington State University,

GA 245, confirmed pp. 17, 59, 197

MAGISTRATES

Judicial qualifications commission has jurisdiction: SB 3092

MAGNESIUM

Production of magnesium, chemicals used in process, tax revised: *HB 1851, CH 231 (1986), SB 4978

MAIL

Pseudo-games of skill via mail prohibited: SHB 1395

MALPRACTICE

Health care provider defined: SB 4993

Insurance providers to report certain payments to disciplinary board: *SHB 1950, CH 300 (1986)

Medical disciplinary board procedures: *SHB 1950, CH 300 (1986), SB 4992

Noneconomic damage: *SSB 4630, CH 305 (1986)

Personal injuries, wrongful death, medical malpractice, waiver of privileged communications, when: SB 4994

Physicians' professional liability insurance merit rating plan: SB 4631

Prevention programs and scrutiny of physicians prior to granting hospital privileges: *SHB 1950, CH 300 (1986), SB 4631

Reporting duty of other physicians to report: SB 4992

Statute of limitation modified for health care providers: SB 4993

Tort reform: *SSB 4630, CH 305 (1986)

MANHOLES

Safety requirements for construction and repair: SB 4474, SSB 4474

Underground vault safety requirements for construction and repair: SSB 4474

MANUFACTURERS

Magnesium production, chemicals used in process, tax revised: *HB 1851, CH 231 (1986), SB 4978

Tax deferrals for manufacturing or research and development, expiration date extended: *SHB 1754, CH 116 (1986)

MANZO, KEN

Member, 1937 Cleveland High School championship football

team coached by President Cherberg, introduced p. 236

MARINAS

Sanitary pumpout facilities at marinas: SB 4773, SSB 4773

Sanitary pumpout facilities at marinas, study need, investigate funding: SB 4773, SSB 4773

MARINE MAMMALS

Mediation of natural resource disputes: SHB 1429

MARINE TRANSPORTATION

Department created: SB 4956

MARITIME TECHNOLOGY

Higher education, western interstate compact, program authorized: SSB 3558

MARKET DEVELOPMENT

Agriculture products, marketing at sites of production: HB 1472

Energy conservation, DTEP, DCED, and energy office, promote state conservation industry: SHB 1981

MARKET DEVELOPMENT—cont.

- Fisheries products, design of an enhanced marketing plan by DOF and DTED: *HB 1362, CH 62 (1986)
- Trade development services, coordinated network, use state trade fair surplus funds: SHB 1488
- Washington products, development and promotion by DTED: *SB 4463, CH 183 (1986)

MARKETING COMMISSIONS (See also AGRICULTURE)

- Commodity-related education, training, and leadership, funds authorized: SB 3020
- Horses, Washington-bred, marketing program by department of agriculture: *SHB 1355, CH 202 (1986).

MARRIAGE

- Child abuse treatment funds from marriage license fee: SB 4461
- Community property, quasi-community property established: *HB 1686, CH 72 (1986)

MARTIN, DR. EDITH

- Member, high-technology coordinating board, GA 171 p. 5

MARTINEZ, SIMON

- Member, oil and gas conservation committee, GA 143, confirmed pp. 181, 668

MASON COUNTY

- Judicial positions added, Mason and Thurston counties, dividing the district: *HB 1393, CH 76 (1986), SB 4759

MASSAGE OPERATORS

- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

MATERNITY LEAVE

- State and political subdivision, maternity vacation: SB 4597

McCASLIN, SENATOR BOB

- Appointed member, energy and utilities, governmental operations and judiciary committees pp. 34-35
- Parliamentary inquiry, question amendment under consideration, ESSB 4630 p. 492
- Point of order, reading on senate floor, ESSB 4784 p. 539

McDERMOTT, SENATOR JAMES A.

- Appointed member, ways and means, education and financial institutions committees pp. 34-35
- Motion to suspend rules and advance, ESSB 4762 to third reading p. 657
- Point of order, scope and object, amendment, ESHB 1447 p. 994
- Points of order, scope and object, amendment, SHB 1839 pp. 1056, 1103
- Point of order, scope and object, amendment, EHB 2055 p. 1121
- Remarks, timing of free conference report, ESSB 4762 p. 1439

McDONALD, SENATOR DAN

- Appointed member, commerce and labor, human services and corrections and ways and means committees pp. 34-35
- Parliamentary inquiry, votes needed to suspend rules, ESSCR 126 p. 86
- Parliamentary inquiry, previous question vote, ESSCR 126 p. 96
- Parliamentary inquiry, votes needed to pass bill, SSB 3842 p. 116
- Parliamentary inquiry, votes needed to pass bill, SSB 4661 p. 370
- Parliamentary inquiry, citation on ruling, SSB 4661 p. 373
- Parliamentary inquiry, votes needed to suspend rules, SB 4875 p. 434
- Parliamentary inquiry, order of amendments, SB 4875 p. 435

McDONALD, SENATOR DAN—cont.

Parliamentary inquiry, roll call request on amendments, SSB 4630	p. 448
Parliamentary inquiry, question and objection, SSB 4630 recorded verbatim	p. 459
Point of order, scope and object, amendment, SSB 4630	p. 482
Parliamentary inquiries, votes needed to immediately reconsider, SJR 128	pp. 597, 598
Motion to consider SB 4795	p. 621
Parliamentary inquiry, ESHB 1479, properly before senate	p. 699
Point of order, SHB 1457, properly before senate	p. 708
Point of order, ESHB 1182, properly before senate	p. 715
Parliamentary inquiry, amendments included in motion, ESHB 32	p. 832
Motion to refer ESHB 32 to committee on education	p. 834
Parliamentary inquiry when scope and object in order, SHB 1593	p. 874
Point of order, scope and object, amendment, SHB 1433	p. 886
Point of order, scope and object, amendment, ESHB 2021	p. 1009
Parliamentary inquiry, HB 1440 in possession of senate	p. 1059
Motion for division of question, adopt remaining amendments, ESHB 1992	p. 1072
Point of order, divide question, ESHB 1992	p. 1072
Point of order, requests ruling, ESHB 1182 properly before senate	p. 1078
Point of order, requests ruling, SHB 1457 properly before senate	p. 1098
Points of order, requests ruling, bills considered after 5 p.m.	pp. 1122, 1123
Parliamentary inquiry, order of amendments, ESHB 495	p. 1124
Parliamentary inquiry, question adopting amendments on one motion, ESHB 495	p. 1125
Parliamentary inquiry, clarification of motion, SSB 4590	p. 1465
Point of inquiry/Bottiger, clarification on limitations of special session	p. 1758

McEACHRAN, DAVID S.

Member, corrections and standards board, GA 136, confirmed	pp. 75, 189
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McELHERAN, PEARL

Member, higher education coordinating board, GA 219, confirmed	pp. 13, 137, 807
--	------------------

McKEE, PRINCESS KATIE

Apple blossom festival, Wenatchee royalty court introduced	p. 665
--	--------

McLEAN, B. J.

Member, clemency and pardons board, GA 258	p. 20
--	-------

McMANUS, SENATOR MIKE

Appointed member, small business subcommittee, energy and utilities, governmental operations and education committees	pp. 34-35
---	-----------

MEDAL OF MERIT

State medal created: *HB 244, CH 92 (1986)

MEDICAL ASSISTANCE

Eligibility, community property, ignore separate property agreements: SB 4659, *SSB 4659, CH 220 (1986), SB 4751, SSB 4751	
Health care project commission, indigents: *SHB 2021, CH 303 (1986)	
Prenatal and obstetrical care clinics for uninsured women: SB 4699	
Prenatal care for low-income women, appropriation increased: HB 1380	
Statute of limitations, crimes, 5 years: *SHB 1580, CH 85 (1986), SB 4657	

MEDICAL DISCIPLINARY BOARD

- Assistant attorney generals are subject to continuing approval of board: SB 4992
- Insurance providers to report certain payments to disciplinary board: *SHB 1950, CH 300 (1986)
- Investigators, subject to continuing approval of board: SB 4992
- Malpractice procedures: *SHB 1950, CH 300 (1986), SB 4992
- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

MEDICAL EXAMINERS

- Death penalty pronouncements to be made by a licensed physician: *SSB 4683, CH 194 (1986)
- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

MENTAL HEALTH

- Adult abuse, order for protection: *SSB 4544, CH 187 (1986)
- Adults, vulnerable, abuse, exploitation, abandonment, etc., report to DSHS: SB 4544, *SSB 4544, CH 187 (1986)
- Children and family services, department created: SB 4889
- Children, community mental health services revised: SB 4596, *SSB 4596, CH 274 (1986)
- Commitments, DSHS responsible for costs, persons committed are liable to DSHS for costs: HB 1691
- Community mental health services for children, revisions: SB 4596, *SSB 4596, CH 274 (1986)
- Cost of commitment in state institutions, DSHS responsible, persons committed liable: HB 1691
- Educational requirements for mental health professionals: SHB 1651
- Homeless, crisis management centers established: SB 4484
- Insurance coverage, children, continues past age of majority: SSB 3541
- Insurance coverage, provisions revised: SB 4531, *SSB 4531, CH 184 (1986)
- Juveniles, sexual offenders' treatment, UW pilot project: SB 4532
- Neurologically impaired, demonstration project at northern state hospital: SB 4914
- Nurses, privileged communications, exception, mental illness cases: *SB 4529, CH 212 (1986)
- Prosecuting attorney notified when mentally disordered person is released: *SHB 1976, CH 67 (1986)
- Psychologists, licensing revised: SB 4629, *SSB 4629, CH 27 (1986)
- Rape by a counselor is a felony, consent gained via relationship: SB 4796
- Registration and certification of mental health professionals: SHB 470
- Release of mentally disordered person, notify prosecuting attorney: *SHB 1976, CH 67 (1986)
- Sex abuse, committee on education on the problems of child sexual abuse created: SB 4735
- Sexual offenders' treatment, juveniles, UW pilot project: SB 4532
- State hospitals, purchasing authority: SB 4613, SSB 4613

MENTAL SPORTS COMPETITION AND RESEARCH COMMISSION

- Established: SB 3405

METAL DETECTORS

- Permits for use on state beaches may be issued: SB 4286

METCALF, SENATOR JACK

- Appointed member, judiciary, natural resources and transportation committees pp. 34-35
- Parliamentary inquiry, recorded motion to reconsider HB 1722 p. 1676

METHADONE

- Treatment services, criteria modified: *SHB 1479, CH 53 (1986)

METROPOLITAN MUNICIPAL CORPORATIONS

- Connection charges may be collected by a metropolitan municipal corporation: SB 4168

METROPOLITAN PARK DISTRICTS

Advertising and promoting of park and facilities authorized: SHB 1484
 Creation of district, population threshold, election procedure: SHB 1484
 Historic preservation activities authorized: SHB 1484

METROPOLITAN TRACT

Sale authorized: SHB 1351

MICKELSON, KAYE

Member, Spokane joint center for higher education
 administrative board, GA 225 p. 14

MIDWIFERY

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

MILITARY (See also VETERANS' AFFAIRS)

Community property settlements, modifications authorized: SB 3211
 Historic installation, tax exempt: SB 3878
 MIA, requesting information: SJM 132, *SSJM 132 (1986)
 Nuclear weapons, negotiate a verifiable test ban treaty: SSJM 120
 Nuclear weapons, negotiate a verifiable test ban treaty and stop testing: *HJM 26
 (1986), SJM 120

MILLER, ARLENE

Trustee, Skagit Valley community college
 district no. 4, GA 229, confirmed pp. 14, 756, 1733

MILLER, KAREN

Trustee, Edmonds community college
 district no. 23, GA 206, confirmed pp. 10, 755, 1733

MINES

Open mines and shafts, requesting congress to fund sealing: SJM 140
 Surface mining permits and fees modified: SHB 1096

MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF

Ralph C. Ruff, director, GA 289, confirmed pp. 280, 810, 1749
 Certification programs, identify: SHB 1555

MITCHELL, JOHN

Trustee, Olympic community college district no. 3,
 GA 228, confirmed pp. 14, 755, 1733

MOBILE HOMES

Dealers, licensing provisions modified: SB 4497, *SSB 4497, CH 241 (1986)
 Excise tax, dealer inventory, used homes, procedure modified: SB 4503
 Inspection of motor homes, mobile homes, recreational vehicles, factory built
 housing and commercial coaches, revisions: SB 4881
 Sales and use tax exemption, used, rented, leased: SB 4503, *SSB 4503, CH 211
 (1986)
 Taxation, used mobile home redefined for excise tax on real estate sales: SB 4503,
 *SSB 4503, CH 211 (1986)

MODEL TRAFFIC ORDINANCE

Updated: *SB 4747, CH 24 (1986)

MOMENTS OF SILENCE

In memory of seven member crew, Space Shuttle Challenger p. 186
 Observed for Al Stratton, husband of Senator Stratton p. 239
 In memory of Charles Goldmark family p. 257

MONTOYA, FRED

Member, human rights commission, GA 210,
 confirmed pp. 11, 499, 806

MOORAGE

Facilities' procedures for transient vessels modified: *HB 1504, CH 260 (1986)

MOORE, SENATOR RAY

Appointed member, financial institutions, commerce and labor, judiciary and ways and means committees pp. 34-35

MOTELS

Special excise tax, proceeds may be used for capital improvement debts already incurred: *HB 1954, CH 104 (1986), SB 5048

Special excise tax, use to expand tourism in distressed areas: *HB 1825, CH 308 (1986)

MOTIONS TO LIMIT DEBATE

Senator Bottiger motions, 3-minute rule pp. 277, 785

MOTOR FREIGHT CARRIERS

B & O tax by city limited to previous 4 years: SB 5000

Deregulating trucking industry: SB 5025

Passing, certain vehicles to stay right except when passing: SB 4950

Radiation control agency, transportation of radioactive waste, procedures: SB 4663, SSB 4663

WUTC and state patrol duties clarified regarding private and motor carriers: SB 4998

MOTOR VEHICLES (See also DRUNK DRIVING)

Abstracts of driving records, insurance denial based on; prohibited unless at fault: *SHB 1368, CH 74 (1986)

Abstracts, speeding, exclude energy resource use restrictions, from abstracts: SB 4795

Accident prevention course and over 55, lower insurance rates: *SSB 3458, CH 235 (1986)

Accident report fees to be deposited in state patrol highway account: HB 1397

Alcohol-sensing ignition interlocks for DWI deferred prosecution: SB 4577, SSB 4577

Automotive policy board obsolete references removed: SB 3030

Bad checks, penalties for payment of vehicle fees with bad checks: SB 4912, SSB 4912

Child restraints, under 6 years versus 5 years: SB 5002

City taxation of motor vehicle and special fuels modified: SB 3535

Confidential license plates, legislative auditor to receive list: SB 3030

Contributory fault, no recovery with motor vehicle case if over 50%, DWI is over 50%: SB 4775

Covered loads to prevent debris escape: *SHB 1363, CH 89 (1986), SB 4924

Criminal justice assistance account, target offenses: 2SSB 3764

Criminal justice assistance account, 1/40 of 1% motor vehicle tax: 2SSB 3764

Dealers and manufacturers licenses, office security, deposit: SB 4608, SSB 4608

Dealers, established place of business, waive requirements if purpose of law still achieved: *SB 4891, CH 199 (1986)

Dealers, licensing provisions modified: SB 4497, *SSB 4497, CH 241 (1986)

Debris falling from vehicles, prohibited, requirements: *SHB 1363, CH 89 (1986), SB 4924

Debris, vehicles to be equipped with screens to prevent escape: *SHB 1363, CH 89 (1986)

Diesel fuel, annual license fee in lieu of the fuel tax: SB 4774

Disability benefits, motor vehicle certificate stating person may drive, confidential, exemption: *HB 1652, CH 176 (1986)

Disabled parking privileges for senior citizens, nonprofit agencies, and nursing home transport vehicles: *SHB 1815, CH 96 (1986)

Disabled parking privileges for vehicles operated by nursing homes: *SHB 1815, CH 96 (1986)

Drivers' instruction permit, waiver of exam allowed: *SB 4617, CH 17 (1986)

Driver's license as a prerequisite to registration, LTC to study merits: *HB 1614, CH 174 (1986)

Driver's license confiscated if driving without financial responsibility: 2SHB 879

Driver's license, if invalid plates won't be issued: 2SHB 879

MOTOR VEHICLES—cont.

- Driver's license, if invalid registration won't be issued: 2SHB 879
 Drivers license, probationary and provisional: SB 4643, SSB 4643
 Driver's license, valid license is a condition for vehicle license: HB 1614
 Drivers' licenses, distinguish between those under and over age 21: SB 4511
 Drivers to have insurance, bond, deposit, or self-insurance: SB 4313, SSB 4313
 Driving record, abstracts, denial of insurance based on; prohibited unless at fault: *SHB 1368, CH 74 (1986)
 Driving without a license, mandatory court appearance requirement removed: *SB 4537, CH 213 (1986)
 Driving without valid license, confiscate plates and driver's license: 2SHB 879
 Dromedary truck tractors and stinger-steered trailers, allowing for transportation of motor vehicles: SB 4930
 Electronic fund transfer payment of motor vehicle fuel tax: SHB 1661
 Energy resource use restrictions, exclude speeding violations from insurance abstracts: SB 4795
 Equipment regulation, federal law recognized commission on equipment duties: SB 4687
 Fees, collection of by agents, increased to \$2: SB 4913, SSB 4913
 Fees, payment of fees with bad checks penalties: SB 4912, SSB 4912
 Financial responsibility, confiscate plates and license if driving without: 2SHB 879
 Financial responsibility, insurance, bond, deposit, or self-insurance required: SB 4313, SSB 4313
 Financial responsibility, proof of is a license condition, penalties: SHB 227, SSB 3306
 Forfeiture of vehicles driven by DWI second-charge persons: SB 4688
 Franchises, gasoline, retail trading practices, regulated: *SB 4620, CH 320 (1986)
 Freeway traffic flow, passing lane created: *HB 507, CH 93 (1986)
 Fuel, franchises, retail trading practices, regulated: *SB 4620, CH 320 (1986)
 Fuel, major refiners' control of retail gas stations, limit: SB 4622
 Fuel, motor fuel refiner-supplier, control of gas stations limited: SSB 4622
 Fuel refiner/suppliers, are they injuring competition, attorney general to study: SSB 4623
 Fuel, retail gasoline market since deregulation, study: SB 4623
 Fuel, retail sale, franchises, restricted: SB 3418
 Fuel, specific pricing formula for major refiners supplying independent outlets: SB 4621, SSB 4621
 Fuel tax, payment procedures modified, lateness, etc.: SHB 1661
 Headlights required in fog: SB 5004
 Hitchhiking outlawed: SB 4480
 Identicards, expiration on holder's birthdate: *SB 4512, CH 15 (1986)
 Identicards, juveniles may be voluntarily fingerprinted: SB 4513
 Implied consent, breathalyzer test refusal, evidentiary use restricted: *HB 1459, CH 64 (1986)
 Implied consent, repealing written summary requirement: *HB 1518, CH 101 (1986)
 Indian tribal governments exempt from vehicle license fees: SSB 3347
 Indians, vehicle licensing reciprocity granted to Indian tribes: SB 4757, *SSB 4757, CH 30 (1986)
 Inspection of motor homes, mobile homes, recreational vehicles, factory built housing and commercial coaches, revisions: SB 4881
 Insurance, accident prevention course and over 55, lower rates: *SSB 3458, CH 235 (1986)
 Insurance, bond, deposit, or self-insurance required: SB 4313, SSB 4313
 Insurance or bond required: SHB 227, SSB 3306
 Insurance or other financial responsibility is license condition, penalties: SHB 227, SSB 3306
 Insurance, reasonable minimum standards established by commissioner: SHB 41
 International registration plan revised: SB 4618, *SSB 4618, CH 18 (1986)
 IRP plan revised: SB 4618, *SSB 4618, CH 18 (1986)
 Juveniles, voluntary fingerprinting for identicards: SB 4513

MOTOR VEHICLES—cont.

- License expiration, notify vehicle owner 60 days before: SB 4670
- License fees, special 50 cent assessment, noxious weed control: SB 3234
- License plate and registration renewal, conditioned on valid license: 2SHB 879
- License plates, centennial commemorative design, coincides and replaces total reissuance program: *SB 4675, CH 280 (1986)
- License plates, centennial commemorative plates authorized: SB 4902
- License plates, confidential, list to legislative auditor: SB 3030
- License plates confiscated if driving without license or financial responsibility: 2SHB 879
- License plates for unmarried surviving spouses of deceased former prisoners of war: SB 4457
- License plates, mandatory replacement of new plates, repeal requirement: SB 4675
- License plates not issued if driver's license invalid: 2SHB 879
- License plates, personalized, one position allowed: *HB 1483, CH 108 (1986)
- License plates, special plates for foreign representatives, repeal: *HB 1483, CH 108 (1986)
- Log truck liens and real property liens for labor and services on timber and lumber extended: *SSB 3948, CH 179 (1986)
- Model traffic ordinance updated: *SB 4747, CH 24 (1986)
- Motorist service businesses, municipalities may permit directional signs: *SHB 1493, CH 114 (1986), SB 4958
- Mud flaps, requirements modified: SB 4924
- Municipal courts, cities may not repeal certain motor vehicle offenses: SSB 3740
- Nonhighway vehicles redefined: *SHB 1382, CH 206 (1986)
- Noxious weed control funding, special 50 cent assessment on license fees: SB 3234
- Obsolete references to automotive policy board removed: SB 3030
- Ocean beaches, driving on prohibited, designated as natural areas: SB 4510
- Odometer regulation modified: SB 4464
- Oil, recycling, above-ground tanks, state fire protection board and DOE to develop standards: *SHB 37, CH 37 (1986)
- ORV account renamed ORV and nonhighway vehicle account, allocation modified: *SHB 1382, CH 206 (1986)
- ORV and nonhighway vehicle program, hearing process: *SHB 1382, CH 206 (1986)
- ORV certificate of ownership: *SSB 4536, CH 186 (1986)
- ORV, LBC to review allocations and limitations: *SHB 1382, CH 206 (1986)
- ORV, nonhighway vehicles redefined: *SHB 1382, CH 206 (1986)
- ORV, permit process revised: *SHB 1382, CH 206 (1986)
- ORV trail redefined as a multiple-use corridor: *SHB 1382, CH 206 (1986)
- Oversize vehicles, undersize loads allowed: HB 1855
- Owners to have insurance, bond, deposit, or self-insurance: SB 4313, SSB 4313
- Ownership, failure to transfer, penalty: SB 4549
- Ownership, trailers, failure to transfer, penalty and fine: SSB 4549
- Parking lots, public, receipts required: SB 4489
- Passing, certain vehicles to stay right except when passing: SB 4950
- Performance standards for motor vehicle equipment: *HB 1450, CH 113 (1986)
- Proportional registration, IRP plan revised: SB 4618, *SSB 4618, CH 18 (1986)
- Racetracks, sale of wine at authorized: SHB 529
- Recreational vehicles, inspections, revisions: SB 4881
- Registration cancelled if driving without license, financial responsibility, and with suspension: 2SHB 879
- Registration, failure to transfer, penalty: SB 4549
- Registration, penalty for initial nonregistration, nonrenewal is traffic infraction: SB 4536, *SSB 4536, CH 186 (1986)
- Registration, trailers, failure to transfer, penalty and fine: SSB 4549
- Registration won't be issued if driver's license invalid: 2SHB 879
- Ride-sharing vehicles, tax exemption extended: SB 4234
- Seat belts and harness, failure to use is evidence to mitigate damages, wrongful death or injuries: SB 5002

MOTOR VEHICLES—cont.

- Seat belts, children under 6 years versus 5 years to be restrained: SB 5002
 Seat belts, driver may not operate unless all passengers under 16 secure: SB 4589
 Seat belts or restraints, mandatory: SB 4589
 Seat belts, passengers under 16, belt or safety seat required: *SHB 1182, CH 152 (1986)
 Seat belts, 16 years or older driver or riding, mandatory: *SHB 1182, CH 152 (1986)
 Senior citizens, automobile, lower rates if over 55 and take accident prevention course: *SSB 3458, CH 235 (1986)
 Snowmobile regulation modified: *HB 1599, CH 16 (1986)
 Speeding, energy resource use restrictions, exclude violations from insurance abstract: SB 4795
 Splash guards, requirements modified: SB 4924
 Spot checks by state patrol, program established: HB 1402
 Torts, motor vehicle, contributory fault, no recovery if over 50%, DWI is over 50%: SB 4775
 Towing vehicles from public parking lots, when: SB 4489
 Traffic infraction, nonrenewal of registration: SB 4536, *SSB 4536, CH 186 (1986)
 Traffic infraction, seat belt violations: SB 4589
 Traffic infraction, using passing lane when it impedes flow: *HB 507, CH 93 (1986)
 Traffic infractions, supreme court to set fee schedule, specify conditions where local governments can use discretion: *SB 4537, CH 213 (1986)
 Trailers, failure to transfer registration or ownership, penalty: SB 4549, SSB 4549
 Transfer of ownership and registration, nontransfer, penalty: SB 4549
 Transfer of trailer ownership, failure to transfer, penalty and fine: SSB 4549
 Trucks, large slow trucks on freeway to use hazard lights: HB 1919
 Undersize loads allowed on oversize vehicles: HB 1855
 Used vehicles, cash price to be displayed by dealers: SB 4888, *SSB 4888, CH 165 (1986)
 Vehicle inspection law modified: *HB 1763, CH 123 (1986)
 Vehicle license, valid driver's license is a condition: HB 1614
 Vehicle licensing, titling, registration, liability restricted: SB 4911, SSB 4911

MOTORCYCLES

- Children, passengers or driver under 18 must wear helmets: SB 4533
 Children passengers, 12 to 5 years must wear helmet, no rider under 5: SB 4727
 Dealers, licensing provisions modified: SB 4497, *SSB 4497, CH 241 (1986)
 Driver training schools, revisions: *HB 1519, CH 80 (1986)
 Helmet, failure to use is evidence to mitigate damages, wrongful death or injuries: SB 5002
 Helmets, any driver or rider under 18: SB 4533
 Helmets, children passengers under 12 must wear: SB 4727

MOVIES (See also PORNOGRAPHY)

- Fair competition, bidding, etc., among exhibitors, civil penalties: SHB 1342, SB 4508
 Popcorn, disclosure of butter or butter flavor: *SSB 5044, CH 203 (1986)
 Sexually explicit conduct, allowing minor to view, class C felony: SB 3036, SSB 3036

MT. FRANCES

- Honoring Frances North by renaming Mt. Peak: SB 4925

MUD FLAPS

- Motor vehicles, required: SB 4924

MUNICIPAL CORPORATIONS

- Accident or tort liability funds authorized by municipal corporations, judgment plan: SB 4564
 Bond counsel, selection of bond counsel by local government: HB 1565
 Construction contracts, self-insurance no affect on employer-employee relation re negligence or wrong of 3rd person: SB 5045

MUNICIPAL CORPORATIONS—cont.

Construction surety bonds or insurance, municipal corporations exempt from restrictions: SB 4669

Debt calculation, excess indebtedness resulting from reduced valuations, exclude excess from ceiling: *SHB 1654, CH 50 (1986)

Maternity leave: SB 4597

Tort liability fund created, payment plan: SB 4564

MUNRO, STERLING

Trustee, Central Washington University, GA 247,

confirmed pp. 18, 59, 197

MUSEUMS (See HISTORICAL CONSERVATION)**MUZZI, GERALDO A.**

Consul of Brazil located in San Francisco

introduced and addressed senate p. 244

NATIONAL ANTHEM

Performance standards: SB 4545

NATIONAL CONFERENCE OF STATE LEGISLATORS

National president David E. Nething introduced

and addressed senate p. 629

NATIONAL GUARD

Colorado Army Commander William K. White and

officers introduced p. 639

Emergency management merged with national guard: SB 4929

NATIVE AMERICANS

Archaeological sites are finite and irreplaceable, policy established: SB 4974, SSB 4974

Archaeological sites valued at current use: SB 4755

Commercial fishing licenses, tribal authorized fishers ineligible for commercial licenses: SB 4548

Criminal jurisdiction, retrocession over Colville land: *SHB 495, CH 267 (1986)

Retrocession of criminal jurisdiction over Colville land: *SHB 495, CH 267 (1986)

Sacred object defined: SB 4974, SSB 4974

State jurisdiction to regulate fireworks on federal enclaves: SJM 122

Treaty fish management, requesting federal funds: HJM 17

Tribal governments exempt from vehicle license fees: SSB 3347

Vehicle licensing reciprocity granted to Indian tribes: SB 4757, *SSB 4757, CH 30 (1986)

NATURAL AREAS

Forest land taxation, exemption for conservation purposes, compensating tax, modifications: *SSB 4458, CH 238 (1986)

NATURAL GAS

Leases on state land, development, required with due diligence: *HB 1442, CH 34 (1986)

NATURAL HERITAGE

Joint select legislative committee on natural heritage resources: SCR 127

NATURAL RESOURCES, DEPARTMENT OF (See also TAXES - TIMBER)

Abolished, state resources department created: SB 4493

Aquatic lands enhancement account receipts, to building bond redemption fund: SB 4715

Board, county representative from counties containing state forest lands: *SHB 1839, CH 227 (1986)

Fairgrounds, lease of state lands: *SHB 1967, CH 307 (1986)

Fire suppression duties, contract power: *SSB 4898, CH 311 (1986)

Forest development account increase: SB 4762

Joint select legislative committee on natural heritage resources: SCR 127

Land exchange, DNR, DSHS sites for state institutions: *SB 4619, CH 7 (1986)

NATURAL RESOURCES, DEPARTMENT OF—cont.

- Mediation of natural resource disputes: SHB 1429
- New agency created, DNR, DOG, DOF, parks and recreation, and the interagency committee for outdoor recreation abolished: SB 4493
- Northern state hospital, lease as fairground: *SHB 1967, CH 307 (1986)
- Oils and gas on state land, develop with due diligence: *HB 1442, CH 34 (1986)
- Open mines and shafts, requesting congress to fund sealing: SJM 140
- Open space classification, transfer to from forest land, compensating tax, delay: SSB 4315
- Public land sale, notice, timber sold separate is subject to tax: *HB 1602, CH 65 (1986)
- Recreation advisory committee: *SHB 1382, CH 206 (1986)
- Resource management cost account increase: SB 4762
- River running, procedures, responsibilities: SB 4990, *SSB 4990, CH 217 (1986)
- Salaries, elected state officials, adjustment, 1987 through 1991, state committee on salaries to do major review: SB 4674, *SSB 4674, CH 161 (1986)
- Salary increase for commissioner of public lands: SSB 3266
- School construction fund, timber sales of surplus over sustained yield, DNR to study and report: *HCR 29 (1986)
- Surface mining permits and fees modified: SHB 1096
- Sustainable harvest, deficit, department to sell sustainable harvest from 1984-1993, plus the deficit: SHB 508
- Term of office, when it commences: SB 4560
- Timber company default, appropriation modified: SB 4762
- Timber sales of surplus over sustained yield, school construction, DNR to study and report: *HCR 29 (1986)

NEGOTIABLE INSTRUMENTS

- Bad checks, damage recovery, court costs, interest, remedies: *SSB 3416, CH 128 (1986)

NELSON, CRAIG

- Trustee, Wenatchee Valley community college
district no. 15, GA 208, confirmed pp. 11, 755, 1733

NELSON, MICHELLE

- Wheat queen introduced and addressed senate p. 556

NETHING, SENATOR DAVID E.

- President NCSL and senate majority leader
from North Dakota introduced and addressed senate p. 629

NEUROLOGICALLY IMPAIRED

- Demonstration project at northern state hospital: SB 4914

NEWHOUSE, SENATOR IRV

- Appointed member, agriculture, commerce and labor,
financial institutions and judiciary committees pp. 34-35
- Parliamentary inquiry, votes needed to pass SSB 4661 p. 373
- Parliamentary inquiry, when scope and object
in order, SHB 1593 p. 884
- Point of order, scope and object, amendment, ReESSB 4541 p. 1151
- Remarks, ESSB 4630 p. 1486

NOAA

- Weather satellite, restore to mid-pacific: SJM 134

NOISE POLLUTION

- Transaction assistance and other remedial programs authorized: SSB 3756

NONHEARSAY

- Nonhearsay evidence defined: SB 4703

NONRESIDENTS

- Fish and shellfish license required: SB 3171, SSB 3171

NOEL, ANN H.

Member, gambling commission, GA 207 p. 10

NORDBY, BENAY

Trustee, Green River community college
district no. 10, GA 233, confirmed pp. 15, 756, 1734

NORTH, SENATOR FRANCES

Former senator introduced and addressed senate (SB 4925) p. 394
Honoring Frances North by renaming Mt. Peak: SB 4925

NORTHERN STATE HOSPITAL

County fairground use: *SHB 1967, CH 307 (1986)
Demonstration project for the neurologically impaired: SB 4914

NURSES

Natural death act, procedure when no written directive, attorney power: SSB
3228
Privileged communications, exception, mental illness cases: *SB 4529, CH 212
(1986)
Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

NURSING HOMES

Adult abuse, order for protection: *SSB 4544, CH 187 (1986)
Adults, vulnerable, abuse, exploitation, abandonment, etc., report to DSHS: SB
4544, *SSB 4544, CH 187 (1986)
Auditing procedures, redetermine depreciation base relative to net book value
of assets: SB 4921
Criminal mistreatment defined and penalties established: *SHB 803, CH 250 (1986)
Criminal mistreatment, withholding basic necessities of life from child or depen-
dent person: *SHB 803, CH 250 (1986), SB 4706
Depreciation base, transfer of ownership of any asset after 7/18/84, inoperative
applicability: *HB 1631, CH 175 (1986), SB 4714
Depreciation base, transfer of ownership of any asset after 7/18/84, inoperative
applicability, unless no assets reimbursed: SB 4742
Disabled parking privileges for vehicles operated by nursing homes: *SHB 1815,
CH 96 (1986)
Employees of DSHS, prior to employment investigate background: SB 4655
Energy retrofitting, reimbursement rate adjustments: SHB 197
Health care assistants, injections, health care practitioner must be in immediate
area: SB 4949, *SSB 4949, CH 216 (1986)
Home-delivered services, insurance coverage: SB 3231, SSB 3231
In-state representative required: SB 3796
Insurance coverage of services, home-delivered services: SB 3231, SSB 3231
Insurance policies for residents, sale regulated: *HB 1462, CH 170 (1986)
LBC to study reimbursement system: *HB 1631, CH 175 (1986)
Long-term care corporations, state council created, voluntary: SHB 1717
Long-term care for the elderly and disabled, funding for research requested:
SJM 141
Long-term care insurance act: *HB 1462, CH 170 (1986)
Long-term care, legislative committee to study long-term care corporations: SHB
1717
Natural death act, procedure when no written directive, attorney power: SSB
3228
Nursing home advisory council, sunset date extended: *SHB 1333, CH 270 (1986),
SB 4453
Reimbursement rates, adjustments for energy retrofitting: SHB 197
Representative of business, designated employee in-state: SB 3796
Respite care demonstration projects, supplemental budget: SB 4762
Swing-bed program, request enlarging to include urban hospitals and hospitals
over 50 beds: SJM 138
Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

OCCUPATIONAL THERAPISTS

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

OCEAN BEACHES

Designated as conservation areas: SSB 4510

Driving on prohibited, designated as natural areas: SB 4510

Metal detectors, permits may be issued for use on state beaches: SB 4286

Ocean beach management program: SSB 4510

OCULARISTS

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

ODOMETERS

Regulation modified: SB 4464

OFFICE OF FINANCIAL MANAGEMENT

Capital project proposals, submit to review committee by October 20th: SSB 4320

Claims against the state, file with risk management office versus OFM: *SB 4693, CH 126 (1986)

Colleges, salary survey, increases funded via business and occupation tax, investment business income: SB 4745

Community college district 12, split, OFM to report on administrative costs: HB 1786

Criminal justice assistance account: 2SSB 3764

Health care cost containment program, establish within OFM: SSB 4242, 2SSB 4242

Life-cycle cost analysis for public buildings: HB 6, *SB 3018, CH 127 (1986)

Public broadcasting distribute funds to radio and television: SB 4477

Torts against the state, file with risk management office versus OFM: *SB 4693, CH 126 (1986)

Travel allowances, setting, OFM duties revised: SB 4887

Unanticipated receipts, budget approval process modified: SB 3017, SSB 3017

Water pollution control facilities, financial assistance, OFM and DOE to develop plan: SB 4519, *SSB 4519, CH 3 (1986)

Water pollution control facilities, OFM to study alternative funding mechanisms: SB 4700

OIL AND GAS

Leases on state land, development, required with due diligence: *HB 1442, CH 34 (1986)

Oil spills, advisory committee to study: *HCR 19 (1986), SCR 129

Open mines and shafts, requesting congress to fund sealing: SJM 140

Purchasing preference by state repealed: HB 392, SB 3476

Recycling oil collection sites, DOE to establish a comprehensive list: HB 1643

Recycling oil, container requirements: HB 1643

Recycling oil, if not enough sites city or county to address in hazardous waste plan: HB 1643

Recycling used oil, above-ground tanks, state fire protection board and DOE to develop standards: *SHB 37, CH 37 (1986)

Ride-sharing vehicles, tax exemption extended: SB 4234

Surface mining permits and fees modified: SHB 1096

Underground storage tank problem, study, report: SB 4797, *SSB 4797, CH 289 (1986), SB 5030

Underground storage tanks for hazardous wastes, operation and ownership regulated: SB 5030

Utility rate relief for low-income veterans, blind, or disabled: SSB 3221

OIL AND GAS CONSERVATION COMMITTEE

James Brooks, reappointed member, GA 155 pp. 181, 771

Donald M. Ford, member, GA 141, confirmed pp. 181, 667

Simon Martinez, member, GA 143 confirmed pp. 181, 668

Hiram H. White, member, GA 140, confirmed pp. 181, 667

OLLIS, TERRY

Trustee, Everett community college district no. 5.

GA 230, confirmed pp. 15, 756, 1734

OLYMPIC COMMUNITY COLLEGE DISTRICT NO. 3

John Mitchell, trustee, GA 228, confirmed pp. 14, 755, 1733

OPEN SPACE

Forest land classification, transfer to open space, delay compensating tax: SSB 4315

Forest land taxation, exemption for conservation purposes, compensating tax, modifications: *SSB 4458, CH 238 (1986)

OPTOMETRY

Advertising, unlawful advertising is a violation of consumer protection act: SB 4653

Pharmaceuticals, establishment of approved formulary: SHB 1968

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

ORAL HISTORY

Creating a state archivist oral history program, legislature: *SB 4712, CH 275 (1986)

ORDINANCES

Publication by small communities, alternative to publishing full text: SB 4988

OREGON

Salmon punchcard or personal use license, revisions: SB 4886

OREGON STATE LEGISLATORS

Representatives Bruce Hugo, Cindy Banzer and

Ron Cease introduced p. 1762

ORELLANO, JULIO

Member, Chilean delegation introduced p. 1569

ORES KOVICH, ROSALYN

Member, juvenile disposition standards commission, GA 144,

confirmed pp. 691, 1683

ORGAN DONATIONS

Procedures to be developed by each hospital: SB 4455, *SSB 4455, CH 129 (1986)

OSTEOPATHIC MEDICINE

Compact-authorized program in osteopathic medicine: SSB 3587

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

OSTLUND, JON

Member, sentencing guidelines commission, GA 257,

confirmed pp. 20, 232, 811

OUTDOOR RECREATION (See INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION; PARKS AND RECREATION)**OWEN, SENATOR BRAD**

Appointed member, natural resources, judiciary

and transportation committees pp. 34-35

PAO, YIH-HO (MICHAEL)

Member, export assistance board of directors,

GA 277 p. 23

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Kai N. Lee, Ph.D., member, GA 290 pp. 344, 735

Tom Trulove, member, GA 291 pp. 344, 735

PARKING LOTS

Public lots, removal prevented, deemed impounded: SB 4489

Receipts required from public lots: SB 4489

Towing vehicles from public lots, when: SB 4489

PARKS AND RECREATION

Abolished, state resources department created: SB 4493

PARKS AND RECREATION—cont.

- Districts, advertising and promotion of assets allowed: SHB 1484
- Districts, may engage in historic preservation: SHB 1484
- Forest protection laws revised: *SHB 1403, CH 100 (1986), SB 4573
- Governor to appoint director: SB 4875
- Levy, 10 year levy for outdoor recreation areas and facilities: SB 4955
- Lottery proceeds to fund urban area parks: SB 4516
- Metal detectors, permits may be issued for use on state beaches: SB 4286
- New agency created, DNR, DOG, DOF, parks and recreation, and the interagency committee for outdoor recreation abolished: SB 4493
- Ocean beach management program: SSB 4510
- Ocean beaches, driving on prohibited, designated as natural areas: SB 4510
- ORV account renamed ORV and nonhighway vehicle account, allocation modified: *SHB 1382, CH 206 (1986)
- ORV and nonhighway vehicle program, hearing process: *SHB 1382, CH 206 (1986)
- ORV, permit process revised: *SHB 1382, CH 206 (1986)
- ORV trail redefined as a multiple-use corridor: *SHB 1382, CH 206 (1986)
- Outdoor recreation areas and facilities, 10 year levy: SB 4955
- Recreational water contact facilities, slides, regulated: *SSB 3498, CH 236 (1986)
- Service areas, historic preservation activities authorized: SHB 1484
- Service areas may advertise and promote assets: SHB 1484
- Snowmobile advisory committee, revisions: *HB 1599, CH 16 (1986)
- Snowmobile advisory committee, sunset extended: *SHB 1333, CH 270 (1986), SB 4453
- Urban area parks, funded via lottery proceeds: SB 4516
- Veterans' pass, minimum age requirement removed: *SB 4456, CH 6 (1986)
- Winter recreational facilities, commission, revisions: *HB 1563, CH 47 (1986), SB 4677

PARKS AND RECREATION COMMISSION, STATE

Dick Dixon, member, GA 118	p. 691
Marcy J. Golde, member, GA 117	p. 691
Moyes Lucas, member, GA 175	pp. 5, 691
Ed Luders, member, GA 116	p. 691

PARLIAMENTARY INQUIRIES

Votes to suspend rules, ESSCR 126 (McDonald)	p. 86
Time element, 3rd reading, ESSCR 126 (Bottiger)	p. 86
Previous question vote, ESSCR 126 (McDonald)	p. 96
Votes needed to pass bill, SSB 3842 (McDonald)	p. 116
Votes needed to pass bill, SSB 4661 (McDonald)	p. 370
Citation on ruling, SSB 4661 (McDonald)	p. 373
Votes needed to pass bill, SSB 4661 (Newhouse)	pp. 373-374
Ability of state to issue bonds, SSB 4661 (Rasmussen)	p. 374
Votes needed to immediately consider bill, SB 4875 (Saling)	p. 417
Votes needed to suspend rules, SB 4875 (McDonald)	p. 434
Order of amendments, SB 4875 (McDonald)	p. 435
Clarification of request to have SSB 4630 recorded verbatim (Pullen)	p. 442
Roll Call request on amendments, SSB 4630 (McDonald)	p. 448
Question objection to SSB 4630 recorded verbatim (2/15)(McDonald)	p. 459
Question proceedings on tape, SSB 4630 (Vognild)	p. 460
Gavel fallen before request of roll call, SSB 4630 (Talmadge)	p. 475
Question substitute amendment, SSB 4630 (Deccio)	p. 475
Question substitute amendment, SSB 4630 (Fleming)	p. 476
Question amendment under consideration, SSB 4630 (McCaslin)	p. 492
Votes needed to immediately reconsider, SJR 128 (McDonald)	pp. 597, 598
Clarification, ESHB 1479 properly before senate (McDonald)	p. 699

PARLIAMENTARY INQUIRIES—cont.

- Question, speaking on amendments, ESHB 32 (Deccio) p. 832
- Question, amendments included in motion, ESHB 32 (McDonald) p. 832
- Clarification remarks recorded, HJR 55 (Pullen) p. 840
- When scope and object in order, SHB 1593
(McDonald and Kiskaddon) p. 874
- When scope and object in order, SHB 1593 (Newhouse) p. 884
- 3 minute rule in force, SHB 1349 (Fleming) p. 888
- Question amendment adopted, SHB 1709 (Vognild) p. 1036
- Question bill still in possession of senate,
HB 1440 (McDonald) p. 1059
- Question time of day, EHB 2055 (von Reichbauer) p. 1122
- Question issue before senate (Talmadge) p. 1123
- Order of amendments, ESHB 495 (McDonald) p. 1124
- Question adopting group of amendments on one
motion, ESHB 495 (McDonald) p. 1125
- Question timing of raising scope and object, amendments,
SHB 1722 (Bottiger and Goltz) p. 1442
- Question timing of raising scope and object,
amendments, SHB 1722 (Rasmussen) p. 1455
- Clarification of motion, SSB 4590 (McDonald) p. 1465
- Start of twenty-four hour rule, free conference
report, HB 1472 (Rasmussen) p. 1549
- Question bill or conference report under
consideration, SSB 4905 (Peterson) p. 1614
- Twenty-four hour rule, SSB 4905 (Pullen) p. 1614
- Motion to reconsider, HB 1722 (Vognild) p. 1669
- Recorded motion to reconsider HB 1722 (Metcall) p. 1676
- Question request for previous question,
ESHB 1992 (Kiskaddon) p. 1685
- Question ESHB 32 returned to second
reading (von Reichbauer) p. 1686
- Questions to return bill to committee or
conference committee, ESB 4814 (Pullen) p. 1697
- Start of twenty-four hour rule, 2nd conference report,
SSB 4814 (Pullen) p. 1709

PARTNERSHIPS

Theft, partners and partnership included in definition: SB 3093

PATTERSON, SENATOR E. G. "PAT"

- Appointed member, education, natural resources
and transportation committees pp. 34-35
- Point of information, order of amendments, ESB 4875 p. 435

PCBs (See ELECTRICITY)**PENINSULA COMMUNITY COLLEGE DISTRICT NO. 1**

- Helen Barr, trustee, GA 170, confirmed pp. 5, 754, 1732
- Jack Tice, trustee, GA 285, confirmed pp. 77, 1134, 1737

PERSONAL SERVICE CONTRACTS

Oversight procedures established: *SHB 1335, CH 33 (1986)

PERSONNEL APPEALS BOARD

Vern Stonecypher, member, GA 204, confirmed pp. 10, 809, 1627

PERSONNEL BOARD, STATE

Evelyn J. Whitney, member, GA 154, confirmed pp. 808, 1712

PERSONNEL, DEPARTMENT OF

- Certification, vacancies, same rating, all included in the certification: SB 4594
- Child abuse, adopt rules to investigate potential state employees: *SHB 1134, CH
269 (1986)
- Comparable worth implementation revised: *HB 1703, CH 1 (1986), SB 4595, SSB
4595

PERSONNEL, DEPARTMENT OF—cont.

- Day care, state employees, personnel board to create a supportive atmosphere: *HB 1656, CH 135 (1986), SB 4878
- Developmentally disabled, adopt rules to investigate potential abusive state employees: *SHB 1134, CH 269 (1986)
- Employee exchange program, government, nongovernment: SHB 2
- Investigate background of potential employees, jobs dealing with developmentally disabled or children: SB 4655
- Off-hour training of state employees: HB 1536
- Training, off-hour training of state employees: HB 1536
- Vacancies, certification, same rating, all included in the certification: SB 4594

PESTICIDES

- Pest control consultant or operator license required of weed coordinator: SSB 4119
- Public pest control consultant licenses, revisions: SB 5044, *SSB 5044, CH 203 (1986)
- Weed coordinator required to have pest control consultant or operator license: SSB 4119

PETERSON, ANITA MENDEZ

- Member, clemency and pardons board, GA 259, confirmed pp. 20, 75, 812

PETERSON, SENATOR LOWELL

- Appointed member, transportation, human services and corrections and natural resources committees pp. 34-35
- Motion to substitute SB 4675 p. 566
- Remarks, ESHB 1182 properly before senate p. 1087
- Parliamentary inquiry, bill or conference report under consideration, SSB 4905 p. 1614

PETERSON, SENATOR TED G.

- Former senator introduced p. 128

PETS

- Liability insurance and registration of all pets: SB 4961

PHARMACIES

- Drug samples, illegal sale or trade, class C felony: SSB 4858
- Drugs, brand name or generic, allowing consumer choice: *SHB 1332, CH 52 (1986)
- Theft or robbery of a controlled substance, class B felony: SSB 3595

PHARMACY, STATE BOARD OF

- Beverly Archambeault, member, GA 166, confirmed pp. 49, 191
- Douglas W. Beeman, member, GA 128, confirmed pp. 49, 158
- Joseph M. Honda, member, GA 129, confirmed pp. 49, 158
- Barbara A. Vanderkolk, reappointed member, GA 284 pp. 49, 76, 138
- Dr. Lloyd Yee Young, member, GA 167, confirmed pp. 157, 771

PHYSICAL THERAPY

- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

PHYSICIANS

- Assessments, annual charge, deposit in basic health plan trust account: SSB 3320
- Basic health plan trust account, tax on physicians: SSB 3320
- Child abuse, privileged communication exception: SB 4630, *SSB 4630, CH 305 (1986)
- Child abuse/neglect, sexual abuse, physician-patient privilege exception: SB 4494
- Gunshot wounds, report of by health care professionals: HB 1561
- Industrial insurance, "physician" defined: SB 4472
- Insurance payment directly to provider of health care services: SB 3916, SSB 3916
- Malpractice, medical disciplinary board, procedures: *SHB 1950, CH 300 (1986), SB 4992

PHYSICIANS—cont.

- Malpractice, waivers of privileged communications, when: SB 4994
- Medical malpractice, hospitals to have coordinated prevention programs: *SHB 1950, CH 300 (1986), SB 4631
- Medical malpractice, prevention programs and scrutiny of physicians prior to granting hospital privileges: *SHB 1950, CH 300 (1986), SB 4631
- Natural death act, procedure when no written directive, attorney power: SSB 3228
- Payment directly to provider of health care services: SB 3916, SSB 3916
- Physician-patient privilege, exception, child's neglect or sexual abuse: SB 4994
- Prenatal and obstetrical care clinics for uninsured women: SB 4699
- Report when have personal knowledge that a practicing physician is unable to practice: *SHB 1950, CH 300 (1986), SB 4992
- Sexual abuse of children, physician-patient privileged communication exception: SB 4994
- Staff privileges, rules for granting required: *SHB 1593, CH 205 (1986), SB 4654, SSB 4654
- Surgeons' assistants, certification: SB 4962
- Surgeons' assistants, regulated, duties stated: SB 4962
- Surgeons' assistants, regulation, certification process: SB 4445
- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

PHYSICIANS' ASSISTANTS

- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

PILOTS AND PILOTAGE COMMISSION

- Otis Abney, member, GA 273 p. 22
- W. P. Ellis, member, GA 270 pp. 22, 664
- Amigo Soriano, member, GA 271 p. 22
- Fine authority of \$5,000 given to board: *SHB 1669, CH 121 (1986)
- Fine, \$5,000, may be imposed: SB 4920, SSB 4920
- Investigation of accidents involving state-licensed pilots, legal fees, funding: *SHB 1762, CH 122 (1986), HB 1928, SB 4919
- Investigation power of board: *SHB 1669, CH 121 (1986)
- License and service claims, board to review: *SHB 1762, CH 122 (1986), SB 4920, SSB 4920
- License fee increased: *SHB 1762, CH 122 (1986), SSB 4920
- Negligence, board has authority to fine pilot: *SHB 1669, CH 121 (1986)
- Oil spills, advisory committee to study: *HCR 19 (1986), SCR 129
- Pilot discipline, concurrent jurisdiction over state-licensed pilots requested: HJM 32, SJM 139
- Refusal of assignment, written explanation to board within 48 hours: *SHB 1762, CH 122 (1986)

PIT BULLS

- Registration and insurance requirements: SB 4611
- Vicious dog defined, regulated via registration and insurance or bond: SSB 4611

PLANTS

- Joint select legislative committee on natural heritage resources: SCR 127
- Natural heritage resource, joint select committee: SCR 127

PODIATRY

- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

POINTS OF INFORMATION

- Order of amendments, SB 4875 (Patterson) p. 435
- Practice of acquiring signature on committee report when senator out of Olympia, ESHB 1479 (McCaslin) p. 699
- Request to have proposed amendment recorded, ESSB 4630 (Talmadge) p. 1481
- Clarification of motion to adhere or insist on position, HB 1798 (Pullen) p. 1649

POINTS OF ORDER

Scope and object, SSB 4242 (Pullen)	p. 323
Scope and object, SSB 4717 (Bottiger)	p. 330
Scope and object, SB 4875 (Bottiger)	p. 416
Objection to SSB 4630 being recorded untimely (Talmadge)	pp. 459, 460
Scope and object, SSB 4630 (Talmadge)	p. 473
Scope and object, SSB 4630 (McDonald)	p. 482
Scope and object, SSB 4630 (Deccio)	p. 483
Scope and object, SSB 4936 (Kreidler)	p. 530
Reading on senate floor, ESSB 4784 (McCaslin)	p. 539
SHB 1457 properly before Senate (McDonald)	p. 708
ESHB 1182 properly before senate (McDonald)	p. 715
Scope and object, SHB 1368 (Bottiger)	p. 752
Scope and object, ESHB 1484 (Guess)	p. 769
Scope and object, ESHB 1270 (Deccio)	p. 784
Motion out of order, ESHB 32 (Rasmussen)	p. 832
Order of amendments, HB 1643 (Kiskaddon)	p. 865
Scope and object SHB 1349 (Pullen)	p. 880
When scope and object in order, SHB 1593 (Bluechel)	p. 884
Scope and object, SHB 1593 (Bluechel)	p. 884
Scope and object, SHB 1433 (McDonald)	p. 886
Scope and object, ESHB 1382 (Talmadge)	p. 936
Scope and object, SHB 1134 (Craswell)	p. 985
Scope and object, ESHB 1447 (McDermott)	p. 994
Scope and object, ESHB 2021 (McDonald)	p. 1009
Scope and object, SHB 1839 (McDonald)	p. 1056
Scope and object, HB 1647 (Hayner)	p. 1064
Scope and object, HB 1956 (Pullen)	p. 1068
Divide question, ESHB 1992 (McDonald)	p. 1072
Request ruling, ESHB 1182, properly before senate (McDonald)	p. 1078
Return to business of the state, ESHB 1182 (Bottiger)	p. 1080
Request rulings, SHB 1457, properly before senate (McDonald)	p. 1098
Scope and object, SHB 1839 (Lee)	p. 1101
Scope and object, SHB 1839 (McDermott)	p. 1103
Scope and object, EHB 1339 (Gaspard)	p. 1110
Scope and object, EHB 2055 (McDermott)	p. 1121
Request rulings, bills considered after 5 p.m. (McDonald)	pp. 1122, 1123
Scope and object, ESSB 4128 (Bottiger)	p. 1142
Scope and object, SB 4628 (Rinehart)	p. 1144
Scope and object, ReSSB 4541 (Newhouse)	p. 1151
Scope and object, SSB 4905 (Bottiger)	p. 1200
Scope and object, SSB 4814 (Craswell)	p. 1374
Timing of request for free conference, ESSB 4762 (Lee)	p. 1439
Interrupt roll call, EHJR 49 (Rasmussen)	p. 1472
Scope and object, ESSB 4630 (Talmadge)	p. 1481
Scope and object, HB 1795 (Hayner)	p. 1569
Scope and object, conference report, HB 1722 (Vognild)	p. 1575
Scope and object, conference report, E2SSB 4741 (Pullen)	p. 1610
Twenty-four hour rule, SSB 4905 (Lee)	p. 1614
Clarification of motion, SHB 1722 (Talmadge)	p. 1648
Scope and object, free conference report, ESHB 1447 (Rasmussen)	p. 1661
Time rule on free conference report, HB 1633 (Lee)	p. 1663
Scope and object, free conference report, ESHB 1754 (Rasmussen)	p. 1664
Scope and object, conference report, SSB 4814 (Craswell)	p. 1674

POINTS OF ORDER—cont.

Start of twenty-four hour rule, 2nd conference
report, SSB 4814 (Rasmussen) p. 1709

POLLUTION (See also AIR POLLUTION)

Air pollution source operating permit program, DOE to study program and study
air pollution: SHB 1722

Connection charges may be collected by a metropolitan municipal corporation:
SB 4168

Hazardous materials, releases and threatened releases, hazardous substance
response fund, remedies, liabilities: SB 5027, SSB 5027

Noise pollution, transaction assistance and other remedial assistance: SSB 3756

Oil spills, advisory committee to study: *HCR 19 (1986), SCR 129

Sanitary pumpout facilities at marinas: SB 4773, SSB 4773

Sanitary pumpout facilities at marinas, study need, investigate funding: SB 4773,
SSB 4773

Underground storage tank problem, study, report: SB 4797, *SSB 4797, CH 289
(1986), SB 5030

Underground storage tanks for hazardous wastes, operation and ownership reg-
ulated: SB 5030

Water pollution control facilities, financing provided: SB 4519, *SSB 4519, CH 3
(1986)

POPCORN

Disclosure of butter or butter flavor: *SSB 5044, CH 203 (1986)

PORNOGRAPHY

Minors, allowing to view material, class C felony: SB 3036, SSB 3036

Promoting pornography included within criminal profiteering: *SB 4959, CH 78
(1986)

Sexual exploitation of a minor redefined: SB 4967

Sexually explicit conduct, allowing minor to view material, class C felony: SB
3036, SSB 3036

Tax on "adult" entertainment materials and services: SB 4979

PORT DISTRICTS

Commission formation regulated: *SHB 1804, CH 262 (1986)

Industrial development levies, voter approval required, 7th through 12th years:
SB 4467, SSB 4467

International trade expansion projects: *SHB 1587, CH 276 (1986)

Oath of office, file with county auditor: *SHB 1349, CH 167 (1986)

Rewards, fines, penalties, and forfeitures may reimburse treasury: SB 4571

PORTS

Export trading companies: *SHB 1587, CH 276 (1986)

PRACTICAL NURSES

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

PREFERENCES

Energy conservation, products and service, in-state services encouraged: SHB
1981

PRENATAL CARE

Appropriation increased, prenatal care for low-income women: HB 1380

Clinics for uninsured women: SB 4699

**PRESIDENT OF THE SENATE (See also LIEUTENANT GOVERNOR; also
CHERBERG, LIEUTENANT GOVERNOR JOHN A.; also RULINGS BY THE
PRESIDENT; also PARLIAMENTARY INQUIRIES)**

Welcomes senators p. 1

Presiding joint session p. 43

Breaks tie vote, amendment to SSB 4917 p. 534

Breaks tie vote, motion to refer ESHB 32 to
committee on education p. 835

PRESIDENT OF THE SENATE—cont.

- Breaks tie vote, immediately reconsider vote by
which HB 1374 failed p. 1060
- Breaks tie vote, grant request for
conference, ESHB 32 p. 1471
- Breaks tie vote, report of free conference
committee, ESHB 1992 p. 1685
- Presented certificates to Senator Guess on
retirement from senate p. 1757

PRESIDENT PRO TEMPORE (See also GOLTZ, SENATOR H. A. "BARNEY";
also PARLIAMENTARY INQUIRIES)**PRIMLEY, NANCI C.**

- Member, state housing finance commission, GA 158,
confirmed pp. 808, 1579

PRINTING

- Local printing versus state printer, agencies may use: HB 1805

PRISON TERMS AND PAROLES, BOARD OF (See also PROBATION AND
PAROLE; SENTENCING)

- William E. Henry, member, GA 189, confirmed pp. 8, 63, 639
- George W. Johnson, member, GA 190, confirmed pp. 8, 63, 639
- Community supervision, revisions: *SHB 1399, CH 257 (1986)
- Crimes committed prior to 7/1/84 with sentencing after 7/1/86: *SHB 1400, CH 224
(1986)
- Juvenile diversion agreements, only 3 allowed: SHB 711
- Redesignated the indeterminate sentence review board: *SHB 1400, CH 224
(1986)

PRIVATE CARRIERS

- Insurance, same requirement as common carrier: SB 4999
- WUTC and state patrol duties clarified regarding private and motor carriers: SB
4998

PRIVATE ENTERPRISE (See also BUSINESSES)

- Employee exchange program, government, nongovernment: SHB 2
- Single heads of households, higher education opportunities: SB 3444

PRIVATE SCHOOLS

- Child abuse, education in private and public schools, curriculum required: SB
4462
- Child abuse, in-service training: SB 4462
- Church schools, temporary commission to study unapproved schools: SCR 131
- In-service training in child abuse: SB 4462
- Private degree granting institutions, regulating: *SHB 1688, CH 136 (1986)
- Private vocational schools regulated: *SHB 1687, CH 299 (1986)

PRIVITIZATION

- Solid waste handling, put or pay, service agreements: *SHB 1447, CH 282 (1986)
- Water pollution control facilities, service agreements: *SSB 4717, CH 244 (1986)

PROBATION AND PAROLE (See also SENTENCING)

- Community supervision, revisions: *SHB 1399, CH 257 (1986)

PROCESS SERVERS

- Certification of servers required: SB 4897
- Court availability: *SSB 4897, CH 219 (1986)
- Trespass: *SSB 4897, CH 219 (1986)

PROFITTEERING

- Pornography, promoting, included within criminal profiteering: *SB 4959, CH 78
(1986)

PROSECUTORS

- Bail bond provisions revised: *SSB 4305, CH 322 (1986)

PROSECUTORS—cont.

- Child support, prosecutors to report to legislature on legislation's effectiveness: SSB 3482
- Defenses, defendant must establish by a preponderance of the evidence: SB 3224
- Deferred prosecution, alcohol-sensing ignition interlocks for DWIs: SB 4577, SSB 4577
- Deferred prosecution, sign statement advising rights, acknowledging guilt: 2SHB 879
- Elements, establish beyond a reasonable doubt: SB 3224
- Mentally disordered person, notify prosecutor when released: *SHB 1976, CH 67 (1986)
- Weed board may ask prosecutor for assistance: SHB 1713

PSYCHOLOGISTS

- Educational requirements for mental health professionals: SHB 1651
- Examining board reauthorized: SB 4629, *SSB 4629, CH 27 (1986)
- Licensing revised: SB 4629, *SSB 4629, CH 27 (1986)
- Rape by a counselor is a felony, consent gained via relationship: SB 4796
- Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

PUBLIC ASSISTANCE (See also MEDICAL ASSISTANCE)

- Appellate counsel to indigent criminal defendants, LBC and judiciary committee to study: SSB 3740
- Basic health care funded by tax on cigarettes: SSB 3320
- Basic health plan, managed systems to provide for low-income persons: SSB 3320
- Community work experience required of AFDC recipients: SB 4731
- First source contracts, hire public assistance recipients: *SHB 1754, CH 116 (1986)
- Food stamps, eligible food purchased with food stamps sales tax exempt: SB 4711, SSB 4711
- Funeral expenses, eligibility: SB 4126, SSB 4126
- Gain pilot project in Spokane County, job program: SB 4730
- Health care project commission, indigents: *SHB 2021, CH 303 (1986)
- Heating bills, assist low-income persons, residential space heating bills, fuel and public utility tax: SB 4765
- Housing trust fund created, low-income assistance: SB 4626
- Housing trust fund to assist low-income persons in obtaining housing: SB 4626, SSB 4626, *SSB 4626, CH 298 (1986)
- Job opportunities for AFDC recipients, DSHS to offer job search opportunities: SB 4730
- Job search requirements for AFDC recipients: SB 4732
- Lottery winners, state agencies may assert claims prior to disbursement: *SHB 1433, CH 83 (1986)
- Low-income housing, cities and counties may assist: SB 4933, *SSB 4933, CH 248 (1986)
- Low-income housing current use assessment: SJR 128
- Low-income housing, current use valuation: SJR 128
- Low-income housing, multiple-unit buildings, current use assessment: SB 4264
- Prenatal care for low-income women, appropriation increased: HB 1380
- Rent, direct payment of rent on behalf of public assistance recipients: SB 4716
- SSI, eligibility for assistance available to incapacitated ineligible spouses of SSI beneficiaries: SHB 1765
- Utility rate relief for low-income veterans, blind, or disabled: SSB 3221
- Weatherization, residences of low-income persons, fuel and public utility tax: SB 4765

PUBLIC BROADCASTING SYSTEM

- Funding distributed by OFM to radio and television: SB 4477
- Industrial development bonds, broadcast and communications facilities: SB 4479
- Industrial development bonds, public broadcasting: *SSB 4479, CH 309 (1986)

PUBLIC DEPOSITARIES

- Demand accounts, outside of the state, treasurers authorized to deposit: SB 4665, *SSB 4665, CH 160 (1986)

PUBLIC DISCLOSURE (See also CAMPAIGNS; ELECTIONS)

- Applications for public employment exempt from disclosure laws: HB 764
- Checking account information, disclosure, liability, law enforcement: SB 4165, SSB 4165
- Contribution reports, post-campaign reports modified: *SB 4781, CH 28 (1986)
- Industrial insurance claimants may review files: SHB 712
- Limit, 150%, on net worth that is attributed to public treasurers: *SB 4593, CH 25 (1986)
- Political advertising paid from earmarked funds: *SHB 1838, CH 228 (1986)
- Political committees, financial representation, name and address required: SB 3434
- Postage contributions are face value of postage: *SHB 1838, CH 228 (1986)
- Public deposit protection commission, duties modified: *SB 4593, CH 25 (1986)
- Public records, copying fee to be established: SB 3011
- Public records law, certification of agency compliance: SB 4509
- Random yearly audits: SSB 4784
- Small political subdivisions, consolidating reporting requirements: *SB 4528, CH 12 (1986)
- Sunset provisions repealed: *HB 1647, CH 272 (1986), SB 4784, SSB 4784

PUBLIC DISCLOSURE COMMISSION

- Ruth A. Beck, member, GA 292 pp. 633, 714

PUBLIC EMPLOYEES (See CITIES; COUNTIES; STATE AND PUBLIC EMPLOYEES)**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

- Mary Ellen Krug, member, GA 169 p. 4
- Jane Wilkinson, member, GA 215, confirmed pp. 12, 627, 807
- Higher education, collective bargaining authorized: SHB 32

PUBLIC LANDS (See NATURAL RESOURCES, DEPARTMENT OF)**PUBLIC PRINTER**

- Local printing versus state printer, agencies may use: HB 1805

PUBLIC PURCHASES

- Competitive sealed proposals: SHB 393
- Fuel produced in-state, requirement repealed: HB 392, SB 3476
- Institutional industries, state purchase, plan required: *SHB 594, CH 94 (1986)

PUBLIC TRANSPORTATION

- Benefit areas, may contract for ambulance services after voter approval: SB 4518, SSB 4518
- Collective bargaining for union transit workers with public employers: SB 4471, SSB 4471
- Passenger charter carriers, redefined, regulated: SB 3523

PUBLIC UTILITIES (See also UTILITIES)

- Joint operating agencies, bidding, contracting, specific procedures expire when all nuclear plants are operating: SB 4262
- Low-income veterans, blind, disabled, rate relief: SSB 3221

PUBLIC WORKS

- Accounting and reporting requirements modified: *SHB 1447, CH 282 (1986)
- Estimates, detail requirements eliminated: *SHB 1447, CH 282 (1986)
- Farmers home administration contract projects are not subject to state lien law: *SSB 3453, CH 181 (1986)
- Funds appropriated for public works projects: *SSB 4815, CH 291 (1986)
- Public works assistance account, funded via refuse collection tax: SB 4641, SSB 4641
- Refuse collection business, refuse collection tax, public works: *SHB 1447, CH 282 (1986)
- Small works roster, provisions modified, threshold dropped to \$15,000: *SHB 1447, CH 282 (1986)

PUBLICATION

Publication by small communities, alternative to publishing full text: SB 4988

PUGET SOUND

Crab fishing, commercial license moratorium, Puget Sound: SB 4837

Industrial pretreatment to be paid by industries, not water quality account: SB 4519, *SSB 4519, CH 3 (1986)

Secondary treatment, PSWQA to make recommendations for waivers: SB 4739, SB 4922

Water pollution control facilities, cigarette tax: SB 4519, *SSB 4519, CH 3 (1986)

Water pollution control facilities, grants or loans from the water quality account, bonds: SB 4700

Water pollution control facilities, water quality account use, report by DOE to legislature: SB 4519, *SSB 4519, CH 3 (1986)

Whiting fisheries, monitoring: SHB 1527

PUGET SOUND WATER QUALITY AUTHORITY

Lester W. Eldridge, member, GA 195, confirmed	pp. 9, 692, 1746
Katherine Fletcher, chair, GA 199, confirmed	pp. 9, 692, 1747
Marjorie Redman, member, GA 193, confirmed	pp. 9, 1693, 1694, 1745
Judith M. Runstad, member, GA 197, confirmed	pp. 9, 692, 1747
John Sawyer, member, GA 198, confirmed	pp. 9, 692, 1747
Dr. Sheri Jeanne Tonn, member, GA 196, confirmed	pp. 9, 692, 1747
Terry Williams, member, GA 194, confirmed	pp. 9, 691, 1696

PULLEN, SENATOR KENT

Appointed member, governmental operations, judiciary and transportation committees	pp. 34-35
Point of order, amendment to SSB 4242	p. 323
Parliamentary inquiry, regarding request to have SSB 4630 recorded verbatim	p. 442
Parliamentary inquiry, clarification remarks recorded, HJR 55	p. 840
Point of order, scope and object, amendment, SHB 1349	p. 880
Point of order, scope and object, amendment, HB 1956	p. 1068
Remarks, ESHB 1182 properly before senate	p. 1078
Point of order, scope and object, conference committee report, E2SSB 4741	p. 1610
Parliamentary inquiry, twenty-four hour rule, SSB 4905	p. 1614
Point of information, to adhere or insist on position, HB 1795	p. 1649
Parliamentary inquiry, question to return bill to committee or conference committee, ESB 4814	p. 1697
Parliamentary inquiries, start of twenty-four hour rule, 2nd conference report, SSB 4814	p. 1709

QUARANTINE

AIDS, regulating victims or suspects via quarantine: SB 5049

RACKETEERING

Pornography, promoting, included within criminal profiteering: *SB 4959, CH 78 (1986)

RADIO

Industrial development bonds, broadcast and communications facilities: SB 4479

Industrial development bonds, public broadcasting: *SSB 4479, CH 309 (1986)

Public broadcasting OFM to distribute funds: SB 4477

RADIOLOGIC TECHNOLOGISTS

Practitioners, certification: SHB 621, SB 3905, SSB 3905

Radiologic technology advisory board created: SSB 3905

RADKE, HELEN

Member, state board for community college education, GA 188,

confirmed pp. 8, 59, 197

RAFTING

River running, procedures, responsibilities: SB 4990, *SSB 4990, CH 217 (1986)

RAIL DISTRICTS

County rail districts, modify, dissolve, or established by petition of voters, alternative method: *SB 4609, CH 26 (1986)

RAILROADS

Corridors, public utility and transportation corridors, halting future acquisition: SSB 4606

County rail districts, modify, dissolve, or established by petition of voters, alternative method: *SB 4609, CH 26 (1986)

Public transportation corridors, provisions repealed regarding railroad corridors: SB 4606

RAMON, SHERIFF FELIX

Member, sentencing guidelines commission, GA 266,
confirmed pp. 21, 499, 902

**RASMUSSEN, SENATOR A. L. "SLIM" (See also VICE PRESIDENT PRO TEM-
PORE)**

Appointed member, natural resources, rules and
ways and means committee pp. 34-35

Parliamentary inquiry, states ability to
issue bonds, SSB 4661 p. 374

Personal privilege, complimented Dave DeForrest, reader p. 618

Point of order, motion out of order, ESHB 32 p. 832

Personal privilege, request for five minute recess p. 889

Remarks, ESHB 1182, properly before Senate pp. 1079, 1080

Remarks, bills considered after 5 p.m. p. 1122

Parliamentary inquiry, timing of scope and
object, SHB 1722 p. 1455

Point of order, interrupt roll call, EHJR 49 p. 1472

Motion, remarks Senators Talmadge and Bottiger,
ESSB 4630, transcribed p. 1485

Parliamentary inquiry, start of twenty-four hour rule,
free conference report, HB 1472 p. 1549

Motion to refer SHB 1722 to committee on parks
and ecology p. 1648

Point of order, scope and object, free conference
report, ESHB 1447 p. 1661

Point of order, scope and object, free conference
report, ESHB 1754 p. 1664

Point of order, start of twenty-four hour rule,
2nd conference report, SSB 4814 p. 1709

RATES

Rates, cost of construction, etc., may not be considered unless plant is used and
useful: SB 4740

REAL ESTATE BROKERS AND SALESMEN

Condominiums, provisions added and revised: SB 5012

Housing trust fund created, low-income assistance: SB 4626

State land bank established: *HB 1899, CH 284 (1986), SB 4799

REAL PROPERTY (See also SECURITY INTERESTS)

Claims of state relating to improvements upon real property, time period: *SHB
573, CH 311 (1986)

Community property, quasi-community property established: *HB 1686, CH 72
(1986)

Condominiums, provisions added and revised: SB 5012

Current use valuation of low-income housing: SJR 128

Leasehold excise tax, contract rent redefined, doesn't include insurance: SSB
3574, *2SSB 3574, CH 285 (1986)

REAL PROPERTY—cont.

- Leasehold excise tax, credit computation modified: SSB 3574, *2SSB 3574, CH 285 (1986)
- Log truck liens for labor and services on timber and lumber extended: *SSB 3948, CH 179 (1986)
- Low-income housing, current use assessment: SJR 128
- Materialmen's liens, recording of release of lien bond: SB 4948, SSB 4948
- Plat approval without a public hearing, conditions: *SSB 3419, CH 233 (1986)
- Protection of private property rights: SB 4908
- Quasi-community property established: *HB 1686, CH 72 (1986)
- Real estate broker and salesperson, written disclosure as agent for seller or purchaser: SB 4502
- Seizure provisions of the uniform controlled substances act, all real property: SB 4783
- State land bank established: *HB 1899, CH 284 (1986), SB 4799

RECIPROCITY

- Indians, vehicle licensing reciprocity granted to Indian tribes: SB 4757, *SSB 4757, CH 30 (1986)

RECYCLING

- Energy recovery or incineration, city or county plan, first address waste reduction and recycling: HB 1732
- Oil, above-ground tanks to collect used oil, state fire protection board and DOE to develop standards: *SHB 37, CH 37 (1986)
- Oil, container requirements: HB 1643
- Oil, DOE to establish comprehensive list of sites: HB 1643
- Oil, if not enough sites city or county to include in hazardous waste plan: HB 1643
- Returnable containers, deduct tax amounts from sales from B & O tax: SB 5039

REDMAN, MARJORIE

- Member, Puget Sound water quality authority, GA 193, confirmed pp. 9, 1693, 1694, 1745

REFERENDUM

- Federal reserve system, constitutionality challenged, referendum: SB 3555
- Governor to appoint director of WSDOT, game, and parks and recreation: SB 4875

REGISTER

- Interest rates, maximum rates to be filed in state register by treasurer: *HB 1398, CH 60 (1986)

REGULATORY FAIRNESS ACT

- Enforcing: SSB 3414, 2SSB 3414
- Regulatory fairness compliance officer to be appointed: 2SSB 3414
- Small business economic impact statement to indicate alternatives: 2SSB 3414
- Violations of chapter, prevail against agency, costs and fees: 2SSB 3414

REINHART, BETTE

- Member, corrections standards board, GA 264, confirmed pp. 21, 76, 819

RELIGION

- Church schools, temporary commission to study unapproved schools: SCR 131
- Rape by a counselor is a felony, consent gained via relationship: SB 4796

RELOCATION ASSISTANCE

- State employee relocation assistance authorized: HB 1341

RENAL DIALYSIS CENTERS

- Health care assistants, dialysis functions in homes, centers, facilities, authority modified: *SHB 1495, CH 115 (1986), SSB 4754
- Health care assistants, renal dialysis centers, authority modified: *SHB 1495, CH 115 (1986), SB 4754, SSB 4754

RENT

Public assistance recipients, direct payment of rent on behalf of: SB 4716

RESEARCH

Rape by a counselor is a felony, consent gained via relationship: SB 4796

Tax deferrals for manufacturing or research and development, expiration date extended: *SHB 1754, CH 116 (1986)

RESOURCE RECOVERY

Municipal resource recovery facilities and solid waste systems, service agreements: SHB 1449, SB 4567

Service agreements, resource recovery and solid waste handling: SHB 1449, SB 4567

Solid waste handling, put or pay, service agreements: *SHB 1447, CH 282 (1986)

RESPIRATORY CARE PRACTITIONERS

Advisory respiratory care committee created: SHB 1609

Respiratory care practitioner, certification mandatory, procedure: SHB 1609

RESTITUTION

Inmate restitution procedures to be adopted: SB 4684, *SSB 4684, CH 19 (1986)

RETAILERS

Cigarettes, licensing revised: SHB 1357, SB 4534

Sales representations, contracts and commissions regulated: SSB 3255

RETIREMENT AND PENSIONS

Actuarial fiscal notes for retirement legislation: SHB 376

Attachment, benefits subject to federal employee retirement income security act are exempt: SB 4660

Contribution rates, state actuary to use aggregate actuarial cost method: *SHB 588, CH 268 (1986)

Contributions, none if no service credit earned that month: *SHB 588 CH 268 (1986), SB 4507

Cost of living retirement adjustments, funding: *SHB 378, CH 306 (1986)

Disability benefits, motor vehicle certificate stating person may drive, confidential, exemption: *HB 1652, CH 176 (1986)

Disability board may be reversed by director of retirement: *HB 1652, CH 176 (1986)

Early retirement for employees in state-operated institutions, age 55 or 20 years: SB 4469

Federal employee retirement income security act, benefits subject to are exempt from attachment: SB 4660

Higher education, eliminate supplemental pension benefits: HB 102

Higher education, retirement plan options, teachers' or PERS: HB 102

Industrial insurance benefits for retired workers and pensioners, revisions: *SHB 1875, CH 59 (1986)

Investment of funds, South Africa or Namibia, regulated: SB 3226, SSB 3226

Joint interim committee on retirement created: *SSB 3182, CH 317 (1986)

Judges, PERS transfer, mandatory, optional: SHB 458

Judicial retirement system, transfer from PERS, 1958 withdrawal date: SSB 3718

LEOFF, beneficiaries, priorities among those who may receive: *HB 1652, CH 176 (1986)

LEOFF, contributions not required for months not granted service credit: SSB 3717

LEOFF, disabled in the line of duty, service credits, conditions of receiving: *HB 1652, CH 176 (1986)

Military service, retirement credit for teachers: SB 4697

Motor vehicle disability certificate stating person may drive, confidential, exemption: *HB 1652, CH 176 (1986)

Occupational disease, retirement in instances of total disability: *SB 3193, CH 207 (1986)

PERS, contributions not required for months not granted service credit: SSB 3717

PERS, judges, transfer, mandatory, optional: SHB 458

RETIREMENT AND PENSIONS—cont.

- PERS, reestablishment by former WSP members authorized: *SHB 355, CH 154 (1986)
- PERS, transfer to by state patrol provided for: *SHB 355, CH 154 (1986)
- PGRS to TERS, employees may retain PGRS: SB 4791
- Post-retirement adjustments, study of retirement systems by joint committee: SCR 134
- Restoration of withdrawn retirement contributions by reentering employees: *SSB 3182, CH 317 (1986)
- Service credit, if none earned in a month no contributions are required: *SHB 588, CH 268 (1986), SB 4507
- South Africa or Namibia, regulated: SB 3226, SSB 3226
- State patrol, cadets, service credit, process established: SB 4931, SSB 4931
- State patrol, retirement credit for cadets: *SHB 355, CH 154 (1986)
- State patrol, transfer to PERS provided for: *SHB 355, CH 154 (1986)
- Study of retirement systems by joint committee on post-retirement adjustments: SCR 134
- Teachers, contributions not required for months not granted service credit: SSB 3717
- Teachers, credit for past service, process: SB 4522
- Teachers, from TERS, may retain PGRS: SB 4791
- Teachers, minimum retirement allowances: SB 4694, SB 4789, SB 4964
- Teachers, minimum retirement allowances increased: SB 4789
- Teachers, reenter state service, cease to receive pension: SB 3847, *SSB 3847, CH 237 (1986)
- Teachers retirement, credit for military service: SB 4697
- Teachers' retirement fund, supplemental budget: SB 4762

REVENUE, DEPARTMENT OF

- Energy end use consumer efficiency, tax credit: SHB 1981

REWARDS

- Cities may pay for information leading to arrests: SB 4571, *SSB 4571, CH 185 (1986)

RICHMOND, CHARLES R.

- Member, state housing finance commission, GA 185, confirmed pp. 7, 809, 1581

RIDE-SHARING

- Ride-sharing vehicles, tax exemption extended: SB 4234

RINEHART, SENATOR NITA

- Appointed member, education, governmental operations, rules, and ways and means committees pp. 34-35
- Point of order, scope and object, amendment, SB 4628 p. 1144

RISK MANAGEMENT OFFICE

- Claims against the state, file with risk management office versus OFM: *SB 4693, CH 126 (1986)
- Torts against the state, file with risk management office versus OFM: *SB 4693, CH 126 (1986)

RIVERS AND STREAMS

- Conservation commission, matching grant program for conservation districts: SSB 3379
- Matching grant program for conservation districts: SSB 3379
- River running, procedures, responsibilities: SB 4990, *SSB 4990, CH 217 (1986)
- Stream gaging basic data fund, increase: SB 4762

ROADS AND HIGHWAYS (See also PUBLIC WORKS)

- Advertising information panels, businesses within one mile of highway: *SHB 1493, CH 114 (1986)
- Bicycle safety program: SHB 771
- Cities, temporary tax used for local share of state corridor: SB 4794

ROADS AND HIGHWAYS—cont.

- Corridors, public utility and transportation corridors, halting future acquisition: SSB 4606
- Counties, temporary fuel tax to fund local share of state corridor: SB 4793, SSB 4793
- Curb ramps for handicapped persons, requirements modified: SB 4726
- Design of highways, streets, sidewalks, etc., claims against state and political subdivisions: SSB 4946
- Emergency information telephone lines, expanding access: *HB 1637, CH 45 (1986), SB 4884
- Freeway traffic flow, passing lane created: *HB 507, CH 93 (1986)
- Hitchhiking outlawed: SB 4480
- Hydraulic permit required for construction or repair of ford: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Hydraulic permit required for driving across stream with no established ford: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Manholes, safety requirements for construction and repair: SB 4474, SSB 4474
- Noxious weed control funding, special 50 cent assessment on license fees: SB 3234
- Radiation control agency, transportation of radioactive waste, procedures: SB 4663, SSB 4663
- Shopping center directional signs on noninterstate highways: SB 4672, SSB 4672
- State corridor, temporary fuel tax used to fund local share of corridor: SB 4793, SSB 4793
- State corridor, temporary sales tax used for city share of corridor: SB 4794
- Street projects by owners of real property, local government financing alternative: *SHB 1218, CH 252 (1986)
- Telephones, emergency information telephone lines, expanding access: *HB 1637, CH 45 (1986), SB 4884
- Tourist information panels, businesses within one mile of highway: *SHB 1493, CH 114 (1986)
- Trucks, large slow trucks on freeway to use hazard lights: HB 1919
- Underground vault safety requirements for construction and repair: SSB 4474

ROCK-N-ROLL

- Louie Louie as official state rock-n-roll song: SB 5024

ROE, QUEEN MOLLY

- Lakefair Queen, welcomes senate members to Olympia p. 50

ROHAR, KEN

- Member, export assistance board of directors, GA 278,
confirmed pp. 23, 646, 1576

ROSE, ANNE

- Member, state housing finance commission, GA 160,
confirmed pp. 808, 1580

ROSELLINI, FORMER GOVERNOR AL

- Member, transportation commission, GA 177 pp. 6, 664
- Introduced and addressed senate (honoring former senator
Lady Willie Forbus) p. 177

ROTHLIN, TERESA

- Alternate dairy princess introduced p. 348

RUFF, RALPH C.

- Director, office of minority and women's business
enterprises, GA 289, confirmed pp. 280, 810, 1749

RULES REVIEW

- Regulatory fairness act, enforcing: SSB 3414, 2SSB 3414
- Regulatory fairness compliance officer to be appointed: 2SSB 3414

RULINGS AND REPLIES BY THE PRESIDENT (See also POINTS OF INQUIRIES and PARLIAMENTARY INQUIRES)	
Amendments beyond scope and object	pp. 330, 416, 532, 767, 793, 794, 886, 1013, 1015, 1061, 1074, 1100, 1119, 1122, 1143, 1144, 1201, 1204, 1450, 1649, 1696
Amendments within scope and object	pp. 390, 474, 488, 887, 935, 1087, 1482, 1610, 1648, 1661, 1664
Ruling on ESHB 1479, properly before senate	p. 699
Ruling on SHB 1457, properly before senate	p. 1098
Ruling on bills considered after 5:00 p.m.	p. 1123
Ruling on motion, SSB 4814	p. 1450
Ruling on motion, SHB 1722	p. 1649
Ruling, motion for reconsideration, SHB 1722	p. 1676
Ruling, motion to suspend rules, properly before senate	p. 1710
Reply to votes needed to suspend rules (ESSCR 126)	p. 86
Reply to time element, ESSCR 126	p. 87
Reply to previous question, ESSCR 126	p. 96
Reply to votes needed to pass SSB 3842	p. 116
Replies to votes needed to pass SSB 4661	pp. 373-374
Citation on ruling, SSB 4661	p. 373
Reply to ability of state to issue bonds, SSB 4661	p. 374
Reply to votes needed to immediately consider bill, SB 4875	p. 417
Reply to votes needed to suspend rules, SB 4875	p. 434
Reply to order of amendments, SB 4875	p. 435
Reply to request to have SSB 4630 recorded verbatim (2/15)	p. 443
Reply to roll call vote request on amendments, SSB 4630	p. 448
Reply to Senator Halsan request to have all his amendments to SSB 4630 be recorded	p. 455
Reply to have SSB 4630 recorded verbatim (2/15)	p. 459
Reply to objection to SSB 4630 recorded, untimely	p. 459
Reply to proceedings on tape, SSB 4630	p. 460
Reply to gavel fallen before request of roll call, SSB 4630	p. 475
Replies to question substitute amendment, SSB 4630	pp. 475, 476
Reply to question amendment under consideration, SSB 4630	p. 492
Reply to votes needed for immediate reconsideration, SJR 128	p. 597
Remarks and reply to votes needed for immediate reconsideration, SJR 128	p. 598
Reply to question SHB 1457 properly before senate	p. 708
Reply to question ESHB 1182 properly before senate	p. 715
Reply to speaking on amendments, ESHB 32	p. 832
Reply to clarification remarks recorded HJR 55	p. 840
Reply to order of amendments, HB 1643	p. 865
Replies to when scope and object in order, SHB 1593	pp. 874, 884
Reply to 3 minute rule in force, SHB 1349	p. 888
Reply to amendment adopted, SHB 1709	p. 1036
Replies to division of question, ESHB 1992	p. 1072
Remarks and rulings, ESHB 1182 properly before senate	pp. 1078, 1079, 1080
Reply to time of day, EHB 2055	p. 1122
Reply to question before senate, ESHB 495	p. 1123
Reply to order of amendments, ESHB 495	p. 1124
Reply to question timing free conference report, ESSB 4762	p. 1439
Replies to question timing, scope and object, SHB 1722	p. 1455
Reply to clarification of motion, SSB 4590	p. 1465
Reply to question interrupt roll call, EHJR 49	p. 1472
Replies to request to have proposed amendment recorded, ESSB 4630	p. 1481

RULINGS AND REPLIES BY THE PRESIDENT—cont.

Reply to start of twenty-four hour rule, free conference report, HB 1472	p. 1549
Reply to question, bill or conference report under consideration, SSB 4905	p. 1614
Replies to twenty-four hour rule, SSB 4905	p. 1614
Reply to clarification of motions, SHB 1722	p. 1649
Reply to recorded motion of reconsideration, SHB 1722	p. 1676
Reply to question request for previous question, ESHB 1992	p. 1685
Reply to question ESHB 32 returned to 2nd reading	p. 1686
Reply to question to return bill to committee or conference committee, ESB 4814	p. 1697
Replies to question, start of twenty-four hour rule, 2nd conference report, SSB 4814	p. 1709

RULING AND REPLY BY PRESIDENT PRO TEMPORE (See also POINTS OF ORDER AND PARLIAMENTARY INQUIRIES)

Reply to question HB 1440 in possession of senate	p. 1059
---	---------

RULING AND REPLY BY VICE PRESIDENT PRO TEMPORE (See also POINTS OF ORDER AND PARLIAMENTARY INQUIRIES)

Amendments within scope and object	p. 483
--	--------

RUNSTAD, JON

Member, higher education coordinating board, GA 220	p. 13
---	-------

RUNSTAD, JUDITH M.

Member, Puget Sound water quality authority, GA 197, confirmed	pp. 9, 692, 1747
--	------------------

RURAL HOSPITALS

Establishment, procedures: SB 4487

RUTLEDGE, DONALEE

Member, Washington high-technology coordinating board, GA 124, confirmed	pp. 1693, 1694, 1745
--	----------------------

SAA, FERNANDO

Member, Chilean delegation introduced	p. 1569
---	---------

SAFETY

AIDS, regulating victims or suspects via quarantine: SB 5049
Air pollution source, owner or operator, submit plan for emergency or accident: SHB 1549
Bicycle safety program: SHB 771
Deregulating trucking industry: SB 5025
Fire hydrants, maintenance required: *SB 4446, CH 119 (1986)
Hitchhiking outlawed: SB 4480
Industrial safety and health act, citations, appeals, penalties, revisions: *SB 4721, CH 20 (1986)
Job site safety inspections: *SB 4678, CH 192 (1986)
Manholes, safety requirements for construction and repair: SB 4474, SSB 4474
Motor vehicle equipment, performance standards: *HB 1450, CH 113 (1986)
Motorcycles, helmets required for driver or passenger under 18: SB 4533
Motorcycles, helmets required on children under 12: SB 4727
Open mines and shafts, requesting congress to fund sealing: SJM 140
Public safety and education assessment: *SHB 1869, CH 98 (1986)
Seat belts, passengers under 16, belt or safety seat required: *SHB 1182, CH 152 (1986)
Seat belts, 16 years or older driver or riding, mandatory: *SHB 1182, CH 152 (1986)
Smoke detectors in college dormitories: SHB 719
Smoking in state office restricted: SHB 1432
Spot checks, by state patrol, program established: HB 1402
Toxic air contaminant defined: SHB 1549
Trucks, large slow trucks on freeway to use hazard lights: HB 1919

SAFETY—cont.

Underground vault safety requirements for construction and repair: SSB 4474
 Video terminal operators, occupational safety standards: SB 4909

SALARIES

Colleges, salary survey, increases funded via business and occupation tax, investment business income: SB 4745
 Comparable worth implementation revised: *HB 1703, CH 1 (1986), SB 4595, SSB 4595
 Elected officials, citizens commission on salaries: *SHB 1331, CH 155 (1986)
 Elected officials, fixed by an independent commission: *SHJR 49 (1986)
 Elected state officials, adjustment, 1987 through 1991, state committee on salaries to do major review: SB 4674, *SSB 4674, CH 161 (1986)
 Higher education competitive faculty salary act of 1986: SB 5003
 Higher education, salary increases, not to exceed average faculty increase: SSB 3056
 Marine employees, salary survey: SHB 1681, SB 4786
 Salaries, career ladder pilot projects, increases beyond state allocation: SSB 3621
 Schools, certificated employees, increase to achieve average state-wide derived base salary: SB 4447
 Schools, limitations removed: SB 4694
 Teachers, minimum derived-base salary, increases authorized to achieve, LEAP document 7: SB 4748
 Teachers, minimum retirement allowances: SB 4694, SB 4789, SB 4964

SALES

Carpet buyers, requiring disclosure and providing remedies: SB 5051
 Charitable solicitations, revisions, application modified, registration lapses each year: SB 4935
 Cigarettes, eliminate predatory pricing via regulation: SB 4627, *SSB 4627, CH 321 (1986)
 Cigarettes, licensing revised: SHB 1357, SB 4534
 Commissions by sales representatives regulated: SSB 3255
 Credit cares, surcharges by seller when buyer uses credit card prohibited: SB 4932
 Direct seller's representatives, tax exemption modified, consumer products: HB 1002
 Franchises for the retail sale of fuel, restrictions: SB 3418
 Franchises, gasoline, retail trading practices, regulated: *SB 4620, CH 320 (1986)
 Fuel refiner/suppliers, are they injuring competition, attorney general to study: SSB 4623
 Fur sales at auctions, restricting the sale: HB 464
 Hay containing weed seeds, sale is illegal: SSB 4119
 Health clubs, protection for purchasers of services: SSB 3161
 Insurance policies, nursing home residents, sale regulated: *HB 1462, CH 170 (1986)
 Interest rates, maximum rates to be filed in state register by treasurer: *HB 1398, CH 60 (1986)
 Leaseback, sale/leaseback agreements, certain are tax exempt: SB 4562
 Motor fuel refiner-supplier, control of gas stations limited: SSB 4622
 Motor vehicle fuel franchises, restricted: SB 3418
 Motor vehicle fuel franchises, retail trading practices regulated: *SB 4620, CH 320 (1986)
 Motor vehicle fuel, major refiners' control of retail gas stations, limit: SB 4622
 Motor vehicle fuel, retail gasoline market since deregulation, study: SB 4623
 Motor vehicle fuel, specific pricing formula for major refiners supplying independent outlets: SB 4621, SSB 4621
 Real estate broker and salesperson, written disclosure as agent for seller or purchaser: SB 4502
 Representatives, contracts regulated: SSB 3255
 Smokeless tobacco products, chewing tobacco, snuff, warning: HB 1475

SALES—cont.

- Telephone solicitations, study implemented, regulated, penalties: *SHB 1678, CH 277 (1986)
- Unfair cigarette sales below cost act repealed: SHB 1357
- Used vehicles, cash price to be displayed by dealers: SB 4888, *SSB 4888, CH 165 (1986)
- Vending machines, tax need not be stated separately from selling price: *SHB 1480, CH 36 (1986), SB 4504
- Washington products, development and promotion by DTED: *SB 4463, CH 183 (1986)

SALING, SENATOR GERALD L. (JERRY)

- Appointed member, education, energy and utilities and governmental operations committees pp. 34-35
- Parliamentary inquiry, votes to immediately reconsider SB 4875 p. 417

SALMON

- Commercial fishing licenses, tribal authorized fishers are ineligible: SB 4548
- Commercial salmon license application deadline: SHB 1734
- Indian authorized tribal salmon fishers ineligible for commercial licenses: SB 4548
- Marketing, design of an enhanced marketing plan for fisheries products: *HB 1362, CH 62 (1986)
- Punchcard versus license for personal use, revisions: SB 4886
- Treaty fish management, requesting federal funds: HJM 17

SAN JUAN COUNTY

- Superior court judges, revising the allocation: SB 4764

SANTOY, ANTONIO

- Member, state board for community college education, GA 272, confirmed pp. 22, 1133, 1731

SAWYER, JOHN

- Member, Puget Sound water quality authority, GA 198, confirmed pp. 9, 692, 1747

SCHMIDLI, TRUDY

- Member, clemency and pardons board, GA 262, confirmed pp. 20, 76, 812

SCHOOLS AND SCHOOL DISTRICTS (See also PRIVATE SCHOOLS)

- Accident or tort liability funds authorized by municipal corporations, judgment plan: SB 4564
- Athletic trainers' board, powers and duties: SB 3316, SSB 3316
- Attendance, full time required, procedures: *HB 1339, CH 132 (1986)
- Basic education allocation formula modified: SB 4501
- Basic education allocation formula modified, K-3: SB 4500
- Basic education allocation remodel schools or training schools adjusted: SB 4776
- Blood sugar levels to be monitored: SB 4768
- Board of education membership and appointment modified: SB 4872, SSB 4872
- Bonds for common school capital projects: SB 5032
- Bus maintenance, schools, joint purchasing agency authority: *SB 3334, CH 77 (1986)
- Buses, drivers, hire without state board of education authorization: *HB 1371, CH 32 (1986)
- Capital projects, exempt from sales and use tax: SB 4966
- Career ladder pilot project, one million dollars for grants: SSB 3621
- Career ladder pilot projects, salary increases beyond state allocation: SSB 3621
- Categorical educational services, SPI to study methods to approve: SHB 1829, SB 5034, SSB 5034
- Certificated employees, funds authorized to approach average derived base salary: SB 4543
- Certificated employees, salaries, increase to achieve average state-wide derived base salary: SB 4447

SCHOOLS AND SCHOOL DISTRICTS—cont.

- Certificated salaries, formula modified, supplemental budget: SB 4762
- Child abuse, common schools to instruct on the prevention of child abuse: SSB 4462
- Child abuse convictions, registry established, job screening: SB 3377
- Child abuse, education in private and public schools, curriculum required: SB 4462
- Child abuse, in-service training: SB 4462
- Child abuse prevention, curriculum required in K-12: *SSB 4814, CH 149 (1986)
- Church schools, temporary commission to study unapproved schools: SCR 131
- Clearinghouse for educational information: *SB 3352, CH 180 (1986)
- Common school funds revised, sources modified: SJR 143
- Comparable worth assessment project: SB 4144
- Construction, joint select committee created to study financing: SHB 1830
- Coordinating committee for environmental education: *HB 1711, CH 51 (1986), SB 4890
- Day care programs, school districts, facilities may be used for: SHB 1937, SB 4941, SSB 4941, 2SSB 4941
- Dissolution of districts, avoid by averaging enrollment over 2 year period: SB 4729
- Dropouts, alternative high school pilot project: SB 4321, SSB 4321
- Dropouts, grade 9-12, study: SB 5037, *SSB 5037, CH 151 (1986)
- DTP vaccine, enact legislation to continue production: SJM 125
- Earthquake safety in school buildings: SSB 3448
- Education consolidation act, increase local control, consolidate control: SB 4524
- Employee suggestion awards: *SSB 3160, CH 143 (1986)
- Entrepreneurial education, SPI to develop model curriculum: SB 4951
- Environmental education, coordinating committee for established: *HB 1711, CH 51 (1986), SB 4890
- Equalization fund abolished: HB 1510, SB 4592
- Evaluation of teachers, studying models: *SHB 1831, CH 73 (1986)
- Excellence, Washington award for excellence in education act: SB 4724, *SSB 4724, CH 147 (1986)
- Excess levies, authorized for a period exceeding one year: *SHB 1624, CH 133 (1986)
- Excess levy lid, voter-approved increases to the 106% lid limited: *HB 1419, CH 169 (1986), SB 4559, SSB 4559
- Facilities, construction and renovation, 6 year period for levies: *HJR 55 (1986)
- Financing, school plant facilities, not binding until state board authorizes bid opening: SHB 1830
- Grants, one million dollars for career ladder pilot projects: SSB 3621
- Health clinics: SB 4752
- High school dropouts, alternative high school pilot project: SB 4321, SSB 4321
- In-service training in child abuse: SB 4462
- In-service training, teachers, 1/4 credit on the salary schedule for each 10 hours: SB 4588
- Kindergarten, teacher to student ratio modified: *SB 3527, CH 144 (1986)
- Learning objectives program, alternative method of review: *HB 1725, CH 137 (1986)
- Levies, authorized for a period exceeding one year: *SHB 1624, CH 133 (1986)
- Levies, 106% levy lid, voter-approved increases limited: *HB 1419, CH 169 (1986), SB 4559, SSB 4559
- Life-cycle cost analysis for public buildings: HB 6, *SB 3018, CH 127 (1986)
- Literacy, adult literacy program: SSB 3517, 2SSB 3517, 3SSB 3517
- Literacy, state advisory literacy coalition: SSB 3517, 2SSB 3517, 3SSB 3517
- McAuliffe, Sharon Christa Corrigan McAuliffe award for teachers: *SSB 4724, CH 147 (1986)
- Mental sports competition and research commission established: SB 3405
- Model schools or training departments, allocation of funds adjusted: SB 4776
- National history day contest, conduct in grades 6-12: SB 3843
- Non-English speaking students, request federal assistance: SJM 112

SCHOOLS AND SCHOOL DISTRICTS—cont.

- Preadmission screening process: *SHB 160, CH 166 (1986)
 Prenatal care for low-income women, appropriation increased: HB 1380
 Preschool state education and assistance programs, supplemental budget: SB 4762
 Preschools, voluntary accreditation: *SB 5033, CH 150 (1986)
 Primary block programs, K-3, pilot project established: SB 5038, SSB 5038
 Remediation program revised: SSB 3510
 Salaries, career ladder pilot projects, increases beyond state allocation: SSB 3621
 Salaries, certificated employees, increase to achieve average state-wide derived base salary: SB 4447
 Salaries, certificated, formula modified, supplemental budget: SB 4762
 Salaries, increases authorized to achieve minimum desired-base salary: SB 4748
 Salary and compensation, limitations removed: SB 4694
 Salary increases, funds authorized to approach average derived base salary: SB 4543
 School bus maintenance, joint purchasing agency authority: *SB 3334, CH 77 (1986)
 School construction fund, timber sales of surplus over sustained yield, DNR to study and report: *HCR 29 (1986)
 Seismic safety in school buildings: SSB 3448
 Self-study, learning objectives program, alternative method of review: *HB 1725, CH 137 (1986)
 Smoking prohibited in public schools: SB 4689
 Special education students, health care providers to send evaluations: SB 4614
 Special needs programs, categorical educational services, advisory committee formed, SPI to conduct study and report: *SHB 1829, CH 139 (1986)
 Staff/student ratios, vocational education: SSB 3439
 Student population, if reduce below 30,000 students, formal proceeding required: SB 4605
 Suggestion awards for employees: *SSB 3160, CH 143 (1986)
 Teacher evaluation, minimum procedural standards by SPI: *SHB 1831, CH 73 (1986)
 Teacher to student ratio, K-3: *SB 3527, CH 144 (1986)
 Teachers, abuse of, criminal provisions revised: HB 1358
 Teachers, in-service training, 1/4 credit on the salary schedule for each 10 hours: SB 4588
 Teachers, minimum desired-base salary, increases authorized to achieve, LEAP document 7: SB 4748
 Teachers, reenter state service, cease to receive pension: SB 3847, *SSB 3847, CH 237 (1986)
 Teachers' retirement fund, supplemental budget: SB 4762
 Teachers, study of models for evaluating by SPI: *SHB 1831, CH 73 (1986), SB 5031
 Teachers, summer school, exempt from paying excess tuition or fees: SB 4603
 Timber sales of surplus over sustained yield, school construction, DNR to study and report: *HCR 29 (1986)
 Tort liability fund created, payment plan: SB 4564
 Traffic safety education to instruct on passing lane: *HB 507, CH 93 (1986)
 Vocational education, staff/student ratio: SSB 3439
 Washington award for excellence in education act: SB 4724, *SSB 4724, CH 147 (1986)

SCIENCE

Joint committee on science and technology extended: SCR 103

SCOTT, FRANCES

Member, board of regents, Washington State University,
 GA 246, confirmed pp. 18, 757, 1748

SCROGGS, ANN HOBI

Trustee, Grays Harbor community college district no. 2,
 GA 227, confirmed pp. 14, 755, 1733

SEAL, STATE

Uses defined: HB 1431

SEAT BELTS

Child restraints, under 6 years versus 5 years: SB 5002

Failure to use is evidence to mitigate damages, wrongful death or injury: SB 5002

Mandatory: *SHB 1182, CH 152 (1986)

SEATTLE

Kingdome bonds, special hotel/motel excise tax: *HB 1954, CH 104 (1986)

SEATTLE COMMUNITY COLLEGE DISTRICT NO. 6

Arthur Siegal, trustee, GA 268, confirmed pp. 22, 1133, 1736

SEBRING, TERRY

Member, corrections standards board, GA 173,

confirmed pp. 5, 75, 634

SECRETARY OF STATE

Joint resolution of Pierce and Kitsap Counties

appointing Win Granlund as senator p. 33

Certification of Election p. 34

Message, initiative to legislature, No. 90 p. 98

Message, Governor's partial veto messages pp. 100-114

Message, certifying initiative to legislature, No. 90 p. 159

Transmitting governor's proclamation convening
special session p. 1757

Abolished: SJR 134

Abolished, duties to department of licensing: SB 4495

Attorney general ballot duties to office of legislative counsel: SB 4523

Duties transferred to department of licensing: SB 4495

Election cost reimbursement to county, interest rate: *SHB 1349, CH 167 (1986)

Election duties regarding ballots to office of legislative counsel: SB 4523

National history day contest, conduct in grades 6-12: SB 3843

Salaries, elected state officials, adjustment, 1987 through 1991, state committee on
salaries to do major review: SB 4674, *SSB 4674, CH 161 (1986)

Salary increase: SSB 3266

Seal, uses defined: HB 1431

Term of office, when it commences: SB 4560

Venture capital corporations, creation provided for: SB 4478

SECURITY INTERESTS

Automobile insurance or surety bond required: SHB 227, SSB 3306

Bail bond provisions revised: *SSB 4305, CH 322 (1986)

Claims of state relating to improvements upon real property, time period: *SHB
573, CH 311 (1986)

Construction contracts, municipal corporations, self-insurance, no affect on
employer-employee relation re negligence or wrong of 3rd person: SB 5045

Construction surety bonds or insurance, municipal corporations exempt from
restrictions: SB 4669

Contractor surety bonds, bond companies to require disclosure of previous crim-
inal convictions: SB 4986

Crop liens, major revisions: SB 4547, *SSB 4547, CH 242 (1986)

Dairy products, preparer liens, notification: *SHB 2014, CH 178 (1986)

Fees, uniform commercial code: SB 4633

Fidelity bonds, revisions: SB 4625

Liens, common law, scope identified: SB 3453, *SSB 3453, CH 181 (1986)

Liens, crop liens, major revisions: SB 4547, *SSB 4547, CH 242 (1986)

Livestock, meat or meat products, when they cannot attach: *SHB 2014, CH 178
(1986)

Log truck liens and real property liens for labor and services on timber and lum-
ber extended: *SSB 3948, CH 179 (1986)

Materialmen's liens, recording of release of lien bond: SB 4948, SSB 4948

Preparer liens, dairy products, notification: *SHB 2014, CH 178 (1986)

SECURITY INTERESTS—cont.

Retirements benefits, federal employee retirement income security act, benefits subject to are exempt from attachment: SB 4660

SEIDEL, MAYOR BRUCE

Officials of city of Vancouver Washington introduced p. 678

SELLAR, SENATOR GEORGE L.

Appointed member, financial institutions, rules and transportation committees pp. 34-35

SENIOR CITIZENS (See also NURSING HOMES)

Abuse, petition for an order for protection of a vulnerable adult: *SSB 4544, CH 187 (1986)

Criminal mistreatment defined and penalties established: *SHB 803, CH 250 (1986)

Criminal mistreatment, withholding basic necessities of life from child or dependent person: *SHB 803, CH 250 (1986), SB 4706

Disabled parking privileges for transport vehicles: *SHB 1815, CH 96 (1986)

Insurance, accident prevention course and over 55, lower rates: *SSB 3458, CH 235 (1986)

Long-term care for the elderly and disabled, funding for research requested: SJM 141

Taxes, real property, exemption from certificate of delinquency: SB 4915

Vulnerable adults, abuse, report to DSHS: SB 4544, *SSB 4544, CH 187 (1986)

SENTENCING

Aggravating circumstances, revised, series of offenses, multiple incidents, trust or authority facilitated: SB 4701

Alcoholism treatment, court referral, sworn stipulation of guilt: 2SHB 879

Assault, 1st, 2nd, 3rd, and 4th degree: *SHB 1399, CH 257 (1986)

Bigamy, statute of limitations revised: *SHB 1399, CH 257 (1986)

Community service, offenders may work for state or nonprofit organization: SB 4682, *SSB 4682, CH 193 (1986)

Community supervision of criminal offenders, standards: SB 4576, SSB 4576

Community supervision, revisions: *SHB 1399, CH 257 (1986)

County use of state facility, reimbursement: *SHB 1399, CH 257 (1986)

Crimes committed prior to 7/1/84 with sentencing after 7/1/86: *SHB 1400, CH 224 (1986)

Criminal justice system, joint legislative committee, study high rate of minority incarceration: *SHB 1399, CH 257 (1986)

Definitions revised: *SHB 1399, CH 257 (1986)

Exceptional sentences, revisions: *SHB 1399, CH 257 (1986)

Grid revised: *SHB 1399, CH 257 (1986)

Indeterminate sentence review board, prison terms and parole board redesignated as: *SHB 1400, CH 224 (1986)

Juvenile correctional institutions, placement after 18 years of age, specific circumstances: *SB 4738, CH 288 (1986)

Juvenile detention facilities, county-level, humane, safe, rehabilitative, remain in community if possible: *SB 4738, CH 288 (1986)

Juvenile disposition standards commission, composition altered: *SB 4738, CH 288 (1986)

Juvenile disposition standards commission to propose state-wide standards to the legislature: *SB 4738, CH 288 (1986)

Juvenile disposition standards commission to review confinement, diversion, first offenders, report to legislature: *SB 4738, CH 288 (1986)

Juvenile diversion agreements, only 3 allowed: SHB 711

Juvenile justice laws, joint select legislative oversight committee: *SB 4738, CH 288 (1986)

Juveniles, sealing order, when nullified: *SHB 1399, CH 257 (1986)

Juveniles, sexual offender disposition alternative for juveniles: SB 4707

Matrix revised: *SHB 1399, CH 257 (1986)

Offender score matrix revised, community supervision: SB 4576, SSB 4576

SENTENCING—cont.

- Offenders performing community service, may work for state or nonprofit organization: SB 4682, *SSB 4682, CH 193 (1986)
- Prosecution, decisions to prosecute, categorization modified: *SHB 1399, CH 257 (1986)
- Restitution, revisions: *SHB 1399, CH 257 (1986)
- Scoring revised: *SHB 1399, CH 257 (1986)
- Sentences of under one year, confinement facility, revisions: *SHB 1399, CH 257 (1986)
- Sex offenses, definition added, revisions: *SHB 1399, CH 257 (1986)
- Sexual and physical abuse offenses, commission to study increased ranges: *SHB 1399, CH 257 (1986)
- Sexual offender disposition alternative for juveniles: SB 4707
- Sexual offender treatment program, administration plan by DSHS and corrections, report to legislature: *SHB 1598, CH 301 (1986), SB 4736, SSB 4736
- Sexual offender treatment program, escapees have different agenda: *SHB 1598, CH 301 (1986)
- Sexual offender treatment program, program admission limited: SB 4656
- Sexual offender treatment program, responsibility from DSHS to Corrections: *SHB 1598, CH 301 (1986), SB 4736, SSB 4736
- Traffic offenses, definitions added, revisions: *SHB 1399, CH 257 (1986)
- Workers compensation costs, department shall reimburse community service participants when funds available: SB 4682, *SSB 4682, CH 193 (1986)

SENTENCING GUIDELINES COMMISSION

- Patricia W. Anthony, member, GA 191, confirmed pp. 8, 232, 772
- Judge F. James Gavin, member, GA 265, confirmed pp. 21, 232, 901
- Jon Ostlund, member, GA 257, confirmed pp. 20, 232, 811
- Sheriff Felix Ramon, member, GA 266, confirmed pp. 21, 499, 902

SERVICE AGREEMENTS

- Resource recovery facilities and solid waste systems, service agreements: SHB 1449, SB 4567
- Resource recovery facilities, put or pay: *SHB 1447, CH 282 (1986)
- Water pollution control facilities: SB 4717, *SSB 4717, CH 244 (1986)
- Water pollution control facilities, service provider agreements, water quality account, cigarette tax, industrial pretreatment to be paid by industries: SB 4739

SERVICE OF PROCESS

- Certification of process servers required: SB 4897
- Court availability: *SSB 4897, CH 219 (1986)
- Trespass: *SSB 4897, CH 219 (1986)
- Trespass, criminal trespass, process servers, defense: SHB 1586

SERVICE STATIONS

- Dealer bill of rights act: SB 4620
- Franchises, sale of fuel, restrictions: SB 3418
- Fuel refiner/suppliers, are they injuring competition, attorney general to study: SSB 4623
- Keylock metered pump, repealing provisions on collection of special fuel tax: HB 1729, SB 4758, *SSB 4758, CH 29 (1986)
- Refiners, control of retail gas stations, limit: SB 4622
- Refiners, motor fuel refiner-supplier, control of gas station limited: SSB 4622
- Refiners, specific pricing formula for major refiners supplying independent outlets: SB 4621, SSB 4621
- Retail gasoline market since deregulation, study: SB 4623

SEWERAGE IMPROVEMENT DISTRICTS

- Bid limits established: SB 4505
- Emergencies, contract authority: SB 4505
- Improvements under \$5,000 may be performed by employees: SB 4505

SEWERS AND SEWER DISTRICTS

- Annexation, proposed, money may be spent to inform residents: *HB 1407, CH 258 (1986)
- Commissioner elections, may be elected from entities within the district: *SHB 1385, CH 41 (1986)
- Connection charges may be collected by a metropolitan municipal corporation: SB 4168
- Public utility tax on sewerage collection, clarified: SB 4651
- Secondary treatment, Puget Sound, PSWQA to make recommendations for waiver: SB 4739, SB 4922
- Water quality facilities, PUDs may impose property tax to finance facilities: SB 5011

SHANEWISE, DR. ROBERT

- Member, hospital commission, GA 184 p. 7

SHAREHOLDERS

- Washington shareholders, centennial program: SB 4690

SHELTERS

- Homeless, crisis management centers established: SB 4484

SHELTON HIGH SCHOOL HIGHCLIMBERS

- Football team introduced p. 220

SHOPPING CENTERS

- Directional signs on noninterstate highways: SB 4672, SSB 4672

SHORELINE MANAGEMENT

- Hearing, review limited to issues presented at local hearings, exception: SB 4572
- Master program review: SB 4572, *SSB 4572, CH 292 (1986)
- Permit, failure to conform, penalty: SB 4572, *SSB 4572, CH 292 (1986)
- Permit process, review, modification: *SSB 4572, CH 292 (1986)
- Substantial development dollar threshold increased: SB 4572, *SSB 4572, CH 292 (1986)

SIDEWALKS

- Handicapped curb ramps, requirements modified: SB 4726

SIEGAL, ARTHUR

- Trustee, Seattle community college district no. 6,
GA 268, confirmed pp. 22, 1133, 1736

SIGNS

- Advertising information panels, businesses within one mile of highway: *SHB 1493, CH 114 (1986)
- Motorist service businesses, municipalities may permit directional signs: *SHB 1493, CH 114 (1986), SB 4958
- Shopping center directional signs on noninterstate highways: SB 4672, SSB 4672
- Tourist information panels, businesses within one mile of highway: *SHB 1493, CH 114 (1986)

SIMON, HERB

- Member, export assistance board of directors, GA 282,
confirmed pp. 24, 652, 1577

SKAGIT VALLEY COMMUNITY COLLEGE DISTRICT NO. 4

- Arlene Miller, trustee, GA 229, confirmed pp. 14, 756, 1733

SLUDGE

- Disposal in landfills after 1/1/88 prohibited: SB 4790, *SSB 4790, CH 297 (1986)
- DOE to report to legislature: *SSB 4790, CH 297 (1986)
- Industrial sludge, DOE may adopt rules for environmentally safe use: SB 4790, *SSB 4790, CH 297 (1986)
- Public use, labeling requirements: SB 4790, *SSB 4790, CH 297 (1986)

SMALL WORKS ROSTER

- Public works revision: *SHB 1447, CH 282 (1986)

SMOKING

- Public schools, prohibited: SB 4689
- Smokeless tobacco products, chewing tobacco, snuff, warning: HB 1475
- Smoking pollution control act: SB 4482, SSB 4482
- Smoking restrictions in state offices, DSHS to provide an evaluation of compliance: SHB 1432
- State offices, restricted: SHB 1432
- Workplace accommodations or prohibition: SB 4482, SSB 4482
- Written smoking policy to be adopted by all employers: SB 4482, SSB 4482

SNOWMOBILES

- Regulation modified: *HB 1599, CH 16 (1986)
- Snowmobile advisory committee, revisions: *HB 1599, CH 16 (1986)
- Winter recreational facilities, commission, revisions: *HB 1563, CH 47 (1986), SB 4677

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF (See also MEDICAL ASSISTANCE, PUBLIC ASSISTANCE)

- Adults, vulnerable, abuse, exploitation, abandonment, etc., report to DSHS: SB 4544, *SSB 4544, CH 187 (1986)
- Assault by resident or patients, employee reimbursement: *SHB 1134, CH 269 (1986), 2SSB 3188
- Cancer registry program: SSB 3447
- Certificate of need, acquisition of major medical equipment: SSB 3789
- Certificate of need program, capital expenditures, exclude rural hospital swing-bed programs: SSB 3478
- Certificate of need reviews, existing health care activity, certain included: SB 3789, SSB 3789
- Child abuse, day care employees, screen employees: *SHB 1134, CH 269 (1986)
- Child abuse, reporting, planning and consultation with certain reporters and CPS: *SB 4481, CH 145 (1986)
- Child support, enforcement by DSHS, revisions: SB 3482, SSB 3482
- Child support, enforcement, DSHS procedures with other states: SB 3482, SSB 3482
- Child support, location of children for parent with support duty, DSHS to find: SSB 3482
- Child support, prosecutors to report to legislature on legislation's effectiveness: SSB 3482
- Child support, wage assignment, employer responsibilities: SB 3482, SSB 3482
- Child support, wage assignment has priority over other assignments: SB 3482, SSB 3482
- Children and family services advisory council created: SB 4889
- Children and family services, department created: SB 4889
- Community work experience required of AFDC recipients: SB 4731
- Day care, screen employees against child abuse: *SHB 1134, CH 269 (1986)
- Department, certain divisions moved to new department of public health and environment: SB 4792, SSB 4792
- Department of children and family services created: SB 4889
- Drinking water analysis, financial assistance: SB 4519, *SSB 4519, CH 3 (1986)
- Drugs, therapeutic drug utilization, policies and procedures, computer-based system: 2SSB 4242
- Early retirement for employees in state-operated institutions, age 55 or 20 years: SB 4469
- Employees, potential, jobs dealing with children or developmentally disabled, investigate background: SB 4655
- Employment partnership program, employment security and DSHS: *2SHB 1505, CH 172 (1986)
- Environmental health programs of DSHS to DOE: SSB 4308
- Environmental health programs transferred from DSHS to DOE, report to legislature: SSB 4308
- Health care project commission, indigents: *SHB 2021, CH 303 (1986)
- Home health care agencies are not health care facilities for certificate of need purposes: SSB 3789

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF—cont.

- Hospices are not health care agencies for certificate of need purposes: SSB 3789
 Institutional care employees, assault by resident or patient, reimbursement: *SHB 1134, CH 269 (1986), 2SSB 3188
 Institutional impact account, reimbursement criteria modified: SB 3233
 Institutions, DNR land exchange with DSHS: *SB 4619, CH 7 (1986)
 Juvenile correctional institutions, placement after 18 years of age, specific circumstances: *SB 4738, CH 288 (1986)
 Juvenile facilities and services, screen employees for abuse: *SHB 1134, CH 269 (1986)
 Land exchange, DNR, DSHS sites for state institutions: *SB 4619, CH 7 (1986)
 Lottery winners, state agencies may assert claims prior to disbursement: *SHB 1433, CH 83 (1986)
 Neurologically impaired, demonstration project at Northern State Hospital: SB 4914
 Prenatal and obstetrical care clinics for uninsured women: SB 4699
 Prenatal care for low-income women, appropriation increased: HB 1380
 Public water supply systems, quality regulated, penalties, enforcement: *SHB 1458, CH 271 (1986)
 Radiation control agency, transportation of radioactive waste, procedures: SB 4663, SSB 4663
 Runaways, persons sheltering, notice required: SSB 3243
 Sexual offender treatment program, administration plan by DSHS and corrections, report to legislature: *SHB 1598, CH 301 (1986), SB 4736, SSB 4736
 Sexual offender treatment program, program admission limited: SB 4656
 Sexual offender treatment program, responsibility from DSHS to corrections: *SHB 1598, CH 301 (1986), SB 4736, SSB 4736
 Sludge sold to the public, labeling requirements: SB 4790, *SSB 4790, CH 297 (1986)
 Smoking restrictions in state offices, DSHS to provide an evaluation of compliance: SHB 1432
 Transfer DSHS environmental health programs to DOE: SSB 4308

SOCIAL SECURITY

- Independent social security administration requested: SJM 144

SOCIAL WORKERS

- Educational requirements for mental health professionals: SHB 1651
 Rape by a counselor is a felony, consent gained via relationship: SB 4796
 Registration and certification of mental health professionals: SHB 470

SOFTBALL ASSOCIATION

- Guests introduced p. 697

SOLICITATIONS

- Charitable solicitations regulated: *SHB 1726, CH 230 (1986), SB 4788
 Charitable solicitations, revisions, application modified, registration lapses each year: SB 4935
 Telephone solicitations, study implemented, regulated, penalties: *SHB 1678, CH 277 (1986)

SOLID WASTE

- Award of excellence for achievement in hazardous or solid waste management: SHB 681
 City or county plan, energy recovery or incineration, first address waste reduction and recycling: HB 1732
 Functional standards, not effective until DOE prepares analysis: *SHB 1540, CH 81 (1986)
 Governor's award of excellence for achievement in hazardous or solid waste management: SHB 681
 Industrial sludge, DOE may adopt rules for environmentally safe use: SB 4790, *SSB 4790, CH 297 (1986)
 Municipal resource recovery facilities and solid waste systems, service agreements: SHB 1449, SB 4567

SOLID WASTE—cont.

- Refuse collection business, refuse collection tax, public works: *SHB 1447, CH 282 (1986)
- Refuse collection tax, revenue used for public works assistance account: SB 4641, SSB 4641
- Resource recovery facilities, put or pay: *SHB 1447, CH 282 (1986)
- Sanitary pumpout facilities at marinas: SB 4773, SSB 4773
- Sanitary pumpout facilities at marinas, study need, investigate funding: SB 4773, SSB 4773
- Secondary treatment, Puget Sound, PSWQA to make recommendations for waiver: SB 4739, SB 4922
- Service agreements, resource recovery and solid waste handling: SHB 1449, SB 4567
- Sludge, disposal in landfills after 1/1/88 prohibited: SB 4790, *SSB 4790, CH 297 (1986)
- Sludge, DOE to adopt rules for environmentally safe use of sludge: SB 4790, *SSB 4790, CH 297 (1986)
- Underground storage tank problem, study, report: SB 4797, *SSB 4797, CH 289 (1986), SB 5030
- Water quality facilities, PUDs may impose property tax to finance facilities: SB 5011

SONSTELIE, RICHARD

- Trustee, Bellevue community college district no. 8, GA 231, confirmed pp. 15, 756, 1734

SORIANO, AMIGO

- Member, board of pilotage commissioners, GA 271 p. 22

SOUTH AFRICA/NAMIBIA

- Investment of public pension or retirement funds regulated: SB 3226, SSB 3226
- Restricting state investments in countries with apartheid policies: SHB 1992

SOUTH PUGET SOUND COMMUNITY COLLEGE

- Twenty-fourth community college district created: HB 1786, SB 3433, SSB 3433

SOUTH WHIDBEY HIGH SCHOOL FALCONS

- Football team introduced p. 221

SPAS

- Electrical products certification: *SB 4556, CH 263 (1986)
- Recreational water contact facilities, slides, regulated: *SSB 3498, CH 236 (1986)

SPECIAL DISTRICTS

- Accident or tort liability funds authorized by municipal corporations, judgment plan: SB 4564
- Bid limits established for diking, drainage, sewerage, flood control district: SB 4505
- Bond counsel, selection of bond counsel by local government: HB 1565
- Debt calculation, excess indebtedness resulting from reduced valuation, exclude excess from ceiling: *SHB 1654, CH 50 (1986)
- Delinquent special assessments: *SSB 4486, CH 278 (1986)
- Emergencies, contract authority, diking, drainage, sewerage, flood control districts: SB 4505
- Improvements under \$5,000 may be performed by employees: SB 4505
- Japanese civil rights restrictions during World War II, redress by municipalities: *HB 1415, CH 225 (1986)
- Local governments, surplus public funds, public funds investment account: SB 4590, *SSB 4590, CH 294 (1986)
- Powers of diking, draining and flood control districts modified: SHB 557, *SSB 4486, CH 278 (1986)
- Tort liability fund created, payment plan: SB 4564

SPENDING LIMITS

- Adopting spending limits, expenditure formula: SJR 140, SB 4778

SPOKANE COMMUNITY COLLEGE DISTRICT NO. 17

Dorothy Knechtel, trustee, GA 238, confirmed pp. 16, 1131, 1736

SPOKANE COUNTY

Gain pilot project in Spokane county, job program: SB 4730

SPOKANE JOINT CENTER FOR HIGHER EDUCATION ADMINISTRATIVE BOARD

Dr. Richard Ferrin, member, GA 226 p. 14

Kaye Mickelson, member, GA 225 p. 14

SPOT CHECKS

State patrol program for safety spot checks established: HB 1402

STATE ACTUARY

Office modified: SB 5068

Retirement contribution rates, use aggregate actuarial cost method: *SHB 588, CH 268 (1986)

Retirement legislation to have actuarial fiscal notes: SHB 376

STATE AGENCIES (See also STATE AND PUBLIC EMPLOYEES)

Automobiles, confidential plates, accountability enhanced: SB 3030

Bills, pay on time: SB 4953

Bond counsel, selection of bond counsel by local government: HB 1565

Capital project proposals, submit to review committee by October 20th: SSB 4320

Capital projects, bonds authorized: SB 4980

Children and family services, department created: SB 4889

Claims against the state, file with risk management office versus OFM: *SB 4693, CH 126 (1986)

Competitive sealed proposals: SHB 393

Conflict of interest, former state employees, prohibitions revised: SB 4937

Day care facilities for state employees on or near work, feasibility study: *HB 1635, CH 134 (1986), SB 4874

Day care, state employees, personnel board to create a supportive atmosphere: *HB 1656, CH 135 (1986), SB 4878

Department of children and family services created: SB 4889

Elected officials' salary increases: SSB 3266

Emergency expenditures, legislature may establish agency to control: SJR 101

Employee exchange program, government, nongovernment: SHB 2

Energy conservation for state agencies: SB 3487, SSB 3487, *SSB 3487, CH 325 (1986)

Environmental health programs of DSHS to DOE: SSB 4308

Exchange program, government, nongovernment: SHB 2

First amendment, review of government actions affecting: HB 483

Former state employees, conflict of interest, prohibitions revised: SB 4937

Judicial review of government actions affecting 1st amendment: HB 483

Justice department created, governor to appoint attorney general: SB 4709

Life-cycle cost analysis for public buildings: HB 6, *SB 3018, CH 127 (1986)

Maternity leave: SB 4597

Offenders may perform community service for: SB 4682, *SSB 4682, CH 193 (1986)

Off-hour training of state employees: HB 1536

Public health and environment department established from all of DOE and part of DSHS: SB 4792, SSB 4792

Public records, copying fee to be established: SB 3011

Public records law, certification of agency compliance: SB 4509

Regulatory fairness act, enforcing: SSB 3414, 2SSB 3414

Reorganization of state government: SJR 118

Reorganization of state government, procedures: SB 3806

Sunset, basic health care plan board: SSB 3320

Sunset date extended, Asian-American commission: *SHB 1333, CH 270 (1986), SB 4453

Sunset date extended, nursing home advisory council: *SHB 1333, CH 270 (1986) SB 4453

STATE AGENCIES—cont.

- Sunset extended, council for the prevention of child abuse and neglect: *SHB 1333, CH 270 (1986), SB 4453
- Sunset extended, emergency medical services committee: *SHB 1333, CH 270 (1986), SB 4453
- Sunset extended, snowmobile advisory committee: *SHB 1333, CH 270 (1986), SB 4453
- Sunset provided for, indeterminate sentence review board: *SHB 1400, CH 224 (1986)
- Sunset provisions repealed for state board of health: *SB 4506, CH 273 (1986)
- Sunset provisions repealed, public disclosure commission: *HB 1647, CH 272 (1986), SB 4784, SSB 4784
- Sunset review, noxious weed control program: SB 3234
- Sunset review of marine employees commission, ferry workers' collective bargaining: SB 4785
- Sunset, vehicle inspection program, sunset repealed: *HB 1763, CH 123 (1986)
- Sunsetting the data processing authority: HB 1767
- Torts against the state, file with risk management office versus OFM: *SB 4693, CH 126 (1986)
- Training, off-hour training of state employees: HB 1536
- Unanticipated receipts, budget approval process modified: SB 3017, SSB 3017
- Volunteers of state agencies may be given free nonalcoholic beverages: SB 4566
- Warrants good for only 180 days: *HB 1511, CH 99 (1986), SB 4591

STATE AND PUBLIC EMPLOYEES

- Applications for public employment exempt from disclosure laws: HB 764
- Conflict of interest, former state employees, prohibitions revised: SB 4937
- Day care facilities for state employees on or near work, feasibility study: *HB 1635, CH 134 (1986), SB 4874
- Elected officials, citizens' commission on salaries for: *SHB 1331, CH 155 (1986)
- Employee exchange program, government, nongovernment: SHB 2
- Exchange program, government, nongovernment: SHB 2
- Former state employees, conflict of interest, prohibitions revised: SB 4937
- Maternity leave: SB 4597
- Occupational disease, retirement in instances of total disability: *SB 3193, CH 207 (1986)
- Off-hour training of state employees: HB 1536
- Private benefit due to public employment prohibited: *SSB 3590, CH 4 (1986)
- Relocation assistance for state workers authorized: HB 1341
- Restoration of withdrawn retirement contributions by reentering employees: *SSB 3182, CH 317 (1986)
- Salaries of elected officials, citizens commission on: *SHB 1331, CH 155 (1986)
- Training, off-hour training of state employees: HB 1536
- Travel allowances, setting, OFM duties revised: SB 4887
- Veterans' preference, Vietnam conflict: SB 4444

STATE AUDITOR

- Salaries, elected state officials, adjustment, 1987 through 1991, state committee on salaries to do major review: SB 4674, *SSB 4674, CH 161 (1986)
- Salary increase: SSB 3266
- Term of office, when it commences: SB 4560

STATE BUILDING CODE

- Council, rule-making authority modified: SB 4557, SSB 4557

STATE EMPLOYEES' INSURANCE BOARD (See also PUBLIC EMPLOYEES' INSURANCE BOARD)

- Panel medicine group plans, board may disapprove certain: SSB 4241

STATE INVESTMENT BOARD

- South Africa or Namibia, public pension or retirement funds, regulated: SB 3226, SSB 3226

STATE PATROL

- Accident report fees to be deposited in state patrol highway account: HB 1397
 Automatic fingerprint information system account created: *SSB 4710, CH 196 (1986)
 Cadets, retirement service credit, process established: SB 4931, SSB 4931
 Child abuse convictions, registry established, job screening: SB 3377
 Child abuse information, businesses, organizations, and agencies providing services to children given access: SB 4737, SSB 4737
 Collective bargaining shall not include wages and wage-related matters: SB 4972, SSB 4972
 Confidential license plates, accountability enhanced: SB 3030
 Dependency proceedings, sexual abuse information, forward to state patrol: SSB 3377
 Fingerprints, automatic fingerprinting information system implement and study: SB 4710, *SSB 4710, CH 196 (1986)
 Forest protection laws revised: *SHB 1403, CH 100 (1986), SB 4573
 General fund increase: SB 4762
 Hazardous materials command agencies designated: HB 1764
 Identification and criminal history section changed to identification, child abuse, and criminal history: SB 4737, SSB 4737
 Liability of police for failing to carry out duties eliminated: SB 4957
 Mediation provisions: SB 4972, SSB 4972
 Private carriers and motor carriers, WUTC and state patrol duties clarified: SB 4998
 Radioactive waste, transportation, procedures: SB 4663, SSB 4663
 Retirement credit for cadets: *SHB 355, CH 154 (1986)
 Retirement, transfer to PERS provided for: *SHB 355, CH 154 (1986)
 Sexual abuse, dependency proceedings, forward information to state patrol: SSB 3377
 State patrol considered a public employer of officers: SB 4972, SSB 4972
 Vehicle inspection law modified: *HB 1763, CH 123 (1986)
 Vehicle inspection program, sunset provisions repealed: *HB 1763, CH 123 (1986)
 Vehicle safety checks, program established: HB 1402

STATE RESOURCES, DEPARTMENT OF

- New agency created, DNR, DOG, DOF, parks and recreation, and the interagency committee for outdoor recreation abolished: SB 4493

STATE SEAL

- Uses defined: HB 1431

STATE TREASURER (See also FUNDS)

- Affirmative action plan by banks who hold or invest state funds: SSB 3345
 Banks holding or investing state funds must have affirmative action plans: SSB 3345
 Governor appointment of state treasurer, insurance commissioner, and superintendent of public instruction: SJR 132
 Interest rates, maximum rates to be filed with state register: *HB 1398, CH 60 (1986)
 Local governments, surplus public funds, public funds investment account: SB 4590, *SSB 4590, CH 294 (1986)
 Public depositories, treasurers authorized to deposit out of state: SB 4665, *SSB 4665, CH 160 (1986)
 Public depositories, 150% limit on net worth that is attributed to public treasurers: *SB 4593, CH 25 (1986)
 Revenues for distribution modified, supplemental budget: SB 4762
 Salaries, elected state officials, adjustment, 1987 through 1991, state committee on salaries to do major review: SB 4674, *SSB 4674, CH 161 (1986)
 Salary increase: SSB 3266
 Term of office, when it commences: SB 4560
 Warrants good for only 180 days: *HB 1511, CH 99 (1986), SB 4591

STATEMENTS FOR THE JOURNAL

- Senator Bailey, vote on SB 3021 p. 85
 Senator Talmadge, vote on legislation passed when absent p. 1065

STATUTE OF LIMITATIONS

- Bigamy, statute of limitations revised: *SHB 1399, CH 257 (1986)
 Claims of state relating to improvements upon real property, time period: *SHB
 573, CH 311 (1986)
 Crimes, date of discovery of the facts: SB 4558
 Medical assistance crimes, 5 years: *SHB 1580, CH 85 (1986), SB 4657

STEELHEAD

- Treaty fish management, requesting federal funds: HJM 17

STELL, PATRICIA

- Member, higher education personnel board, GA 178,
 confirmed pp. 6, 1130, 1729

STENDER, SENATOR JOHN H.

- Former senator introduced p. 128

STONECYPHER, VERN

- Member, personnel appeals board, GA 204,
 confirmed pp. 10, 809, 1627

STONER, LAURA

- Trustee, Fort Steilacoom community college district no. 11
 GA 234, confirmed pp. 15, 1131, 1735

STONER, VERNON

- Member, clemency and pardons board, GA 260,
 confirmed pp. 20, 76, 812

STRATTON, SENATOR LOIS J.

- Appointed member, natural resources, education,
 energy and utilities and human services
 and corrections committees pp. 34-35
 Personal Privilege, SSB 4630 p. 494

STREET KIDS

- Supplemental budget: SB 4762

STRIP SEARCHES/BODY CAVITY SEARCHES

- Regulating, when allowed: *SHB 1148, CH 88 (1986)

STROUM, SAMUEL

- Member, board of regents, University of Washington,
 GA 256, confirmed pp. 19, 60, 1628

STUN GUNS

- Outlawing general use and possession of electric weapons: SB 4756, SSB 4756

SUPERINTENDENT OF PUBLIC INSTRUCTION

- Board of education membership and appointment modified: SB 4872, SSB 4872
 Bus driver training and qualifications: SB 4872
 Buses, wheelchair students, SPI to promulgate rules: SB 4679
 Career ladder pilot project, one million dollars for grants: SSB 3621
 Categorical educational services, SPI to study methods to approve: SHB 1829, SB
 5034, SSB 5034
 Certificated salaries, formula modified, supplemental budget: SB 4762
 Clearinghouse for educational information: *SB 3352, CH 180 (1986)
 Community college, state board, superintendent to become director: SB 4524
 Comparable worth assessment project: SB 4144
 Coordinating committee for environmental education: *HB 1711, CH 51 (1986), SB
 4890
 Day care programs, school districts, facilities may be used for: SB 4941, SSB 4941,
 2SSB 4941
 Dropouts, grade 9-12, study: SB 5037, *SSB 5037, CH 151 (1986)

SUPERINTENDENT OF PUBLIC INSTRUCTION—cont.

- Earthquake safety in school buildings: SSB 3448
- Entrepreneurial education, SPI to develop model curriculum: SB 4951
- Environmental education, coordinating committee for established: *HB 1711, CH 51 (1986), SB 4890
- ESDs are regional offices of SPI: SB 4872
- Governor appointment of state treasurer, insurance commissioner, and superintendent of public instruction: SJR 132
- Grants, one million dollars for career ladder pilot projects: SSB 3621
- Handicapped education programs, supplemental budget: SB 4762
- Highly capable students, decrease: SB 4762
- Literacy, adult literacy program: SSB 3517, 2SSB 3517, 3SSB 3517
- Literacy, advisory coalition for adult literacy created: SB 4692
- Literacy, state advisory literacy coalition: SSB 3517, 2SSB 3517, 3SSB 3517
- National history day contest, conduct in grades 6-12: SB 3843
- Primary block programs, K-3, pilot project established: SB 5038, SSB 5038
- Remediation program revised: SSB 3510
- Retirement benefits, supplemental budget: SB 4762
- Salaries, elected state officials, adjustment, 1987 through 1991, state committee on salaries to do major review: SB 4674, *SSB 4674, CH 161 (1986)
- Salary increase: SSB 3266
- Seismic safety in school buildings: SSB 3448
- Special needs program, categorical educational services, advisory committee formed, SPI to conduct study and report: *SHB 1829, CH 139 (1986)
- Staff/student ratios, vocational education: SSB 3439
- Suggestion awards for employees: *SSB 3160, CH 143 (1986)
- Supplemental budget, decrease: SB 4762
- Term of office, when it commences: SB 4560
- Traffic safety education to instruct on passing lane: *HB 507, CH 93 (1986)
- Vocational education, committee for, superintendent to become director: SB 4524
- Vocational education, staff/student ratio: SSB 3439
- Vocational programs, summer, at skills centers, supplemental budget decrease: SB 4762

SUPERIOR COURTS

- Venue for landlord and tenant actions, county in which premises are located: SB 4454

SUPPLEMENTAL BUDGET - 1986

- Adopted: *SSB 4762, CH 312 (1986)
- Appellate backlog reduction: SB 4762
- Capital projects: SB 4762
- Children and family services program, street kids: SB 4762
- Community beds: SB 4762
- Corrections, decrease: SB 4762
- Corrections standards board, local jail improvement: SB 4762
- Day care increase: SB 4762
- Developmental disabilities: SB 4762
- Developmental disabilities planning council: SB 4762
- DNR, general fund appropriation increases: SB 4762
- DNR, resource management cost account, increase: SB 4762
- DSHS, public health: SB 4762
- DSHS, revenue collections program: SB 4762
- Eastern Washington University, conditions modified: SB 4762
- Forest development account increase: SB 4762
- Game fund increase: SB 4762
- Game fund, special wildlife account increase: SB 4762
- Higher education coordinating board: SB 4762
- Insurance commissioner, regulatory account: SB 4762
- Licensing, regulation of commodity-related activities: SB 4762
- Litter control: SB 4762
- Livestock security interest fund: SB 4762

SUPPLEMENTAL BUDGET - 1986—cont.

- Local jail improvement and construction account, transfer: SB 4762
- Master license system: SB 4762
- Motor transport account: SB 4762
- Preschool state education and assistance programs: SB 4762
- Public facilities construction loan and grant revolving fund, transfer: SB 4762
- Respite care demonstration projects: SB 4762
- Retirement systems, teachers' retirement fund: SB 4762
- Revenues for distribution modified: SB 4762
- Schools, allocations for certificated salaries, formula modified: SB 4726
- Schools, K-12 test scores: SB 4762
- Small business capital formation program: SB 4762
- SPI, decrease: SB 4762
- SPI, handicapped education programs: SB 4762
- SPI, highly capable students, decrease: SB 4762
- SPI, retirement benefits: SB 4762
- SPI, summer vocational programs at skills centers, decrease: SB 4762
- State fire marshal, DCD: SB 4762
- State patrol general fund increase: SB 4762
- Stream gaging basic data fund, increase: SB 4762
- Street kids: SB 4762
- Superior court judges, increase: SB 4762
- TESC, conditions modified: SB 4762
- Timber company default, appropriation modified: SB 4762
- Vessel dealers, registration and regulation: SB 4762
- Work training release of convicted felons: SB 4762

SURVEYORS

- Engineers and surveyors, revisions: *HB 1962, CH 102 (1986), SB 5008

SWEARING

- Taverns, etc., regulation of content of spoken language, authority removed: HB 1378, *SB 4538, CH 214 (1986)

SWIMMING POOLS

- Electrical products certification: *SB 4556, CH 263 (1986)
- Recreational water contact facilities, slides regulated: *SSB 3498, CH 236 (1986)

TACOMA COMMUNITY COLLEGE DISTRICT NO. 22

- Karyn Clarke, trustee, GA 241, confirmed pp. 17, 1132, 1736
- Robert Yamashita, trustee, GA 168, confirmed pp. 4, 754, 1732

TAGGARES, KATHY

- Member, export assistance board of directors, GA 276,
confirmed pp. 23, 646, 1576

TAIWAN

- Sister state: SCR 132

TALL SHIPS

- Centennial construction: SB 4985
- Hotel/motel special excise tax, use to expand tourism in distressed areas: *HB 1825, CH 308 (1986)

TALMADGE, SENATOR PHIL

- Appointed member, judiciary, parks and ecology and
ways and means committees pp. 34-35
- Remarks requesting SSB 4630 recorded verbatim (2/15) p. 442
- Remarks regarding request to have SSB 4630
recorded verbatim p. 442
- Points of order, objection to SSB 4630
recorded untimely pp. 459, 460
- Point of order, scope and object, amendments to SSB 4630 p. 473
- Parliamentary inquiry, gavel fallen before
request for roll call, SSB 4630 p. 475
- Point of order, scope and object, amendment, ESHB 1382 p. 936

TALMADGE, SENATOR PHIL—cont.

Statement for journal, vote on legislation passed in absence	p. 1065
Parliamentary inquiry, question before senate	p. 1123
Point of information, question proposed amendment recorded, ESSB 4630	p. 1481
Point of order, scope and object amendment, ESSB 4630	p. 1481
Remarks, ESSB 4630	p. 1482
Point of order, clarification of motion, SHB 1722	p. 1648

TANG, DAVID K.

Trustee, The Evergreen State College, GA 243, confirmed	pp. 17, 1132, 1748
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TANKS

Underground storage tank problem, study, report: SB 4797, *SSB 4797, CH 289 (1986), SB 5030
Underground storage tanks for hazardous wastes, operation and ownership reg- ulated: SB 5030

TAX DEFERRALS

Aluminum smelters, tax deferrals for energy conservation projects: SB 4733
Energy end use consumer efficiency, tax credit: SHB 1981
Manufacturing or research and development activities, tax deferral modified and extended: *SHB 1754, CH 116 (1986)
Tax credits for eligible business projects, counties of high unemployment: *SHB 1754, CH 116 (1986)

TAXES - B & O

Amusement devices, tax modified, prorated between premises and owner: SSB 3110, 2SSB 3110
Christmas trees, plantation, exempting from certain excise taxes: SB 4459, SSB 4459
Coin-operated laundry, tax modified: SB 4442
College salary increases, funded via tax on investment business income: SB 4745
Direct seller's representatives, tax exemption modified, consumer products: HB 1002
Exemption, sales of personal property to be delivered outside state: SHB 354
Health and social welfare services, revised: SB 4640, SSB 4640
Heating bills, assist low-income persons, residential space heating bills, fuel and public utility tax: SB 4765
Investment business income, tax to fund college salaries: SB 4745
Laundry, coin-operated, tax modified: SB 4442
Lender payment of taxes authorized: SB 4602
Manufacturing, definition revised, seed conditioning not included: SB 4546
Motor carriers, city tax limited to previous 4 years: SB 5000
Physicians, additional tax to be deposited in basic health plan trust account: SSB 3320
Refuse collection business, refuse collection tax, public works: *SHB 1447, CH 282 (1986)
Returnable containers, deduct tax amounts from sales from B & O tax: SB 5039
Seed conditioning is not manufacturing for B & O tax purposes: SB 4546
Tax credits for eligible business projects, counties of high unemployment: *SHB 1754, CH 116 (1986)
Venture capital corporations, creation provided for: SB 4478
Warehouses, certain taxed under B & O tax versus public utility tax: *SHB 1846, CH 226 (1986), SB 4880

TAXES - ESTATE

Apportionment among all persons interested in estate: *HB 1424, CH 63 (1986)
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TAXES - EXCISE

Boat tax modified, tax on footage: SSB 3157, 2SSB 3157
Boats, classic vessel, tax alternative to excise tax: SSB 3157, 2SSB 3157

TAXES - EXCISE—cont.

- Criminal justice assistance: 2SSB 3764
- Criminal justice assistance account, 1/40 of 1% motor vehicle tax: 2SSB 3764
- Energy end use consumer efficiency, tax credit: SHB 1981
- Exemptions, free hospitals: SB 4562
- Feed, excise taxation revised, feedlots or stockyards: SB 4769
- Feed, excise taxation revised, public livestock markets and stockyards: *SSB 4769, CH 265 (1986)
- Hospitals, free, tax exemption: SB 4562
- Hotel/motel special excise tax, proceeds may be used for capital improvement debts already incurred: *HB 1954, CH 104 (1986), SB 5048
- Hotel/motel special excise tax, use to expand tourism in distressed areas: *HB 1825, CH 308 (1986)
- Leasehold excise tax, contract rent redefined, doesn't include insurance: SSB 3574, *2SSB 3574, CH 285 (1986)
- Leasehold excise tax, credit computation modified: SSB 3574, *2SSB 3574, CH 285 (1986)
- Leasehold excise tax, taxable value specified, full true and fair value: *HB 1374, CH 251 (1986)
- Manufacturing or research and development activities, tax deferral modified and extended: *SHB 1754, CH 116 (1986)
- Mobile homes, dealer inventory, used homes, procedure modified: SB 4503
- Mobile homes, real estate sales, used mobile home redefined: SB 4503, *SSB 4503, CH 211 (1986)
- Public utility tax on sewerage collection, clarified: SB 4651
- Refunds, recovery, interest rate modified: SB 3097, SSB 3097
- Sewerage collection, clarified: SB 4651
- Tax deferrals, eligible investment projects redefined: *SHB 1754, CH 116 (1986)
- Tax deferrals for manufacturing or research and development, expiration date extended: *SHB 1754, CH 116 (1986)
- Telecommunications services, taxation by cities limited: *SHB 1892, CH 70 (1986), SB 4945
- Vessel local excise tax account created: SSB 3157, 2SSB 3157
- Water pollution control facilities, tax on sale of personal property which is part of water pollution control facilities: *SSB 4519, CH 3 (1986)

TAXES - FUEL/MOTOR VEHICLE

- City taxation of motor vehicle and special fuels modified: SB 3535
- Counties, temporary fuel tax to fund local share of state corridor: SB 4793, SSB 4793
- Criminal justice assistance account, 1/40 of 1% motor vehicle tax: 2SSB 3764
- Diesel fuel, annual license fee in lieu of the fuel tax: SB 4774
- Electronic fund transfer payment of motor vehicle fuel tax: SHB 1661
- Keylock metered pump, repealing provisions on collection of special fuel tax: HB 1729, SB 4758, *SSB 4758, CH 29 (1986)
- Logging operations on federal land, special fuel tax, exempt: HB 1485
- Motor vehicle fuel used in aircraft, transfer revenue to aeronautics account: SB 4615
- Ride-sharing vehicles, tax exemption extended: SB 4234

TAXES - GENERAL

- Port districts, industrial development levies, 7th through 12th years, approval required: SB 4467, SSB 4467
- Refuse collection tax, revenue used for public works assistance account: SB 4641, SSB 4641
- Special election to validate an excess levy or bond issue, when held: *SHB 1349, CH 167 (1986)
- Warehouses, certain taxed under B & O tax versus public utility tax: *SHB 1846, CH 226 (1986), SB 4880
- Wine containing nonalcoholic beverages, tax reduced by ratio of alcohol to beverage: SB 4718

TAXES – PERSONAL PROPERTY

Exemption, sales of personal property to be delivered outside state: SHB 354
Ships and vessels, property tax, apportion value of ships and vessels, procedures: *SHB 1827, CH 229 (1986), SB 4901

TAXES – REAL PROPERTY

Agreement or contract between taxing districts, contingent upon a particular property tax, contingency authorized: *SHB 1270, CH 107 (1986)
Certificate of delinquency, senior citizens exempt: SB 4915
Collection of assessments, certificates of delinquency: HB 1604
Current use valuation of low-income housing: SJR 128
Delinquency certificates, collection of assessments: HB 1604
Equalization of assessments, time block of preceding years modified, delinquency, surpluses: HB 1516
Exemptions, leased or rented property, exemption valid only if leasee receives benefit: SB 4763, SSB 4763
Forest land taxation, exemption for conservation purposes, compensating tax, modifications: SB 4458, *SSB 4458, CH 238 (1986)
Leasehold excise tax, contract rent redefined, doesn't include insurance: SSB 3574, *2SSB 3574, CH 285 (1986)
Leasehold excise tax, credit computation modified: SSB 3574, *2SSB 3574, CH 285 (1986)
Levies, 106% levy lid, voter-approved increases limited: *HB 1419, CH 169 (1986), SB 4559, SSB 4559
Local governance study commission to study junior taxing districts: *SHB 1270, CH 107 (1986)
Low-income housing, current use assessment: SJR 128
Low-income housing, multiple-unit buildings, current use assessment: SB 4264
Military installations, historic, tax exempt: SB 3878
Outdoor recreation areas and facilities, 10 year levy: SB 4955
Public utility districts, property tax imposition to finance water quality facilities: SB 5011
Senior citizens, certificate of delinquency, exemption: SB 4915
Setting of levies, taxes due in 1987 through 1991 for taxing districts: *SHB 1270, CH 107 (1986)
Transfer of funds between taxing districts where transfer is part of a proration agreement: *SHB 1270, CH 107 (1986)
Valuation in dispute, extension of taxes: SHB 1698
Water quality facilities, PUDs may impose property tax to finance facilities: SB 5011

TAXES – SALES AND USE

*Adult" entertainment materials and services, tax revenue to victims of child abuse account: SB 4979
Aluminum smelters, tax deferrals for energy conservation projects: SB 4733
Basic health care funded by tax on cigarettes: SSB 3320
Boats sold to foreign countries for use outside state, exempt: HB 1440
Business activity within this state, use tax collection: *HB 1743, CH 48 (1986)
Cigarette tax statutes, consolidation: SB 4904
Cigarettes, water pollution control facilities, financial assistance: SB 4519, *SSB 4519, CH 3 (1986)
Cities, temporary tax used for local share of state corridor: SB 4794
Deep sea fishing, commercial passenger boat fishing, diesel fuel sales tax exempt: SB 4671
Deferral for investment projects for persons currently not in state: SB 4939
Deferrals for industrial energy conservation projects: SB 4733
Diesel fuel for certain fishing purposes, sales tax exempt: SB 4671
Exemption, sales of personal property to be delivered outside state: SHB 354
Exemptions, free hospitals: SB 4562
Food stamps, eligible food purchased with food stamps sales tax exempt: SB 4711, SSB 4711
Hearing aids are sales and use tax exempt: SB 4893

TAXES - SALES AND USE—cont.

- Hearing aids, tax exemption: *SHB 1391, CH 255 (1986)
- Hospitals, free services, excise tax exemption: SB 4562
- Investment projects, tax deferral for persons currently not in state: SB 4939
- Laundry facilities, coin-operated, taxation modified: SB 4442
- Leaseback, sale/leaseback agreements, certain are tax exempt: SB 4562
- Livestock sold for personal consumption exempt from sales and use tax: *SSB 4425, CH 182 (1986)
- Magnesium production, chemicals used in process, tax revised: *HB 1851, CH 231 (1986), SB 4978
- Manufacturing or research and development activities, tax deferral modified and extended: *SHB 1754, CH 116 (1986)
- Mobile homes, tax exemption, used, leased, rented: SB 4503, *SSB 4503, CH 211 (1986)
- Returnable containers, deduct tax amounts from sales from B & O tax: SB 5039
- Sale/leaseback agreements, certain are tax exempt: SB 4562
- School district capital projects exempt from sales and use tax: SB 4966
- Use tax collection, engages in a business activity within this state: *HB 1743, CH 48 (1986)
- Use tax collection, engages in business, maintains stock, solicits: SB 4744
- Vending machines, tax need not be stated separately from selling price: *SHB 1480, CH 36 (1986), SB 4504
- Water pollution control facilities, service provider agreements, water quality account, cigarette tax, industrial pretreatment to be paid by industries: SB 4739

TAXES - TIMBER

- Forest land taxation, exemption for conservation purposes, compensating tax, modifications: SB 4458, *SSB 4458, CH 238 (1986)
- Open space classification, transfer to, from forest land, compensating tax, delay: SSB 4315
- Public entities harvest, harvester defined as 1st person other than government: *HB 1633, CH 315 (1986)
- Public land sale, notice, timber sold separate is subject to tax: *HB 1602, CH 65 (1986)
- Timber redefined, includes forest trees on lands sold to governmental agencies: SHB 1894, SB 4772

TAXICAB OPERATORS

- Leased taxis, operators who are independent contractors excluded from industrial insurance: SB 4910

TAYLOR, LARRY

- Trustee, Western Washington University, GA 253,
confirmed pp. 19, 60, 1628

TEALS, BRENDA

- Member, judicial qualifications committee, GA 192,
confirmed pp. 8, 232, 772

TECHNOLOGY

- High-technology coordinating board, authority revised: SSB 4892
- High-technology coordinating board, provides own staff support versus DTED: SB 4892
- Joint committee on science and technology extended: SCR 103
- Maritime technology program, western interstate compact authorized: SSB 3558

TELECOMMUNICATIONS

- Automatic dialing and announcing devices prohibited: *HB 134, CH 281 (1986)
- Industrial development bonds, broadcast and communications facilities: SB 4479
- Industrial development bonds, public broadcasting: *SSB 4479, CH 309 (1986)
- Information-access telephone services, consumer protections: SB 4599, SSB 4599
- Joint select committee on telecommunications to study city telephone business utility taxes: SHB 1892

TELECOMMUNICATIONS—cont.

- Joint select committee on telecommunications to study city's ability to uniformly assess taxes: *SHB 1892, CH 70 (1986)
 Rates, cost of construction, etc., may not be considered unless plant is used and useful: SB 4740
 Taxation by cities, joint select committee on telecommunications to study: SHB 1892
 Taxation of telecommunications services by cities limited: *SHB 1892, CH 70 (1986), SB 4945
 Taxes, joint select committee to study city's ability to uniformly assess taxes: *SHB 1892, CH 70 (1986)
 Telephone solicitations, study implemented, regulated, penalties: *SHB 1678, CH 277 (1986)

TELEPHONES (See also TOLL-FREE TELEPHONES)

- Automatic dialing and announcing devices prohibited: *HB 134, CH 281 (1986)
 Basic voice grade telephone service protected: SB 4150, SSB 4150
 Citizens' utility board: SB 4666
 Consumer assistance in choosing long distance service, unit pricing, feature information: SB 4885
 Emergencies, interception or recording of private communications for emergencies: *HB 1058, CH 38 (1986)
 Emergency information telephone lines, expanding access: *HB 1637, CH 45 (1986), SB 4884
 Excavations, notice given prior to, farming exception: SB 3044, SSB 3044
 Information-access telephone services, consumer protections: SB 4599, SSB 4599
 Interception or recording of private communications for emergencies: *HB 1058, CH 38 (1986)
 Joint select committee on telecommunications to study city telephone business utility taxes: SHB 1892
 Long distance service, consumer assistance in choosing, unit pricing, feature information: SB 4885
 Solicitations, study implemented, regulated, penalties: *SHB 1678, CH 277 (1986)
 Switching cost for local service, WUTC to study: SB 5046
 Taxation by cities, joint select committee on telecommunications to study: SHB 1892
 Taxation of telecommunications services by cities limited: *SHB 1892, CH 70 (1986), SB 4945
 Underground utilities, notice prior to excavating, farming exception: SB 3044, SSB 3044

TELEVISION (See also PUBLIC BROADCASTING SYSTEM)

- Industrial development bonds, broadcast and communications facilities: SB 4479
 Industrial development bonds, public broadcasting: *SSB 4479, CH 309 (1986)
 Public broadcasting OFM to distribute funds: SB 4477
 Violence on TV, petitioning Congress to study and make recommendations: SJM 142

THE EVERGREEN STATE COLLEGE

- Herb Gelman, trustee, GA 242, confirmed pp. 17, 59, 139
 David K. Tang, trustee, GA 243, confirmed pp. 17, 1132, 1748
 Allan Weinstein, trustee, GA 244, confirmed pp. 17, 1132, 1748
 Extension departments, territory requirement removed: HB 1520, SB 4746
 Fees reset: SSB 3712
 Salary increases for administrators, limited by state operating appropriation act: SSB 3056
 Supplemental budget, conditions modified: SB 4762
 Tuition to be adjusted annually: *HB 1350, CH 42 (1986)

THOMAS, BERNIE

- Trustee, Whatcom community college district no. 21,
 GA 269, confirmed pp. 22, 1133, 1731

THOMAS, GERALD E.

DSHS retiree introduced, senate
resolution 1986-137 p. 1455

THOMPSON, SENATOR ALAN

Appointed member, governmental operations, judiciary
and ways and means committees pp. 34-35

THURSTON COUNTY

Judicial positions added, Mason and Thurston counties, dividing the district: *HB
1393, CH 76 (1986), SB 4759

TICE, JACK

Trustee, Peninsula community college district no. 1.
GA 285, confirmed pp. 77, 1134, 1737

TIMBER (See NATURAL RESOURCES, DEPARTMENT OF; TAXES - TIMBER)**TIPS**

Unemployment compensation, tips are wages for unemployment compensation
purposes, begin 1/1/87: *SB 4644, CH 21 (1986)

TOBACCO

Snuff and chewing tobacco, sale to minors prohibited: SB 4600

TOLL BRIDGE AUTHORITY

Ferry system and toll bridge system transferred to recreated authority: SB 4989

TOLL-FREE TELEPHONES

Hazardous working conditions, hotline for reporting: SB 4977

TONN, DR. SHERI JEANNE

Member, Puget Sound water quality authority, GA 196,
confirmed pp. 9, 692, 1747

TORTS

Accident or tort liability funds authorized by municipal corporations, judgment
plan: SB 4564

Attorney fee limitations, tort liability reform: SB 4698

Child abuse, privileged communication exception: *SSB 4630, CH 305 (1986)

Claims against the state, file with risk management office versus OFM: *SB 4693,
CH 126 (1986)

Contributory fault, no recovery if over 50%, DWI is over 50%: SB 4775

Damage limits, tort liability reform, economic and noneconomic damages: SB
4698

Damage recovery, limits imposed: SB 4466

Design of highways, streets, sidewalks, etc., claims against state and political
subdivisions: SSB 4946

Drugs, parents have a cause of action for selling or transferring to children: *HB
1463, CH 124 (1986)

DWI, contributory fault, no recovery if over 50%, DWI is over 50%: SB 4775

DWI, exemplary damages, mental anguish or physical injury: SB 4916

Insurance bad faith, exemplary damages, specified instances, mental anguish or
physical injury: SB 4916

Malicious harassment, exemplary damages, specified instances, mental anguish
or physical injury: SB 4916

Malpractice statute of limitation, modified: SB 4993

Motor vehicles, contributory fault, no recovery if over 50%, DWI is over 50%: SB
4775

Outrage, exemplary damages, specified instances, mental anguish or physical
injury: SB 4916

Sex abuse, specified instances, exemplary damages, mental anguish or physical
injury: SB 4916

Tort liability fund created, payment plan: SB 4564

Tort reform: *SSB 4630, CH 305 (1986)

TOURISM (See also COMMERCE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)

- Hotel/motel special excise tax, use to expand tourism in distressed areas: *HB 1825, CH 308 (1986)
- Travel promoter defined, regulated: *SHB 1870, CH 283 (1986)
- Travel promotion advertising regulated: *SHB 1870, CH 283 (1986)

TOWING

- Public parking lots when towing allowed: SB 4489

TOXICOLOGICAL LABORATORY

- Funding modified: SB 4221, *SSB 4221, CH 87 (1986)

TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

- Energy conservation, DTED, DCED, and energy office, promote state conservation industry: SHB 1981
- High-technology coordinating board, provides own staff support versus DTED: SB 4892
- Regulatory fairness compliance officer to be appointed: 2SSB 3414
- Surplus energy, DTED, energy office, and utilities to promote use: SHB 1981
- Trade development services, coordinated network, use state trade fair surplus funds: SHB 1488
- Trade information services, report to legislature: *SB 4463, CH 183 (1986)
- Venture capital corporations, creation provided for: SB 4478
- Washington products, development and promotion by DTED: *SB 4463, CH 183 (1986)

TRAFFIC SAFETY COMMISSION

- Bicycle safety program: SHB 771
- Seat belts mandatory, report effectiveness to legislature: SB 4589

TRAINING

- Off-hour training of state employees authorized: HB 1536

TRANSPORTATION COMMISSION

- Albert D. Rosellini, member, GA 177 pp. 6, 664

TRANSPORTATION, DEPARTMENT OF (See also FERRIES)

- Administrative structure revised: HB 1556
- Advertising information panels, businesses within one mile of highway: *SHB 1493, CH 114 (1986)
- Bonds, highway improvement bonds, modifying provisions on issuance and sale: *SB 4906, CH 290 (1986)
- Cities, temporary tax used for local share of state corridor: SB 4794
- Commission appointment by governor without senate consent, duties advisory only: SB 4492
- Corridors, public utility and transportation corridors, halting future acquisition: SSB 4606
- Counties, temporary fuel tax to fund local share of state corridor: SB 4793, SSB 4793
- Design of highways, streets, sidewalks, etc., claims against state and political subdivisions: SSB 4946
- Freeway traffic flow, passing lane created: *HB 507, CH 93 (1986)
- Governor to appoint director: SB 4875
- Governor to appoint secretary: SB 4492
- Highway improvement bonds, modifying provisions on issuance and sale: *SB 4906, CH 290 (1986)
- Marine transportation department created: SB 4956
- Passing lane signs to be erected: *HB 507, CH 93 (1986)
- Secretary appointed by governor instead of commission: SB 4492
- Shopping center directional signs on noninterstate highways: SB 4672, SSB 4672
- State corridor, temporary fuel tax used to fund local share of corridor: SB 4793, SSB 4793
- State corridor, temporary sales tax used for city share of corridor: SB 4794

TRANSPORTATION, DEPARTMENT OF—cont.

- Storm water control assessments on state highways, rates charged to WSDOT by public utilities: SHB 1619, *SSB 4486, CH 278 (1986)
- Supplemental transportation budget, 1986: SB 4905, *SSB 4905, CH 313 (1986)
- Toll bridge system and ferry system transferred to recreated toll bridge authority: SB 4989
- Tourist information panels, businesses within one mile of highway: *SHB 1493, CH 114 (1986)
- Trucks, large slow trucks on freeway to use hazard lights: HB 1919

TRAVEL ALLOWANCES

- OFM duties regarding setting of allowances revised: SB 4887

TROYER-MERKEL, MARIAN

- Member, hospital commission, GA 182, confirmed pp. 7, 75, 639

TRUCKING INDUSTRY

- Deregulating trucking industry: SB 5025

TRUJILLO, GREGORY

- Trustee, Yakima Valley community college district no. 16, GA 293, confirmed pp. 736, 1694, 1737

TRULOVE, TOM

- Member, Pacific Northwest electric power and conservation planning council, GA 291 pp. 344, 736

TRUSTS

- Banks and trust companies, provisions revised: SB 4917, *SSB 4917, CH 279 (1986)

TUCKER, WILLIS D.

- Snohomish county executive and co-founder, Washington generals organization introduced and addressed senate p. 154

TULL, ROBERT

- Member, gambling commission, GA 179 p. 6

UNCLAIMED PROPERTY

- Notice requirements, value threshold altered: *HB 1441, CH 84 (1986)

UNDERGROUND STORAGE

- Underground storage tank problem, study, report: SB 4797, *SSB 4797, CH 289 (1986), SB 5030
- Underground storage tanks for hazardous wastes, operation and ownership regulated: SB 5030

UNEMPLOYMENT COMPENSATION AND UNEMPLOYMENT (See also WORK)

- Benefit period, additional, extended to 12/31/87: SB 4517
- Community college tuition waiver for long-term unemployed, expiration repealed: HB 1539, SB 4604
- Corporate bonding requirements: SB 4646
- Corporate officers, must notify in writing: *SB 4645, CH 110 (1986)
- Employer experience rating definitions revised, qualified employer: *SB 4647, CH 111 (1986)
- Employment partnership program, employment security and DSHS: *2SHB 1505, CH 172 (1986)
- Federal interest payment fund, tax credit for certain money: SB 5010
- Federal interest payment fund, transfer funds to unemployment compensation administration fund: *SB 4968, CH 249 (1986)
- First source contracts, hire public assistance recipients: *SHB 1754, CH 116 (1986)
- Hard to employ, pilot projects: *2SHB 1505, CH 172 (1986)
- Industrial insurance, disability reduced by unemployment benefit amount: *SHB 686, CH 75 (1986)
- Joint select committee on unemployment insurance and compensation established: *SHB 1802, CH 106 (1986)

UNEMPLOYMENT COMPENSATION AND UNEMPLOYMENT—cont.

- Marginal labor force attachment, provisions deleted: *SHB 1802, CH 106 (1986), SB 4969
- Pilot projects for the hard to employ: *2SHB 1505, CH 172 (1986)
- Public assistance recipients, hire via first source contracts: *SHB 1754, CH 116 (1986)
- Students, full-time, covered only for special coverage provisions: SB 4954
- Tax credits for eligible business projects, counties of high unemployment: *SHB 1754, CH 116 (1986)
- Tips are wages for unemployment compensation purposes if reported as income, begin 1/1/87: *SB 4644, CH 21 (1986)
- Unemployment compensation administration fund to receive funds from federal interest payment fund: *SB 4968, CH 249 (1986)

UNIFORM COMMERCIAL CODE

- Investment securities, 1977 amendments to Article 8 adopted: *SHB 1451, CH 35 (1986)
- Security interests, fee revised: SB 4633
- 1977 amendments to Article 8 adopted: *SHB 1451, CH 35 (1986)

UNIFORM DISCIPLINARY ACT

- Complaints, immunity: *SHB 131, CH 259 (1986), SB 3260, SSB 3260
- Health professions account, all fees, fines, etc., to be deposited in: *SHB 131, CH 259 (1986), SB 3260
- Health-related professions, modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

UNIFORM LAWS

- Model traffic ordinance: *SB 4747, CH 24 (1986)
- Uniform estate tax apportionment act: *HB 1424, CH 63 (1986)

UNIVERSITY OF WASHINGTON

- Judge Jerome Farris, member, board of regents, GA 255, confirmed pp. 19, 757, 1747
- Samuel Stroum, member, board of regents, GA 256, confirmed pp. 19, 60, 1628
- Alcoholism and drug abuse research by UW and WSU: SB 4221, *SSB 4221, CH 87 (1986)
- Energy-efficiency study by UW to permit conversion of single family residences: SSB 4557
- Fees reset: SSB 3712
- Forensic pathology fellowship program: *SB 4521, CH 31 (1986)
- Mediation, committee for mediation established at UW graduate school for public affairs, natural resources: SHB 1429
- Metropolitan tract, sale authorized: SHB 1351
- Salary increases for administrators, limited by state operating appropriation act: SSB 3056
- Sexual offenders' treatment, juveniles, UW pilot project: SB 4532
- Toxicological laboratory funding modified: SB 4221, *SSB 4221, CH 87 (1986)
- Tuition to be adjusted annually: *HB 1350, CH 42 (1986)

U.S. MAIL

- Pseudo-games of skill via mail prohibited: SHB 1395

UTILITIES (See also WPPSS)

- Automatic dialing and announcing devices prohibited: *HB 134, CH 281 (1986)
- Citizens' utility board: SB 4666
- Commissioners, election procedures, vacancies, district creation, reclassification: SHB 1566
- Corridors, public utility and transportation corridors, halting future acquisition: SSB 4606
- Election procedures, commissioners, vacancies, district creation, reclassification: SHB 1566
- Excavations, notice given prior to, farming exception: SB 3044, SSB 3044
- Fair utility competition act: SB 5047

UTILITIES—cont.

- Great or irreparable damage, definition limited: SB 4634
- Heating bills, assist low-income persons, residential space heating bills, fuel and public utility tax: SB 4765
- Heating, prohibiting termination from 11/15 through 3/15 due to delinquent and unpaid charges: SB 4766, *SSB 4766, CH 245 (1986)
- Jurisdiction of WUTC, public utilities subject: SB 4997
- Jurisdictional issues, certain are questions of fact: SB 4635, *SSB 4635, CH 11 (1986)
- Low-income veterans, blind, disabled, rate relief: SSB 3221
- Manholes, safety requirements for construction and repair: SB 4474, SSB 4474
- Municipal utilities, submission to the voters for certain activities: SB 4598
- Penalties increased for violations: SB 4636
- Railroad corridors, provisions repealed regarding transportation corridors: SB 4606
- Rate increases, temporary or interim, providing standards for approval: SB 4883
- Rates, cost of construction, etc., may not be considered unless plant is used and useful: SB 4740
- Reconsideration of orders, special proceeding, repeal: *HB 1572, CH 49 (1986), SB 4637
- Sewerage collection, public utility tax clarified: SB 4651
- Surplus energy, DTED, energy office, and utilities to promote use: SHB 1981
- Telephone solicitations, study implemented, regulated, penalties: *SHB 1678, CH 277 (1986)
- Underground utilities, notice prior to excavating, farming exception: SB 3044, SSB 3044
- Unfair business practices, free and open competition, certain products: SB 5047
- Warehouses, certain taxed under B & O tax versus public utility tax: *SHB 1846, CH 226 (1986), SB 4880
- Water quality facilities, PUDs may impose property tax to finance facilities: SB 5011

UTILITIES AND TRANSPORTATION COMMISSION

- Automatic dialing and announcing devices prohibited: *HB 134, CH 281 (1986)
- Commission membership increased by two: SB 3046
- Deregulating trucking industry: SB 5025
- Energy conservation plan to be filed by gas and electric companies: SHB 1981
- Fair utility competition act: SB 5047
- Jurisdiction of WUTC, public utilities subject: SB 4997
- Low-income, blind, veterans, disabled, rate relief, adopt rules: SSB 3221
- Passenger charter carriers, redefined, regulated: SB 3523
- Private carriers and motor carriers, WUTC and state patrol duties clarified: SB 4998
- Proceedings, special, reconsideration of orders, repealed: *HB 1572, CH 49 (1986), SB 4637
- Rate increases, temporary or interim, providing standards for approval: SB 4883
- Rate relief, low-income, blind, veterans, disabled, adopt rules: SSB 3221
- Rates, cost of construction, etc., may not be considered unless plant is used and useful: SB 4740
- Reenactments: SB 4587
- Telephone references changed to telecommunications: SB 4587
- Telephone service, basic voice grade, protected: SB 4150, SSB 4150
- Telephone solicitations, study implemented, regulated, penalties: *SHB 1678, CH 277 (1986)
- Telephones, study switching costs for local service: SB 5046
- Underground vault, safety requirements for construction and repair: SSB 4474
- Unfair business practices, free and open competition, certain products: SB 5047

UTILITY LOCAL IMPROVEMENT DISTRICTS

- Publication notice requirements: SB 4448, *SSB 4486, CH 278 (1986)

VANDERKOLK, BARBARA A.

- Reappointed member state board
of pharmacy, GA 284, confirmed pp. 49, 76, 138

VENDING MACHINES

Sales tax need not be stated separately from selling price: *SHB 1480, CH 36 (1986), SB 4504

VENTURE CAPITAL CORPORATIONS

Creation of provided for: SB 4478

VETERANS

Cemetery, national veterans' cemetery in state, assistance in obtaining: *SJM 136 (1986)

Disabled veterans, prevent benefit reduction: *SJM 126 (1986)

Early retirement for employees in state-operated institutions, age 55 or 20 years: SB 4469

Hiring preference, Vietnam conflict: SB 4444

MIA's, information concerning requested: SHJM 31, SJM 132, *SSJM 132 (1986)

Park passes, minimum age requirement removed: *SB 4456, CH 6 (1986)

Utility rate relief for low-income veterans, blind, or disabled: SSB 3221

VETERINARIANS

Uniform disciplinary act modified: *SHB 131, CH 259 (1986), SB 3260, SSB 3260

VICE PRESIDENT PRO TEMPORE (See also RASMUSSEN, SENATOR A. L.

"SLIM"; also PARLIAMENTARY INQUIRIES AND POINTS OF ORDER)

VICTIMS (See also CRIME VICTIMS' COMPENSATION)

Child abuse, victims account established, birth certificate registration fee: SB 4460

Child abuse, victims account established, marriage license fee: SB 4461

VIDEO TERMINALS

Occupational safety standards for operators: SB 4909

VOCATIONAL EDUCATION

Advisory board, joint labor and industry policy advisory board establish, work with state board for vocational education: SB 4877

Commission for vocational education redesignated the office of education: SB 4918

Commission redesignated state board for vocational education: SB 4877

Commission redesignated the office of vocational education: SHB 1704

Council on vocational education created, advise redesignated commission, SPI, etc.: SB 4918

Council on vocational education created, duties established: SB 4673

Council on vocational education created for as long as federal condition requires: SHB 1704

Education consolidation act, increase local control, consolidate control: SB 4524

Joint policy council created: SB 5035

Office of vocational education, commission redesignated: SHB 1704

Private vocational schools regulated: *SHB 1687, CH 299 (1986)

Staff/student ratio: SSB 3439

State board established, commission redesignated as: SB 4673

Superintendent of public instruction to become director: SB 4524

Vocational education advisory committee created: SHB 1704

Vocational education commission, made up of state board of education members: SB 5035

VOCATIONAL EDUCATION COMMISSION

Tsuguo Ikeda, member, GA 180, confirmed pp. 6, 1130, 1731

VOGNILD, SENATOR LARRY L.

Appointed member, commerce and labor, financial

institutions, rules and transportation committees pp. 34-35

Parliamentary inquiry, proceedings on tape, SSB 4630 p. 460

Motion to reconsider recording verbatim, SSB 4630 p. 461

Motion withdrawn to reconsider recording verbatim, SSB 4630 p. 461

Parliamentary inquiry, amendment adopted, SHB 1709 p. 1036

Point of order, scope and object, conference

report, SHB 1722 p. 1575

VOGNILD, SENATOR LARRY L.—cont.

- Parliamentary inquiry, motion to reconsider SHB 1722 p. 1669
 Motion to suspend rules, twenty-four
 hour rule, SSB 4814 p. 1709

VOLUNTEERS

- Center for voluntary action, nonalcoholic beverages, funds may be used to purchase: SB 4566
 Firefighters, benefits increased: *SB 4894, CH 163 (1986)

VON REICHBAUER, SENATOR PETER

- Appointed member, financial institutions, rules
 and transportation committees pp. 34–35
 Parliamentary inquiry, question time of day, EHB 2055 p. 1122
 Parliamentary inquiry, question ESHB 32 returned
 to second reading p. 1686

VOTING (See also ELECTIONS)

- Absentee ballot distribution procedure: SSB 3310
 Absentee ballots, applications, return address, specific: SHB 1348, *SHB 1349, CH 167 (1986)
 Absentee voters, ongoing status for blind persons: *SB 4443, CH 22 (1986)
 Ballot marking procedures: SSB 3310
 Ballot marking procedures modified: SHB 1348
 Ballots, candidate names, order of appearance: *SB 4450, CH 120 (1986)
 Ballots may be deposited by voter: SSB 3310
 Ballots may be placed in ballot box by voter: *SHB 1349, CH 167 (1986), SB 4649
 Ballots, primary and sample, order of candidates: SSB 3459, *SB 4450, CH 120 (1986)
 Blind persons, absentee voters, ongoing status: *SB 4443, CH 22 (1986)
 Federal reserve system, constitutionality challenged, referendum: SB 3555
 Polling hours, request enactment of national hours: SJM 131, SSJM 131
 Polling hours revised, 5 a.m. to 6 p.m.: SB 4499
 Port districts, industrial development levies, 7th through 12th years, approval required: SB 4467, SSB 4467
 Ratifying U.S. constitutional amendment, Washington D.C. voting rights: SJR 109
 Washington D.C. voting rights ratified: SJR 109
 Write-in candidates, procedure: SHB 1348

WAGE ASSIGNMENT

- Child support has priority over other assignments: SB 3482, SSB 3482
 Child support, wage assignment, employer responsibilities: SB 3482, SSB 3482

WALLA WALLA COMMUNITY COLLEGE DISTRICT NO. 20

- Chris Wilson, trustee, GA 287, confirmed pp. 196, 1134, 1737

WALTON, DR. JAMES

- Member, game commission, GA 214, confirmed pp. 12, 50, 217

WALTON, LINDA

- Member, juvenile disposition standards commission,
 GA 283, confirmed pp. 24, 499; 1576

WAREHOUSES

- Operators, licensure: SB 5044, *SSB 5044, CH 203 (1986)
 Taxation, certain warehouses taxed under B & O tax versus public utility tax:
 *SHB 1846, CH 226 (1986), SB 4880

WARNKE, SENATOR FRANK J.

- Appointed member, commerce and labor, education and
 ways and means committees pp. 34–35
 Personal privilege, SSB 4630 p. 488

WARRANTS

- State warrants, good for 180 days: *HB 1511, CH 99 (1986), SB 4591

WASHINGTON PRODUCTS

- Energy conservation, DTED, DCED, and energy office, promote state conservation industry: SHB 1981
- Fisheries products, design of an enhanced marketing plan by DOF and DTED: *HB 1362, CH 62 (1986)
- Market development and promotion by DTED: *SB 4463, CH 183 (1986)

WASHINGTON STATE UNIVERSITY

- Scott B. Lukins, member, board of regents, GA 245, confirmed pp. 17, 59, 197
- Frances Scott, member, board of regents, GA 246, confirmed pp. 18, 757, 1748
- Alcoholism and drug abuse research by UW and WSU: SB 4221, *SSB 4221, CH 87 (1986)
- Fees reset: SSB 3712
- Salary increases for administrators, limited by state operating appropriation act: SSB 3056
- Small business and development center, emphasis high unemployment areas: SB 4291
- Toxicological laboratory funding modified: SB 4221, *SSB 4221, CH 87 (1986)
- Tuition to be adjusted annually: *HB 1350, CH 42 (1986)

WATER

- Agricultural water supply projects, recreation and wildlife included, bonds authorized: 2SSB 4136
- Agriculture department to study water supply availability: *SSB 4418, CH 316 (1986)
- Aquifer protection areas, financial assistance for planning: SB 4519, *SSB 4519, CH 3 (1986)
- Aquifer protection, remedies: HB 22
- Bonds authorized for water supply projects, agricultural, recreational, wildlife: 2SSB 4136
- Connection charges may be collected by a metropolitan municipal corporation: SB 4168
- Conservation commission, matching grant program for conservation districts: SSB 3379
- Drinking water analysis, financial assistance: SB 4519, *SSB 4519, CH 3 (1986)
- Effluent standards, DOE to review, ensure that all known, available, and reasonable treatment is implemented: SB 4798, SSB 4798
- Ground water management areas, financial assistance for planning: SB 4519, *SSB 4519, CH 3 (1986)
- Ground water rights, protection remedies: HB 22
- Ground water withdrawal fee, \$25 annually, deposit in ground water protection account: SB 5028
- Groundwater withdrawal permits, conditions, protect rights and quality: SB 4565
- Hydraulic appeals board within the environmental hearings office created: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Hydraulic permit, includes storage of water as well as diversion: *SHB 1545, CH 173 (1986), SB 4550
- Hydraulic permit not required for stock or irrigation watering, process established: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Hydraulic permit process, water right impact, diversion alterable: SB 4550
- Hydraulic permit required for construction or repair of ford: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Hydraulic permit required for driving across stream with no established ford: *SHB 1545, CH 173 (1986), SB 4550, SSB 4550
- Incentives for industrial and municipal wastewater, DOE to study: SB 5029
- Industrial pretreatment to be paid by industries, not water quality account: SB 4519, *SSB 4519, CH 3 (1986)
- Industrial wastewater discharge, DOE to identify categories for nondeveloped standards: SHB 1787
- Maritime technology program, western interstate compact authorized: SSB 3558

WATER—cont.

- Matching grant program for conservation districts: SSB 3379
- Mediation of natural resource disputes: SHB 1429
- Multi-aquifer protection, permit granting: HB 22
- Nonpoint source pollution control activities, financial assistance for planning: SB 4519, *SSB 4519, CH 3 (1986)
- Oil spills, advisory committee to study: *HCR 19 (1986), SCR 129
- Prior appropriation, revisions to remedies: HB 22
- Public utility districts, property tax imposition to finance water quality facilities: SB 5011
- Public water supply systems, quality regulated, penalties, enforcement: *SHB 1458, CH 271 (1986)
- Puget Sound, secondary treatment waivers, PSWQA to make recommendations: SB 4739, SB 4922
- Rates, cost of construction, etc., may not be considered unless plant is used and useful: SB 4740
- Recreational water contact facilities, slides, regulated: *SSB 3498, CH 236 (1986)
- Recreational water contact facility advisory committee created: *SSB 3498, CH 236 (1986)
- Sanitary pumpout facilities at marinas: SB 4773, SSB 4773
- Sanitary pumpout facilities at marinas, study need, investigate funding: SB 4773, SSB 4773
- Secondary treatment, Puget Sound, PSWQA to make recommendations for waiver: SB 4739, SB 4922
- Service agreements for water pollution control facilities: SB 4717, *SSB 4717, CH 244 (1986)
- Supply projects, bonds authorized, agricultural, recreational, wildlife: 2SSB 4136
- Wastewater fees and penalties, DOE to develop: SB 5029
- Wastewater, industrial and municipal, incentives for dischargers, DOE to study: SB 5029
- Water pollution control facilities, financial assistance, OFM and DOE to develop plan: SB 4519, *SSB 4519, CH 3 (1986)
- Water pollution control facilities, financial assistance via cigarette tax: SB 4519, *SSB 4519, CH 3 (1986)
- Water pollution control facilities, financing provided: SB 4519, *SSB 4519, CH 3 (1986)
- Water pollution control facilities, grants or loans from the water quality account, bonds: SB 4700
- Water pollution control facilities, service agreements: SB 4717, *SSB 4717, CH 244 (1986)
- Water pollution control facilities, service provider agreements, water quality account, cigarette tax, industrial pretreatment to be paid by industries: SB 4739
- Water pollution control facilities, water quality account use, report by DOE to legislature: SB 4519, *SSB 4519, CH 3 (1986)
- Water pollution discharge permits, administrative costs, fees to cover: SB 5029
- Water pollution discharge permits, DOE to report to legislature on effectiveness: SB 4798, SSB 4798
- Water pollution discharge permits, enforcement procedures: SB 4798, SSB 4798
- Water quality account created for pollution control facility financing: SB 4519, *SSB 4519, CH 3 (1986)
- Water quality account funded by cigarette tax: SB 4519, *SSB 4519, CH 3 (1986)
- Water quality facilities, PUDs may impose property tax to finance facilities: SB 5011
- Water quality joint development act: SB 4717, *SSB 4717, CH 244 (1986)
- Water quality protection needs of state, excluding Puget Sound, report to legislature: SB 4519, *SSB 4519, CH 3 (1986)
- Water rights, spouses or family groups considered one defendant for filing and fees: SB 3021
- Well contractors, reporting and licensing requirements: SB 4554, SSB 4554
- Yakima enhancement project, DOE duties: *SSB 4418, CH 316 (1986)

WATER DISTRICTS (See also IRRIGATION DISTRICTS)

Annexation, proposed, money may be spent to inform residents: *HB 1407, CH 258 (1986)
Commissioner elections, may be elected from entities within the district: *SHB 1385, CH 41 (1986)
Withdrawal of territory, modifying the findings of fact: *SHB 1408, CH 109 (1986)

WATER SLIDES

Recreational water contact facilities, slides, regulated: *SSB 3498, CH 236 (1986)

WEATHER SATELLITE

Emergency information telephone lines, expanding access: *HB 1637, CH 45 (1986), SB 4884
Restore to mid-pacific: SJM 134
Telephones, emergency information telephone lines, expanding access: *HB 1637, CH 45 (1986), SB 4884

WEEDS

Board may ask county prosecuting attorney for assistance: SHB 1713
Budget process modified, county: SSB 4119
Control, noxious weed defined: SSB 4119
Counties, employ a weed coordinator versus inspector: SHB 1713
Emergency action against imminent seed dispersion: SSB 4119
Fund allocation authority, department of agriculture: SHB 1713
Hay, weed regulations modified: SHB 1713
Noxious weed control board, county, weed coordinator: SSB 4119
Noxious weed control board membership increased, procedures modified: SHB 1713
Noxious weed control board membership modified: SSB 4119
Noxious weed control fund established: SB 3234
Noxious weed control funding, special 50 cent assessment on license fees: SB 3234
Noxious weed defined: SSB 4119
Noxious weed list, modifications: SHB 1713
Noxious weed redefined, highly destructive, competitive, difficult to control: SHB 1713
Prosecuting attorney, county, board may ask assistance: SHB 1713
Sale of hay containing weed seeds illegal: SSB 4119
Weed coordinator to be employed by county: SSB 4119
Weed coordinator to have a pest control consultant or operator license: SSB 4119

WEINSTEIN, ALLAN

Trustee, The Evergreen State College, GA 244, confirmed pp. 17, 1132, 1748

WELLS

Water well contractors, reporting and licensing requirements: SB 4554, SSB 4554

WENATCHEE VALLEY COMMUNITY COLLEGE DISTRICT NO. 15

Nelson, Craig, trustee, GA 208, confirmed pp. 11, 755, 1733

WESTERN WASHINGTON UNIVERSITY

Charlotte Chalker, trustee, GA 254, confirmed pp. 19, 1133, 1749
Larry Taylor, trustee, GA 253, confirmed pp. 19, 60, 1628
Extension departments, territory requirement removed: HB 1520, SB 4746
Fees reset: SSB 3712
Salary increases for administrators, limited by state operating appropriation act: SSB 3056
Tuition to be adjusted annually: *HB 1350, CH 42 (1986)

WHATCOM COMMUNITY COLLEGE DISTRICT NO. 21

Bernie Thomas, trustee, GA 269, confirmed pp. 22, 1133, 1731

WHEAT QUEEN, WASHINGTON STATE

Michelle Nelson introduced and addressed senate p. 556

WHEELCHAIR CURB RAMPS

Requirements for handicapped curb ramps modified: SB 4726

WHITE, HIRAM H.

Member, oil and gas conservation committee, GA 140,
confirmed pp. 181, 667

WHITE, WILLIAM K.

Commander, Colorado Army National Guard, introduced p. 639

WHITNEY, EVELYN J.

Member, state personnel board, GA 154,
confirmed pp. 808, 1712

WHOLESALERS

Cigarettes, licensing revised: SHB 1357, SB 4534
Cigarettes, subsidiary, affiliate, cost of doing business, determination: SSB 3571
Sales representations, contracts and commissions regulated: SSB 3255

WIGGS, GARY B.

Chairman, industrial insurance appeals board, GA 213,
confirmed pp. 12, 626, 773

WILDLIFE

Fur sales at auctions, restricting the sale: HB 464
Illegally killed, bail revised: *SB 3397, CH 318 (1986)
Illegally killed wildlife, reimbursement revised: *SB 3397, CH 318 (1986)
Joint select legislative committee on natural heritage resources: SCR 127
Natural heritage resource, joint select committee: SCR 127

WILEY, WILLIAM

Member, higher education coordinating board, GA 224,
confirmed pp. 14, 138, 653

WILKERSON, WILLIAM

Director, department of fisheries, GA 186,
confirmed pp. 7, 157, 203

WILKINSON, JANE

Member, public employees relations commission, GA 215,
confirmed pp. 12, 627, 807

WILLIAMS, SENATOR AL

Appointed member, energy and utilities, commerce and
labor, judiciary and parks and ecology committees pp. 34-35

WILLIAMS, TERRY

Member, Puget Sound water quality authority, GA 194,
confirmed pp. 9, 691, 1697

WILSON, CHRIS

Trustee, Walla Walla community college district no. 20,
GA 287, confirmed pp. 196, 1134, 1737

WINCHESTER, E. ANNE

Member, state board for community college education,
GA 187, confirmed pp. 8, 1130, 1697

WINE

Auto racetracks, sale of wine authorized: SHB 529
Flower shops may deliver wine, class P license: *SHB 1460, CH 40 (1986)
Minors may stock and handle for class E and/or F: *SSB 3532, CH 5 (1986)
Nonalcoholic beverages, wine containing, tax reduced by ratio of alcohol to
beverage: SB 4718

WINSTON, VIVIAN

Member, higher education coordinating board, GA 223,
confirmed pp. 13, 755, 1747

WITNESSES

Competence of, revising provisions, children: *SB 4708, CH 195 (1986)
Reporting of crimes, requirement modified: SB 4702

WOJAHN, SENATOR R. LORRAINE

Appointed member, human services and corrections, commerce
and labor and ways and means committees pp. 34-35
Clarification of committee meeting regarding ESHB 1479 p. 698

WOODHOUSE, DR. R. Y.

Trustee, Central Washington University, GA 249,
confirmed pp. 18, 60, 807

WOODSTOVES

Woodstoves regulated, public education, reduce air pollution at local level: SHB
905

WORK

AFDC recipients, community work experience required: SB 4731
AFDC recipients, DSHS to offer job search opportunities: SB 4730
AFDC recipients, job search requirements: SB 4732
Applications for public employment exempt from disclosure laws: HB 764
Child abuse convictions, registry established, job screening: SB 3377
Community and worker right to know, administration and enforcement modified:
SB 4975
Community college tuition waiver for long-term unemployed, expiration
repealed: HB 1539, SB 4604
Disability employment and economic participation, joint select committee: *HCR
22 (1986), SCR 130
Employee exchange program, government, nongovernment: SHB 2
Employment partnership program, employment security and DSHS: *2SHB 1505,
CH 172 (1986)
First source contracts, hire public assistance recipients: *SHB 1754, CH 116 (1986)
Gain pilot project in Spokane county, job program: SB 4730
Hard to employ, pilot projects: *2SHB 1505, CH 172 (1986)
Hazardous substances at the workplace, worker right to know, employee fee
provisions revised: SB 4676, *SSB 4676, CH 310 (1986)
Hazardous working conditions, hotline for reporting: SB 4977
Hotline for reporting of hazardous working conditions: SB 4977
Industrial insurance, agricultural labor exemption removed: HB 1377
Industrial safety and health act, citations, appeals, penalties, revisions: *SB 4721,
CH 20 (1986)
Job opportunities for AFDC recipients, DSHS to offer job search opportunities: SB
4730
Job search requirements for AFDC recipients: SB 4732
Job site safety inspections: *SB 4678, CH 192 (1986)
Joint select committee on disability employment and economic participation:
*HCR 22 (1986), SCR 130
Manufacturing or research and development activities, tax deferral modified
and extended: *SHB 1754, CH 116 (1986)
Pilot projects for the hard to employ: *2SHB 1505, CH 172 (1986)
Public assistance recipients, hire via first source contracts: *SHB 1754, CH 116
(1986)
Single heads of households, higher education opportunities: SB 3444
Small business and development center, emphasis high unemployment areas: SB
4291
Smoking, workplace accommodations or prohibition: SB 4482, SSB 4482
Smoking, written policy to be adopted by all employers: SB 4482, SSB 4482
Tax credits for eligible business projects, counties of high unemployment: *SHB
1754, CH 116 (1986)
Toxic air contaminant defined: SHB 1549
Unemployment, high areas, small business and development center to stress: SB
4291
Workers' right to know, employee fee provisions revised, exemption: SB 4676,
*SSB 4676, CH 310 (1986)

WPPSS

Securities, purchasers or sellers, against the state suits, requirements established:
 *SSB 3990, CH 304 (1986)

WPPSS EXECUTIVE BOARD

Sam J. Farmer, Jr., member, WPPSS executive board, GA 212 p. 11

YAKIMA VALLEY COMMUNITY COLLEGE DISTRICT NO. 16

Trujillo, Gregory, trustee, GA 293,
 confirmed pp. 736, 1694, 1737

YAMASHITA, ROBERT

Trustee, Tacoma community college district no. 22,
 GA 168, confirmed pp. 4, 754, 1732

YEH, EMILY C.

Member, export assistance board of directors, GA 281,
 confirmed pp. 24, 647, 1577

YOUNG, DR. LLOYD YEE

Member, state board of pharmacy, GA 167,
 confirmed pp. 157, 771

ZIMMERMAN, SENATOR HAL

Appointed member, governmental operations, rules and
 ways and means committees pp. 34-35

